

RULES AND REGULATIONS

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 9974, Amdt. 93-27]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to extend for an indefinite time period the special air traffic rule for High Density Traffic Airports which would otherwise expire on October 25, 1973, and to amend Subpart K of Part 93 by making certain nonsubstantive editorial changes to the rules brought about by prior amendments. The present amendment was proposed in Notice 73-22, issued on August 22, 1973, and published in the FEDERAL REGISTER (38 FR 23338) on August 29, 1973.

Of the comments received in response to the notice, several were in favor of the rule, several were in favor of the rule with the qualification that the FAA continuously monitor the traffic activity at the affected airports and adjust the quotas where appropriate, and several commentators were completely opposed to the rule and believed it should be permanently rescinded.

Those commentators who favored the rule with qualification urged that although yearly extensions be removed, the FAA maintain a constant surveillance over the airport demands and capacity and relax the quotas imposed and ultimately eliminate them as soon as conditions permit. The FAA agrees that the need for the quotas should be continually reviewed at each affected airport to ensure that no unnecessary burden is permitted to arise. Current monitoring of

traffic conditions will accordingly be maintained. The quotas will be revised, and may even be eliminated, if monitoring reveals that such relaxations can be accomplished consistent with the air traffic objectives of the regulation.

One commentator took exception to the statements in the preamble that the use of heavy jet aircraft requires additional separation which is a factor adding to system congestion. The commentator argued that there has been a general reduction in the affected airspace operations and that additional separation required by heavy jet aircraft has not resulted in a practical reduction in airport acceptance rates. Airport operation records, however, since the inception of heavy jet aircraft, reveal that only one airport (JFK) has experienced any significant decrease in total operations. At two airports (O'Hare and LaGuardia) operations have in fact increased. Separation standards behind the heavy jets are now two minutes instead of the usual one minute and radar separation has increased from the usual three miles to five miles following a heavy jet.

Several commentators believed that in effect the proposal intends to make the High Density Airports Reservation System a permanent rule by administrative action and suggested as an alternative an extension period of two years. The intent however is not merely to extend the rule, but to allow modifications of quotas based upon changing conditions rather than upon an arbitrary time period which only creates artificial deadlines for administrative action. In support of this intent it may be pointed out that past changes have removed Newark Airport, Newark, New Jersey, from the rule and have resulted in partial suspension of the rule at John F. Kennedy International Airport, New York, New York, and O'Hare International Airport, Chicago, Illinois.

No comments were received concerning the nonsubstantive editorial changes which were proposed in the notice affecting §§ 93.121, 93.130, and 93.133.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matter presented.

These amendments are made under the authority of sections 103, 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348, 1354(a), and 1421); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

The present high density traffic airport rule terminates on October 25, 1973. In order to ensure that the orderly, efficient use of airspace is not interrupted by the expiration of § 93.131, I find that good cause exists for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended, effective October 25, 1973, as follows:

1. By amending § 93.121 by deleting the words "the aircraft equipment and" between the words "prescribes" and "air traffic rules."

2. By amending § 93.130 by deleting the phrase "§§ 93.125(a) and 93.125(b)" between the words "prescribed in" and "if he finds" and substituting "§ 93.125" therefor.

3. By deleting § 93.131.

4. By amending § 93.133 by deleting the phrase "§ 93.125(a) and (b)" between the words "and" and "do" and substituting "§ 93.125" therefor.

Issued in Washington, D.C., on October 19, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-22746 Filed 10-24-73;8:45 am]

AT