

This accords with the policy of recognizing the national interest in maintaining a public mass air transportation system. It is even more true today than it was 2 years ago that for the traveler there is frequently no feasible alternative mode of travel to air travel. So long as capacity is adequate to meet the demands of all airspace users without unreasonable delay or inconvenience, "first come-first served" remains the fundamental policy, however, when capacity limitations compel a choice, the public service offered by the common carrier must be preferred. These capacity limitations, carefully examined and reviewed, indicate the necessity for extension of the rule in the interest of the efficient use of the airspace, albeit with some relaxation of the reservation and allocation requirements. It should be noted that the Administrator retains the authority to suspend the quotas at a particular high density traffic airport or to restore those provisions in order to alleviate an inefficient airspace utilization.

Two governmental bodies involved with the operation of Kennedy International Airport and La Guardia Airport support the proposal to extend the rule but oppose the suspension of the quota system at Kennedy International Airport. Two organizations which represent the air carriers also support the proposal to extend the rule but oppose complete suspension of the quota system at Kennedy and O'Hare International Airports. They argue that quotas at these airports are currently close to full during prime hours and that if restraints are discontinued, peak period traffic would quickly increase. They discount the voluntary maintenance of scheduling committees as an effective device to control the level of traffic, pointing out that the self-discipline envisioned by the proposal is highly doubtful when many carriers would be free to ignore collective scheduling and rearrange flight schedules unilaterally. They believe that should the scheduling machinery become ineffective, the FAA could not react quickly enough to a congestion crisis. The air carrier organizations suggested, however, that quotas need only be kept in force at Kennedy International Airport and O'Hare International Airport during peak traffic periods, and could be suspended at other times.

Two air carriers, commenting individually, supported the proposal, as stated in the notice, provided there were no qualifying conditions.

The FAA has carefully considered these comments and has again reviewed the traffic figures for all high density traffic airports. The FAA concludes that the high utilization of quotas at La Guardia and National Airports during all hours indicates a continuing need for maintaining the status quo at these airports. It further concludes that the high utilization of quotas during the afternoon-evening peak period at the Kennedy and O'Hare International Airports require continuation of the quota system during the hours 3 p.m. to 8 p.m.

to preclude further buildup of traffic during the heavy peak period, but that the system may be suspended during the remaining hours of the day with no adverse impact upon the efficient utilization of the airspace. Since traffic volume is expected to continue at or near its present level for the near future, the high density traffic airports rule should be extended for another year as proposed.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the amendment is adopted as prescribed herein.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended effective October 25, 1971, as follows:

1. Section 93.131 is amended to read as follows:

§ 93.131 Termination date.

The provisions of §§ 93.121-93.131 and 93.133 terminate October 25, 1972.

2. Section 93.133 is amended to read as follows:

§ 93.133 Exceptions.

Except as provided in § 93.130, the provisions of §§ 93.123 and 93.125 (a) and (b) do not apply to—

(a) The Newark Airport, Newark, N.J.; and

(b) The Kennedy International Airport, New York, N.Y., and the O'Hare International Airport, Chicago, Ill., except during the hours from 3 p.m. to 7:59 p.m., local time.

(Secs. 103, 307, 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1303, 1348, 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b), Part-1, Regulations of the Office of the Secretary, 49 CFR 1.4(b))

Issued in Washington, D.C., on August 18, 1971.

J. H. SHAFFER,
Administrator.

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[Docket No. 9974; Amdt. 93-23]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

The purpose of this amendment of Part 93 of the Federal Aviation Regulations is to extend for one year the special air traffic rule for High Density Traffic Airports which would otherwise expire on October 25, 1971, and to partially suspend the allocation and reservation requirements for operation into and out of Kennedy International Airport, New York, N.Y., and O'Hare International Airport, Chicago, Ill. The amendment is based on Notice No. 71-15 published in the FEDERAL REGISTER on May 18, 1971 (36 F.R. 9029).

Many comments were received in response to the proposal contained in Notice No. 71-15, and the proposal has been changed in the light of the comments received.

The general aviation sector including the business aircraft segment is basically opposed to any extension of the rule. The comments from this sector were to the effect that the conditions which led to the issuance of the rule no longer exist; that the rule denies equal access to the use of the airports system; that the rule discriminates against general aviation; that the reservation requirement militates against necessary flexibility in corporate aircraft operations. These same objections have been considered before and were answered at the time the rule was issued and when it was later amended. The FAA reiterates the position taken at the time the rule was originally issued. The rule does grant a greater priority to certificated air carriers who provide common carriage service.

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