

management policy for the airport will be developed with the participation of all interested parties and can be implemented. Consequently, the FAA believes that an extension to September 15, 2001, of the current usage policy at LaGuardia is warranted. The agency amends the current policy by permitting the temporary turn-in of AIR-21 exemption slots for weekend frequencies only. The FAA believes that the reduction in operations at the airport as a result of the lottery will reduce the level of delays experienced by all operators. An extension of this policy will continue to allow carriers to realistically schedule their operations through this temporary allocation period.

Statement of Policy

As a result of the additional operations and the impact on the operating environment at LaGuardia, the FAA extends the temporary policy concerning the slot usage requirement for operations at LaGuardia until September 15, 2001.

The FAA will permit carriers operating slots at LaGuardia to temporarily return to the FAA slots issued under the authority of 14 CFR part 93. The FAA modifies the current policy to permit the temporary turn-in of AIR-21 slot exemptions for weekend frequencies only. The agency believes that the reduction in operations as a result of the lottery supports this modification to the current policy. Carriers that plan to return slots or weekend slot exemptions must notify the FAA Slot Administration Office in advance and provide the slot withdrawal number, frequency and effective period of the return. Slots and slot exemptions returned to the FAA under this policy will not be allocated to any other carrier during the effective period and will revert automatically to the operator at the expiration of the period for which it was returned. Carriers must contact the FAA Slot Administration Office concerning the date and frequency of restart-up should dates change. A carrier returning weekend slot exemptions under this policy will not need to recertify under Order 2000-4-10 and Order 2000-4-11 provided that all other certified conditions remain valid.

The FAA will treat a slot or slot exemption as used if the flight was scheduled but canceled for operational reasons and the slot would not otherwise have been subject to withdrawal. In the use or lose reports submitted to the FAA, carriers should indicate that flight was scheduled and, if appropriate, was canceled due to

operational reasons. Carriers may report a slot or slot exemption as operated only if the flight was in fact operated. The FAA advises carriers to retain records of such cancellations should the FAA request additional documentation regarding the reason for the cancellation.

This temporary policy on nonoperation or return of slots and weekend slot exemptions does not apply to the use or lose provisions for slots at other high density traffic airports unless the operator can provide clear and convincing evidence that a flight cancellation at that airport was directly related to the non-operation of a slot at LaGuardia, as described in the policy statement. This policy is not intended to provide blanket relief to any slot operator not meeting the minimum usage requirement due to reasons other than those discussed previously. It is also not intended to establish a basis for the FAA to routinely consider delays and traffic management programs as grounds for a usage waiver. Any waiver of the slot usage requirement at other high density airports for non-operation of flights at LaGuardia not covered by this policy will continue to be processed in accordance with 14 CFR 93.227.

Issued in Washington, DC, on February 14, 2001.

James W. Whitlow,
Deputy Chief Counsel.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice and Receipt of Noise Computability Program and Request for Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Colorado Springs Airport under the provisions of 49 U.S.C. 47503(a) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing the proposed noise compatibility program that was submitted for Colorado Springs Airport under part 150 in conjunction with the noise exposure maps, and that this program will be approved or disapproved on or before August 7, 2001.

EFFECTIVE DATE: The effective date of the FAA's determination on the Colorado Springs Airport noise exposure maps and the start of its review of the associated noise compatibility program is February 8, 2001. The public comment period ends March 23, 2001.

FOR FURTHER INFORMATION CONTACT: Dennis Ossenkop, FAA, Airports Division, ANM-611, 1601 Lind Avenue, S.W., Renton, Washington, 98055-4056.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps for Colorado Springs Airport are in compliance with applicable requirements of part 150, effective February 1, 2001. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 7, 2001. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C. 47503(a), an airport operator may submit to the FAA a noise exposure map which meets applicable regulations and which depicts noncompatible land uses as of the date of submission of such map, description of projected aircraft operations, and the ways in which such operations will affect such map. 49 U.S.C. 47503(a)(1) requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted a noise exposure map that has been found by FAA to be in compliance with the requirements of Federal Aviation Regulation (FAR) part 150, promulgated pursuant to 49 U.S.C. 47503(a) may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Director of Aviation for Colorado Springs Airport submitted to the FAA noise exposure maps, descriptions and other documentation which were produced during an airport Noise Compatibility Study. It was requested that the FAA review the noise exposure maps, as described in 49 U.S.C. 47503. It was also requested that the noise mitigation measures be approved as a noise compatibility program under 49 U.S.C. 47504.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Colorado Springs Airport. The specific maps under consideration are Figures C19 and G1 in the submission. The FAA has determined that these maps for Colorado Springs Airport are in compliance with applicable requirements. This determination is effective on February 8, 2001. FAA's determination on an airport operator's noise exposure maps is limited to the determination that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on noise exposure maps submitted under 49 U.S.C 47503, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of 49 U.S.C. 47507. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under 49 U.S.C. 47503 (a)(1). The FAA has relied on the certification by the airport operator, under section 150.21 of the FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Colorado Springs Airport, also effective on February 8, 2001. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 8, 2001.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to the local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW, room 615, Washington, DC
Federal Aviation Administration, Airports Division, 1601 Lind Avenue, SW., Renton, Washington
Federal Aviation Administration, Denver Airports District Office, 26805 E. 68th Ave. Suite 224, Denver, Colorado
Colorado Springs Airport, Colorado Springs, CO.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Renton, Washington, February 8, 2001.

Matthew J. Cavanaugh,
Acting Manager, Airports Division, ANM-600,
Northwest Mountain Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2000-8278]

High Density Airports; Disposition of Comments From Lottery of Slot Exemptions at LaGuardia Airport

AGENCY: Federal Aviation Administration, DOT.

ACTION: Disposition of comments.

SUMMARY: This notice disposes of comments filed in the docket concerning the lottery of slot exemptions at LaGuardia Airport.

FOR FURTHER INFORMATION CONTACT: David L. Bennett, Office of Airport Safety and Standards, Federal Aviation

Administration, 800 Independence Avenue, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION

Background

On December 4, 2000, the FAA conducted a lottery to reallocate slot exemptions at LaGuardia Airport that were authorized under the "Wendell H. Ford Aviation Investment and Reform Act for the 21st Century" ("AIR-21"). At the lottery, participants were invited to comment on the lottery procedures by submitting written comments to the docket. The FAA advised that all comments received would be addressed via a notice in the **Federal Register**.

Disposition of Comments

Comments were submitted from Midwest Express Airlines ("Midwest Express"), the Air Carrier Association of America ("ACAA"), Delta Air Lines, Inc. ("Delta") and US Airways, Inc. ("US Airways").

US Airways commented that if Legend Airlines does not commence operations and Legend's slots are allocated in accordance with the contingency round, then US Airways should be next in line to select an additional slot, should one become available for whatever reason. (US Airways bases this comment on the fact that it received only one exemption time, while the other three participating carriers received two exemptions each.) US Airways also requests that should additional slots become available before September 15, 2001, it should be given the opportunity to trade the 2100-hour slot exemption that it received during the Legend contingency round for another slot. The 2100-hour slot exemption was not the slot time selected by Legend, but rather was a replacement for an 1800-hour exemption. US Airways obtained the 2100-hour slot time only because the real slot time selected by Legend was over subscribed.

Delta commented that the FAA should reject US Airways second request to trade the 2100-hour slot exemption should additional exemptions become available. Delta argues that US Airways' situation is solely the product of the lottery procedure established by the FAA and there is no legitimate basis to give US Airways priority over Delta who was forced to eliminate more flights at LaGuardia than any other carrier.

ACAA does not support US Airways comments and further proposes that any carrier that does not utilize a slot selected at the lottery by February 1, 2001, should be prohibited from exchanging that slot for another slot.