

Federal Aviation Agency

Repl. by 11-1A

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PROCEDURAL

EFFECTIVE :

10/28/64

ADVISORY CIRCULAR

SUBJECT : AIRSPACE RULE-MAKING PROPOSALS AND CHANGES
TO AIR TRAFFIC CONTROL PROCEDURES

1. **PURPOSE.** This Advisory Circular emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.
 2. **BACKGROUND.** Many requests for allocation of airspace or changes to air traffic control procedures have been submitted without sufficient time allowance for proper planning, development and coordination to ensure the best resolution in the public interest. Proposals which are received too late for normal processing involve consideration for invoking the emergency provisions of the Administrative Procedure Act. Requirements for changes to air traffic control procedures not received in time for normal processing may become emergency in nature. The FAA is charged with the responsibility for use of the national airspace which belongs to the public, therefore, the public and in particular the users of the airspace have a right to participate in the promulgation of airspace rules.
 3. **GUIDELINES.** Your attention is invited to the procedural steps set forth in paragraphs 4. and 5. of this Circular. Proponents should consult with FAA personnel in the early planning phases. Participating FAA personnel must in all cases keep affected FAA offices apprised of developments. For example: A military exercise is planned over a definite time period to be conducted at a location that is defined in general terms. If the situation warrants, a Notice of Proposed Rule Making may be issued pending development of the exact data. For purpose of expediting the dissemination of information concerning a restricted area for military exercise GOLD FIRE I a Notice of Proposed Rule Making was published immediately upon receipt of general descriptive information.
 4. **RULE-MAKING CASES.** Approximately six months are normally required for processing rule-making cases. The time is necessary to complete the following steps:
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- a. Issue a Notice of Proposed Rule Making.
 - b. Receive and analyze public and agency comments.
 - c. Formulate and forward the final rule for publication in the Federal Register.
 - d. Select an effective date which is coincident with the appropriate aeronautical chart publication date.
5. AIR TRAFFIC CONTROL PROCEDURES. Approximately six months are also required for the development, coordination and publication of changes to air traffic control procedures and related handbooks. This time is required to:
- a. Circulate the proposal and receive user and agency comments.
 - b. Analyze comments and develop procedural changes.
 - c. Publish changes in the appropriate manuals and handbooks.
 - d. Train personnel prior to implementation of new procedures.

for  Lee E. Warren, Director
Air Traffic Service