

§ 93.224

shall be exempt from withdrawal for use for other international or essential air service operations.

(3) Except as provided in § 93.227(a), the FAA shall not withdraw slots held at an airport by an air carrier or commuter operator holding and operating 12 or fewer slots at that airport (excluding slots used for operations described in § 93.212(a)(1)), if withdrawal would reduce the number of slots held below the number of slots operated.

(4) No slot comprising the guaranteed base of slots, as defined in section 93.318(b), shall be withdrawn for use for international operations or for new entrants.

(d) The following withdrawal priority rule shall be used to permit application of the one-for-one trade provisions for international and essential air service slots and the slot withdrawal provisions where the slots are needed for other than international or essential air service operations. If an operator has more than one slot in a specific time period in which it also has a slot being used for international or essential air service operations, the international and essential air service slots will be considered to be those with the lowest withdrawal priority.

(e) The operator(s) using each slot to be withdrawn shall be notified by the FAA of the withdrawal and shall cease operations using that slot on the date indicated in the notice. Generally, the FAA will provide at least 30 days after notification for the operator to cease operations unless exigencies require a shorter time period.

(f) For 24 months following a lottery held after June 1, 1991, a slot acquired in that lottery shall be withdrawn by the FAA upon the sale, merger, or acquisition of more than 50 percent ownership or control of the carrier using that slot or one acquired by trade of that slot, if the resulting total of slots held or operated at the airport by the surviving entity would exceed 12 slots.

[Doc. No. 24105, 50 FR 52195, Dec. 20, 1985, as amended by Amdt. 93-52, 51 FR 21718, June 13, 1986; Amdt. 93-57, 54 FR 34906, Aug. 22, 1989; Amdt. 93-65, 57 FR 37314, Aug. 18, 1992; Amdt. 93-78, 64 FR 53565, Oct. 1, 1999]

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§ 93.224 Return of slots.

(a) Whenever a slot is required to be returned under this subpart, the holder must notify the office specified in § 93.221(a)(1) in writing of the date after which the slot will not be used.

(b) Slots may be voluntarily returned for use by other operators by notifying the office specified in § 93.221(a)(1) in writing.

§ 93.225 Lottery of available slots.

(a) Whenever the FAA determines that sufficient slots have become available for distribution for purposes other than international or essential air service operations, but generally not more than twice a year, they shall be allocated in accordance with the provisions of this section.

(b) A random lottery shall be held to determine the order of slot selection.

(c) Slot allocation lotteries shall be held on an airport-by-airport basis with separate lotteries for air carrier and commuter operator slots. The slots to be allocated in each lottery will be each unallocated slot not necessary for international or Essential Air Service Program operations, including any slot created by an increase in the operating limits set forth in § 93.123(a).

(d) The FAA shall publish a notice in the FEDERAL REGISTER announcing any lottery dates. The notice may include special procedures to be in effect for the lotteries.

(e) Participation in a lottery is open to each U.S. air carrier or commuter operator operating at the airport and providing scheduled passenger service at the airport, as well as where provided for by bilateral agreement. Any U.S. carrier, or foreign air carrier where provided for by bilateral agreement, that is not operating scheduled service at the airport and has not failed to operate slots obtained in the previous lottery, or slots traded for those obtained by lottery, but wishes to initiate scheduled passenger service at the airport, shall be included in the lottery if that operator notifies, in writing, the Slot Administration Office, AGC-230, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. The notification must be received 15 days prior to the lottery