

Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

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*Acting Manager, Chicago Airports District Office, FAA, Great Lakes Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Reinstatement of 1980 Public Comment Procedures for Requests for Interpretation of the Flight Time, Rest and Duty Period Regulations

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** The FAA receives several requests for interpretation of the Flight Time, Rest and Duty Period regulations. The FAA has decided that it would be beneficial to follow the procedures announced in the May 8, 1980 **Federal Register** Notice (45 FR 30424) to request public comments on the requesters' questions, before the FAA issues its responses. Copies of requests from members of the public will be posted on the DOT public electronic docket, using a specified FAA docket number.

**DATES:** *Effective date:* January 1, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Constance M. Subadan, Regulations Division, AGC-200, Office of the Chief Counsel, 800 Independence Avenue, SW., Washington, DC 20591; telephone 202-267-3073.

**SUPPLEMENTARY INFORMATION:** The FAA has decided to use the public comment procedures it announced and described in 1980. Recently, Continental Airlines proposed that the FAA reinstate, for all requests for interpretation of the flight time, rest and duty period regulations, the procedures that were first described and announced in 1980. Under those procedures, when the FAA received certain requests for interpretation of the flight time, rest and duty period regulations, the FAA was to provide an opportunity to interested persons outside the FAA to present additional facts and to offer their expertise on flight time, rest and duty period issues.

The FAA intends to follow the procedures announced in 1980, subject to the following limitations:

1. Because implementation of the procedures themselves could prove to be extremely time consuming and labor intensive, the FAA intends to observe

them in case presenting new issues, i.e., not for "repetitive type questions." See 45 FR at 30425.

2. Even in situations not involving repetitive type questions, the agency specifically recognized that an interpretation could be issued immediately, without pre-issuance comments. *Id.* In such a situation, post-issuance comments would be solicited.

3. As noted in the 1980 document, the agency reserves the right to modify or discontinue the use of the procedures at any time at the election of the Office of the Chief Counsel. *Id.*

Dated: Issued in Washington, DC on December 12, 2005.

**Rebecca B. MacPherson,**

*Assistant Chief Counsel, Regulations Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Receipt of Noise Compatibility Program and Request for Review; Southwest Florida International Airport, Ft. Myers, FL

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Southwest Florida International Airport under the provisions of 49 U.S.C. 47501 *et. seq.* (the Aviation Safety and Noise Abatement Act hereinafter referred to as "the Act") and 14 CFR part 150 by the Lee County Port Authority. This program was submitted subsequent to a determination by FAA that the associated noise exposure maps submitted under 14 CFR part 150 for Southwest Florida International Airport were in compliance with applicable requirements effective February 11, 2005. The proposed noise compatibility program will be approved or disapproved on or before May 29, 2006. **DATES:** The effective date of the start of FAA's review of the associated noise compatibility program is December 1, 2005. The public comment period ends January 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bonnie Baskin, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Dr., Suite 400, Orlando, Florida 32822, (407) 812-6331. Comments on the

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

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is reviewing a proposed noise compatibility program for Southwest Florida International Airport which will be approved or disapproved on or before May 29, 2006. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program for Southwest Florida International Airport, effective on December 1, 2005. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. 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 May 29, 2006.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the