

exceed scheduled completion time and exceed the duty time limit.

Does section 135.263(d) excuse a certificate holder or pilot from exceeding the 14-hour duty time limitation in the above situations?

*No. 3 (Samaritans Air, Aviation Consultants):* Scenario/Questions: A pilot is required to respond to a pager and be at the airport within 30 minutes of the page. He is also required to be "on call" at the airport starting from 0700. The "call" may not come in until 1600. His duty time is considered to start at 1600 and continues until 0600 the next day.

1. May the pilot perform the above operation without an uninterrupted rest period "free from all restraint" from the certificate holder?

2. May a Part 135 pilot fly under Part 91 rules for a "reposition" or "ferry" flight with non-essential flight crew or passengers on board who are non-paying "customers" of the certificate-holder, when the "sole" intent is to

circumvent the 14-hour duty limitation and weather limitations if the flight had to be flown under Part 135 rules?

3. May late arriving passengers be called an "unexpected" delay as a way to circumvent and extend the 14-hour duty time limitation?

*No. 4 (Era Aviation):* Scenario/Questions: A Part 135 (one pilot crew) comes on duty at 5:30 a.m. and completes three hours of commercial flight time by 15:15 p.m. The operator receives a mission for the next day in another state and the pilot must depart immediately to ferry the aircraft to the new location at which he will give it to the pilot who will fly the new mission. At that point, the pilot ferrying the aircraft will be free of any duty with the carrier for a week.

1. If it becomes necessary to deliver the aircraft to the new pilot, may the ferry pilot overfly the 14-hour duty day which began at 5:30 a.m., assuming he will be off duty for a week upon delivering the aircraft?

2. If it becomes necessary to deliver the aircraft to the new pilot, may the ferry pilot overfly his original eight hours of flight time, assuming he will be off duty for a week upon delivering the aircraft?

3. Is the assumption correct that all flight time following the original three hours flown under Part 135 may be considered Part 91 flight time and thus free of Part 135 restrictions?

4. Is the assumption correct that all duty after the original Part 135 duty period that ended at 12:30 p.m. may be considered non-Part 135 duty, and thus free of Part 135 restrictions?

*No. 5 (Kyle Opp):* Scenario/Questions: A 2-pilot crew receives 24 hours free of duty [on Day 1]. Duty time starts 1 hour prior to scheduled departure, and ends 30 minutes after actual arrival time. Duty time includes 1 hour before scheduled departure and 30 minutes after actual arrival. On Day 2 duty time started at 0700z. The scheduled and actual data are as follows:

Scheduled	Actual	Flight time	Duty time at arrival
Leg 1 0800-1000 .....	0900-1100 .....	2.0	4:00
Leg 2 1300-1430 .....	1415-1545 .....	1.5	8:45
Leg 3 1730-2000 .....	1900-2130 .....	2.5	14:30
Scheduled: 13.5 hrs .....	Actual: 15 hrs .....		

1. Is the crew prohibited from taking off or boarding Part 135 passengers knowing they will exceed their 14-hour duty day and will actually arrive without the required lookback rest within the previous 24 hours?

2. Can it still be "circumstances beyond the control of the operator" when the operator and crew has the knowledge that Leg 3 while on the ground using actual flight/arrival times knows they will violate the lookback rest requirements? If they proceed anyway, under what section would the FAA take enforcement action?

3. Can the 30 minutes of duty time after actual arrival be waived by the crew, even if it is proscribed in the FAA approved operations manual? If not, must the crew calculate that into the final leg to insure they return with at least 30 minutes left in their duty period?

**Comments**

Your comments should address the 6 points raised below. Responses that include these elements provide the FAA a meaningful basis for determining its final responses.

1. What are your views on how the FAA should answer the requesters' questions stated above?

2. What are your views on how the FAA intends to address the issues about late arriving passengers or cargo being an unforeseen circumstance under section 135.263(d) and the timely receipt of section 135.267(d) rest?

3. What industry operational practices support your views? Please provide documentation of such practices.

4. What is the safety policy that supports your views or practices?

5. What regulatory history supports your position?

6. In your opinion, are there any prior FAA interpretations that are controlling or that are at least instructive on the matter?

Issued in Washington, DC on May 5, 2006.

**Rebecca B. MacPherson,**

*Assistant Chief Counsel, Regulations Division.*

[FR Doc. 06-4361 Filed 5-10-06; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Twenty-Seventh (27th) Joint Meeting, RTCA Special Committee 189/ EUROCAE Working Group 53: Air Traffic Services (ATS) Safety and Interoperability Requirements**

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

**ACTION:** Notice of RTCA Special Committee 189/EUROCAE Working Group 53 meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 189/ EUROCAE Working Group 53: Air Traffic Services (ATS) Safety and Interoperability Requirements.

**DATES:** The meeting will be held June 20-23, 2006, starting at 9 a.m.

**ADDRESSES:** The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036-4001.

**FOR FURTHER INFORMATION CONTACT:** RTCA Secretariat (Hal Moses), 1828 L Street, NW., Suite 805, Washington, DC 20036, (202) 833-9339, fax (202) 833-9434; Web site <http://www.rtca.org>. Additional information on

directions, maps, and nearby hotels may be found by accessing the RTCA Web site.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 189/EUROCAE Working Group 53 meeting.

#### Meeting Objectives

- Resolve all comments and issues to complete the Safety and Performance Requirements Standard for Air Traffic Data Link Services in Oceanic and Remote Airspace by July 26, 2006 for final review and consultation.

- Resolve all comments and issues to complete the FANS 1/A-ATN Interoperability Standard by July 26, 2006 for final review and consultation.

- Agree on a work statement for SC-189/WG-53 that details work items and milestones.

The plenary agenda will include:

- June 20:
  - Opening Plenary Session (Welcome, Introductions, and Administrative Remarks, Review and approval of Agenda and Meeting Minutes) Administrative.
  - SC-189/WG-53 co-chair progress report and review of work program.
  - Determine and agree to breakout groups if necessary.
- June 21-22:
  - Breakout groups, as agreed, and plenary debriefs, as necessary.
- June 23:
  - Debrief on progress for the week.
  - Closing Plenary Session (Review schedule and new action items. Any other business, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 3, 2006.

**Francisco Estrada C.,**

*RTCA Advisory Committee.*

[FR Doc. 06-4363 Filed 5-10-06; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Brunswick and New Hanover Counties, NC

**AGENCY:** Federal Highway Administration (FHWA).

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Brunswick and New Hanover Counties, North Carolina.

**FOR FURTHER INFORMATION CONTACT:**

Clarence W. Coleman, PE., Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601-1418, Telephone: (919) 856-4346.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT) and the North Carolina Turnpike Authority (NCTA), will prepare an environmental impact statement (EIS) on a proposal to construct a multi-lane highway facility in Brunswick and New Hanover Counties, North Carolina. Known as the Cape Fear Skyway, the proposed improvement would extend from US 17 in Brunswick County, near the community of Bishop, to US 421 in the city of Wilmington for a distance of approximately 9.5 miles. The project would include a crossing of the Cape Fear River.

The proposed highway facility is considered necessary as a means to improve regional traffic flow, enhance access to the North Carolina Ports, improve emergency service response times and facilitate emergency evacuation. Preliminary alternatives to be evaluated include (1) taking no action (2) Transportation System Management (TSM); (3) Transportation Demand Management (TDM); (4) Mass Transit; and (5) constructing a multi-lane facility on new location with full control of access. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment. The EIS will address environmental, social, and economic impacts associated with the development of the proposed action.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an

interest in this proposal. A series of public meetings will be held in the vicinity of the project throughout the development of the EIS. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to any public hearings being held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: May 4, 2006.

**Clarence W. Coleman,**

*Operations Engineer, Raleigh, North Carolina.*

[FR Doc. 06-4367 Filed 5-10-06; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Sampson, Duplin, and Cumberland Counties, NC

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Revised notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that we are rescinding the Draft Environmental Impact Statement for a proposed highway project in Sampson, Duplin, and Cumberland Counties, North Carolina

**FOR FURTHER INFORMATION CONTACT:**

Clarence W. Coleman, P.E., Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Ste 410, Raleigh, North Carolina 27601-1418, Telephone: (919) 856-4346.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), is rescinding the Draft Impact Environmental Statement (DEIS) for the proposed NC 24 improvements from 2.8 miles east of I-95 to I-40. In June, 1994, the DEIS for the project was approved, published, and made available for public review. The DEIS evaluated in detail twelve (12) Build alternatives.