

language for paragraph 6 should be further revised.²

JetBlue Request

JetBlue has filed a request for Arrival Authorizations as a new entrant under the Order. United Air Lines has opposed that request. The FAA will address JetBlue's request in a later order.

Conclusion

The FAA proposed to modify the August 2004 Order temporarily limiting scheduled operations at O'Hare to allow carriers to trade and transfer scheduled arrivals for consideration for the remaining duration of the Order based on our tentative determination that there is merit to allowing carriers to modify their schedules for competitive or operational reasons through various market mechanisms prior to the effective date of the August 29, 2006 Final Rule regulating scheduled arrivals at O'Hare. After considering the responses, the FAA has determined to make this finding final.

Accordingly, with respect to scheduled flight operations at O'Hare under the August 2004 Order, as amended, *it is ordered that paragraph 6 be amended to state:*

6. An air carrier who is currently operating or has committed prior to the expiration of this Order to operate at O'Hare by January 27, 2007, may buy, sell, lease or otherwise transfer or trade any scheduled arrival from 7 a.m. through 8:59 p.m. to or from any other air carrier who is currently operating or has committed prior to the expiration of this Order to operate at O'Hare by January 27, 2007. Transactions permitted by this paragraph must be completed prior to the October 28, 2006 expiration of this Order. Each air carrier must receive advance written approval of the Administrator, or her delegate, of the trade or transfer. All requests to trade or transfer a scheduled arrival must be submitted in writing to the FAA Slot Administration Office, facsimile (202) 267-7277 or e-mail 7-AWA-Slotadmin@faa.gov, and must come from a designated representative of the air carrier.

² We additionally reject Independence Air's arguments for the following reasons. First, we do not view the Arrival Authorizations created in the August 2004 Order to be "property" within the definition of the Bankruptcy Code. 11 U.S.C. 541(a). These Arrival Authorizations did not provide the opportunity to receive value through a purchase, sale or lease and without a market, had no value. *In re Gull Air*, 890 F. 2d 1255 (1st Cir. 1989). They were merely restrictions on the use of property—airplanes, not property in themselves. *In re Braniff Airways*, 700 F. 2d 935 (5th Cir. 1983).

Issued in Washington, DC, on October 6, 2006.

Marion C. Blakey,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Membership in the National Parks Overflights Advisory Group

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: By **Federal Register** notice (See 71 FR 16610; April 3, 2006), the National Park Service (NPS) and the Federal Aviation Administration (FAA), asked interested persons to apply to fill six vacant positions on the National Parks Overflights Advisory Group (NPOAG) Aviation Rulemaking Committee (ARC). The vacancies represent general aviation (one vacancy), commercial air tour operators (two vacancies), environmental concerns (two vacancies) and Native American tribes (one vacancy), and invited interested persons to apply to fill the vacancies due to completion (October 9, 2006) of a three-year term appointment. This notice informs the public of the persons selected to fill the vacancies on the NPOAG ARC.

FOR FURTHER INFORMATION CONTACT:

Barry Brayer, Executive Resource Staff, Western-Pacific Region Headquarters, 15000 Aviation Blvd., Hawthorne, CA 90250, telephone: (310) 725-3800, e-mail: Barry.Brayer@faa.gov, or Karen Trevino, National Park Service, Natural Sounds Program, 1201 Oakridge Dr., Suite 350, Ft. Collins, CO 80525, telephone (970) 225-3563, or Karen_Trevino@nps.gov.

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106-181. The Act required the establishment of the advisory group within 1 year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator and the Director (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve

alternating 1-year terms as chairman of the advisory group.

The advisory group provides "advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands."

Changes in Membership

Current members of the NPOAG ARC are as follows:

Heidi Williams representing general aviation.

Richard Larew, Alan Stephen, and Elling Halvorsen representing commercial air tour operations.

Chip Dennerlein, Don Barger, Charles Maynard, and Mark Peterson representing environmental interests.

Rory Majenty and Richard Deertrack representing Native American tribes.

To maintain the balanced representation of the group, the FAA and the NPS recently published a notice in the **Federal Register** (See 71 FR 16610; April 3, 2006) asking interested persons to apply to fill the following vacancies on the NPOAG as follows:

General aviation (one vacancy)

Commercial air tour operators (two vacancies)

Environmental interests (two vacancies)

Native American tribes (one vacancy)

New members beginning October 10, 2006, are Matthew Zuccaro and Dr. Gregory A. Miller, vice Richard Larew and Charles Maynard respectively; returning members selected to fill the vacancies for additional terms are Heidi Williams, Richard Deertrack, Chip Dennerlein, and Alan Stephen.

Issued in Hawthorne, California, on October 4, 2006.

Lynore C. Brekke,

Acting Regional Administrator, Western-Pacific Region.

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