

declaratory order regarding an Executive Order issued by the Honorable Togiola T.A. Tulafono, the Governor of American Samoa, that proposed to block Hawaiian from continuing to serve American Samoa. Governor Tulafono has been dissatisfied with the quality and price of Hawaiian's service. His executive order, issued July 26, 2006, stated that American Samoa intends to find another airline to replace Hawaiian's service and that he will issue a second executive order barring Hawaiian from continuing to operate to American Samoa when another airline is ready to replace Hawaiian's service between Pago Pago and Honolulu. Hawaiian's petition, filed in Docket OST-2006-25612, contends that the Governor may not lawfully block Hawaiian from serving the Honolulu-Pago Pago market. Hawaiian's petition thus presents the question of whether Federal law will allow the Governor to take the action proposed by his Executive Order, or will prohibit him from doing so.

Because we were unwilling to rule on Hawaiian's petition without making sure that American Samoa had a full opportunity to respond to the petition, and because no one submitted comments in response to Hawaiian's petition, we published a notice inviting American Samoa and all other interested persons to submit comments on the petition. Comments were due September 15, and reply comments were due September 22, 2006. 71 FR 52205 (September 1, 2006).

On August 30, the Governor of American Samoa sent a letter to Susan McDermott, the Deputy Assistant Secretary for Aviation and International Affairs, requesting that at least sixty days, and preferably ninety days, be allowed for submitting comments on Hawaiian's petition. The Governor stated that the issues presented by Hawaiian's petition could not be adequately addressed within a fourteen-day comment period. He suggested that the comment period in this proceeding should reflect the procedures used in rulemaking proceedings, where sixty-day comment periods are common. We have placed a copy of the Governor's letter in the docket for this proceeding and sent a copy to Hawaiian. Hawaiian states that it does not object to a sixty-day comment period.

We will establish a comment period of sixty days, as the Governor has requested. Comments therefore will be due sixty days after the September 1 publication of our initial **Federal Register** notice. This will give the parties ample time for preparing their responses to Hawaiian's petition. We

will also give parties two additional weeks for filing reply comments.

The parties' submissions thus far suggest that we should provide some guidance on the procedural requirements for this proceeding. Because Hawaiian is requesting a declaratory order regarding its individual dispute with the Governor, this proceeding is an adjudication, not a rulemaking. As such, it is subject to our rules for adjudicatory proceedings where no oral evidentiary hearing is held, 14 CFR 302.1 through 302.15. In adjudications, fundamental principles of fairness require that each party must serve the other parties whenever it submits its views to us on substantive or procedural issues. As a result, Hawaiian, the Governor, and the other parties must send all of their future filings directly to the docket for this proceeding and must simultaneously serve the other parties (at this time, the parties consist of Hawaiian and the Governor). While we sent a copy of Hawaiian's petition to the Governor and then forwarded the Governor's request for more time to Hawaiian, in the future each party is responsible for ensuring that it has sent a copy of any written request or pleading to the other parties.

Dated: September 8, 2006.

**Michael W. Reynolds,**

*Acting Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 06-7645 Filed 9-13-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Land at Banning Municipal Airport, Banning, CA

**AGENCY:** Federal Aviation Administration, Department of Transportation.

**ACTION:** Notice of request to release airport land.

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the release of the City of Banning from the conditions contained in applicable grant agreements with the United States for approximately 20 acres of undeveloped airport land obligated for airport purposes at Banning Municipal Airport, Banning, California, and which is not needed for airport purposes. The parcel will be sold at its fair market value and redeveloped for commercial purposes, which are compatible with the airport. The City of Banning County will use the

sale proceeds for eligible airport improvements, which will provide a benefit to the airport and civil aviation.

**DATES:** Comments must be received on or before October 16, 2006.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, Federal Register Comment, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, one copy of any comments submitted to the FAA must be mailed to Mr. Owen Carder, Airport Manager, City of Banning, P.O. Box 998, Banning, CA 92220-0998.

#### FOR FURTHER INFORMATION CONTACT:

Tony Garcia, Airports Compliance Specialist, Airports Division, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, CA 90261, telephone (310) 725-3634, and fax (310) 725-6849. For airport-specific information regarding the release, contact Mr. Owen Carder, Airport Manager, Banning Municipal Airport at the address above or telephone (951) 922-3291.

**SUPPLEMENTARY INFORMATION:** In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 10-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary of Transportation may waive any condition imposed on a federally obligated airport by the assurances in grant agreements.

#### Brief Overview of the Request

The City of Banning requested a release from the conditions and restrictions in applicable grant agreements with the United States for approximately 20 acres of undeveloped airport land obligated for airport purposes at Banning Municipal Airport, Banning, California. The 20-acre parcel is not being used for airport purposes and is not needed for future airport development. The land is located on the south side of the airport and is separated from the developed area on the west side of the airport. The parcel was acquired with an Airport Improvement Grant in September 1983. The property has remained vacant and undeveloped since its acquisition. It has been determined that the property will not be used for airport development and is, therefore, not needed for airport purposes. In accordance with Assurance 31, *Disposal of Land*, land that was acquired with a grant for airport development will be disposed of at fair market value when the land is no longer

needed for such a purpose. The sale price of the parcel will be based on an appraisal of its fair market value. The sales proceeds will be invested in eligible airport development projects. Following the sale, the property's redevelopment for non-aeronautical purposes will comply with local zoning and compatible land-use requirements. Use of the proceeds from the release will be used for airport improvements that will provide tangible benefits to the airport and civil aviation.

Issued in Hawthorne, California, on August 9, 2006.

**George Aiken,**

*Manager, Safety and Standards Branch,  
Airports Division, Western-Pacific Region.*

[FR Doc. 06-7631 Filed 9-13-06; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Land at Brown Field Municipal Airport, San Diego, CA

**AGENCY:** Federal Aviation Administration, Department of Transportation.

**ACTION:** Notice of request to release airport land.

**SUMMARY:** The Federal Aviation Administration (FAA) proposed to rule and invites public comment on the release of approximately 1.5 acres of airport property at Brown Field Municipal Airport, San Diego, California, from all restrictions of the surplus property agreement since the parcel of land is not needed for airport purposes. Reuse of the land for State of California roadway improvements to State Route 905 represents a compatible land use. Sale of the property to the State at the appraised fair market values will be reinvested in airport improvements. The property is not needed for airport purposes and reinvestment of the sale proceeds will benefit the airport and the interests of civil aviation.

**DATES:** Comments must be received on or before October 16, 2006.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, Federal Register Comment, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, one copy of the comment submitted to the FAA must be mailed or delivered to Mr. Mike C. Tussey, Acting Airports Director, City of San Diego,

Montgomery Field Airport, 3750 John J. Montgomery Drive, San Diego, CA 92123.

#### FOR FURTHER INFORMATION CONTACT:

Tony Garcia, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, telephone (310) 725-3634 and FAX (310) 725-6849. For airport-specific information regarding the release, contact Mr. Mike C. Tussey, Acting Airports Director, at the above address or telephone (858) 573-1441.

#### SUPPLEMENTARY INFORMATION:

In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 10-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds.

#### Brief Overview of the Request

The City of San Diego, California requested a release from surplus property agreement obligations for approximately 1.5 acres of airport land. The property is separated from the airport and located south of Otay Mesa Road. The land is presently unused, unimproved, and does not generate any income. Due to its location and uneven topography, the property cannot be used for airport purposes nor has it generated revenue for the airport. The release will allow the land to be sold to the State of California to allow the State to make roadway improvements to State Route 905, which runs along the southern boundary of Brown Field and serves as the public access road to the airport. The property will be sold at the appraised market value and the sale proceeds will be reinvested in airport improvement and development. Reuse of the property as a roadway will be compatible with the airport and the reuse of the sale proceeds will benefit the airport, thereby serving the interests of civil aviation.

Issued in Hawthorne, California, on August 9, 2006.

**George Aiken,**

*Manager, Safety and Standards Branch,  
Airports Division, Western-Pacific Region.*

[FR Doc. 06-7632 Filed 9-15-06; 8:45 am]

**BILLING CODE 4910-15-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Land at Calexico International Airport, Calexico, CA

**AGENCY:** Federal Aviation Administration, Department of Transportation.

**ACTION:** Notice of request to release airport land.

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the release of approximately 13.44 acres of airport property at Calexico International Airport, Calexico, California, from all conditions in the grant agreement since the land is not needed for airport purposes. Reuse of the land for commercial purposes represents a compatible land use. Disposal of the property will provide an opportunity to acquire additional land that is needed for airport development and to meet airport design standards.

**DATES:** Comments must be received on or before October 16, 2006.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, Federal Register Comment, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, one copy of the comment submitted to the FAA must be mailed or delivered to Luis Estrada, Airport Manager, Calexico International Airport, 608 Heber Avenue, Calexico, CA 92231.

#### FOR FURTHER INFORMATION CONTACT:

Tony Garcia, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, telephone (310) 725-3634 and FAX (310) 725-6849. For airport-specific information regarding the release, contact Mr. Luis Estrada, Airport Manager, Calexico International Airport, at the above address or telephone (760) 768-2175.

**SUPPLEMENTARY INFORMATION:** In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 10-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary of Transportation may waive any condition imposed on a federally obligated airport by the assurances in grant agreements.