

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Aviation Proceedings, Agreements Filed During the Week Ending November 8, 2002**

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2002-13751.

*Date Filed:* November 5, 2002.

*Parties:* Members of the International Air Transport Association.

*Subject:* CAC/30/Meet/009/002 dated November 4, 2002, Cargo Agency Conference—Resolution 805zz, Intended effective date: October 1, 2002.

*Docket Number:* OST-2002-13771.

*Date Filed:* November 6, 2002.

*Parties:* Members of the International Air Transport Association.

*Subject:*

PTC EUR 0481 dated October 25, 2002,

TC2 Within Europe Expedited

Resolutions 002ap, 074my r1-r2, PTC2 EUR 0482 dated October 25, 2002,

TC2 Within Europe Expedited Resolutions r3-r8,

PTC2 EUR 0483 dated October 25, 2002,

TC2 Within Europe Expedited Resolutions 002ar, 004a r9-r10,

Intended effective date: December 1, 2002, December 15, 2002, January 1, 2003.

**Andrea M. Jenkins,**

*Federal Register Liaison.*

[FR Doc. 02-29227 Filed 11-18-02; 8:45 am]

**BILLING CODE 4910-62-P**

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending November 8, 2002**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for

each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-1998-3419.

*Date Filed:* November 5, 2002.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 26, 2002.

*Description:* Application of American Airlines, Inc., pursuant to 49 U.S.C. 41101, 14 CFR part 377 and subpart B, requesting renewal and amendment of its certificate for Route 752, authorizing American to engage in scheduled foreign air transportation of persons, property, and mail between Chicago/New York-Tokyo and Dallas/Ft. Worth-Osaka, and to substitute Los Angeles for Boston as a U.S. gateway to Tokyo.

**Andrea M. Jenkins,**

*Federal Register Liaison.*

[FR Doc. 02-29228 Filed 11-18-02; 8:45 am]

**BILLING CODE 4910-62-P**

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Honoring Tickets of National Airlines Pursuant to the Requirements of Section 145 of the Aviation and Transportation Security Act**

The Department issued a notice on August 8, 2002, providing guidance for airlines and the traveling public regarding the obligation of airlines under section 145 of the Aviation and Transportation Security Act ("Act") to transport passengers of airlines that have ceased operations due to insolvency or bankruptcy. (Pub. L. 107-71, 115 Stat. 645 (November 19, 2001)) That notice, which was issued after Vanguard Airlines' July 2002 cessation of service, was intended to provide immediate guidance in response to numerous complaints from ticketed passengers and inquiries from airlines. On November 6, 2002, National Airlines ceased operations. The purpose of this notice is to remind carriers that the provisions of section 145 also apply to National Airlines' cessation of service.

As guidance to the industry, the Department's August 8 notice mentioned several factors that we would look to in determining whether airlines were complying with section 145.<sup>1</sup> Section 145 requires, in essence, that

<sup>1</sup> Failure by an airline to comply with section 145 may constitute an unfair and deceptive practice in violation of 49 U.S.C. 41712.

airlines operating on the same route as an insolvent carrier that has ceased operations shall transport the ticketed passengers of the insolvent carrier "to the extent practicable." The Department stated, among other things, our preliminary view that, at a minimum, section 145 requires that passengers holding valid confirmed tickets, whether paper or electronic, on an insolvent or bankrupt carrier be transported by other carriers who operate on the route for which the passenger is ticketed on a space-available basis, without significant additional charges. We further pointed out that, under section 145, passengers whose transportation has been interrupted have 60 days after the date of the service interruption to make alternative arrangements with an airline for that transportation. We made clear in our guidance, however, that we did not believe that, in enacting section 145, Congress intended to prohibit carriers from recovering from accommodated passengers the amounts associated with the actual cost of providing such transportation. We wish to reiterate that advice with respect to the current situation involving National Airlines' cessation of service.

After the issuance of our August 8 notice, several carriers informally sought additional clarification, specifically regarding recovery of the costs of accommodating passengers under section 145. In our August 8 notice, we stated that we did not foresee that such costs would exceed \$25.00.<sup>2</sup> We wish to make clear that the \$25.00 amount stated above was simply an estimate of the magnitude of the additional direct costs carriers might incur in transporting affected passengers on a standby basis.

Several carriers have informally raised concerns that the \$25.00 cost estimate was too low. In each such instance, Department staff has advised those carriers that, to the extent they experienced and could document reasonable direct costs in excess of the \$25.00 estimated amount, they should be entitled to recover such costs under the statute. Department staff has specifically requested each airline that had expressed concern to provide evidence demonstrating that its reasonable direct costs exceeded the estimated \$25.00 amount. No airline has provided any documentation in

<sup>2</sup> We pointed out that examples of such costs include the cost of rewriting tickets, providing additional onboard meals, and the incremental fuel cost attributable to transporting an additional passenger.

response to that request.<sup>3</sup> We thus have no information demonstrating that the estimated amount of \$25.00 would be inadequate to cover additional direct costs to transport persons holding Vanguard Airline tickets on a space available basis.

With respect to National Airlines, the Department has not received any written comments or other evidence from any airline demonstrating that \$25.00 would be insufficient to cover additional direct costs to transport persons holding tickets on a space-available basis. However, we have received reports that in some instances airlines have charged far in excess of \$25.00 for transportation. Because we wish to ensure that airlines have had the opportunity to demonstrate that costs in excess of \$25.00 each way are reasonable, the Department has not yet taken any action with respect to any airline in connection with section 145 involving either Vanguard Airlines' or National Airlines' cessations of operations. To obtain further information on this issue from the traveling public and the airlines, we request that any airline or person who believes that the Department's estimate of \$25.00 is either insufficient, or is more than necessary to cover the direct costs of accommodating ticketed passengers on a space available basis, contact the Department's Office of Aviation Enforcement and Proceedings, at the address below, within seven days of the date of this notice and provide written comments and evidence of costs in support of their position.

Questions regarding this notice may be addressed in writing to Dayton Lehman, Deputy Assistant General Counsel, Office of Aviation Enforcement and Proceedings, 400 7th St., SW., Washington, DC 20590, or he may be contacted by telephone at (202) 366-9342.

An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov/reports>.

Dated: November 14, 2002.

**Read C. Van de Water,**  
*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 02-29442 Filed 11-15-02; 11:31 am]

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<sup>3</sup> A few airlines also expressed separate concerns about difficulties in verifying confirmed reservations of passengers holding electronic tickets, in which case a hard-copy ticket would not be available. Department staff suggested it would be appropriate to require such passengers to provide proof of payment and confirmation, such as receipts and printed itineraries.

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG 2002-13767]

#### Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Numbers 2115-0606, 2115-0077, 2115-0096, 2115-0549, 2115-0603 and 2115-0640

**AGENCY:** Coast Guard, DOT.

**ACTION:** Request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of six Information Collection Requests (ICRs). The ICRs comprise (1) National Response Resource Inventory; (2) Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual; (3) Records on Oil and Hazardous Material Pollution Prevention and Safety: Equivalents, Alternatives, and Exemptions; (4) Requirements for the Use of Liquefied Petroleum Gas and Compressed Natural Gas as Cooking Fuel on Passenger Vessels; (5) Periodic Gauging and Engineering Analyses for Certain Tank Vessels Over 30 Years Old; and (6) Mandatory Ship Reporting System for the Northeast and Southeast Coasts of the United States. Before submitting the ICRs to OMB, the Coast Guard is inviting comments on them as described below.

**DATES:** Comments must reach the Coast Guard on or before January 21, 2003.

**ADDRESSES:** To make sure that your comments and related material do not enter the docket (USCG 2002-13767) more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation (DOT), Room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Facility maintains the public docket for this notice. Comments and

material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

Copies of the complete ICR are available through this docket on the Internet at <http://dms.dot.gov>, and also from Commandant (G-CIM-2), U.S. Coast Guard Headquarters, Room 6106 (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593-0001. The telephone number is 202-267-2326.

**FOR FURTHER INFORMATION CONTACT:** Barbara Davis, Office of Information Management, 202-267-2326, for questions on these documents; or Dorothy Beard, Chief, Documentary Services Division, U.S. DOT, 202-366-5149, for questions on the docket.

#### Request for Comments

The Coast Guard encourages interested persons to submit comments. Persons submitting comments should include their names and addresses, identify this document by docket number (USCG 2002-13767), and give the reasons for the comments. Please submit all comments and attachments in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

#### Information Collection Requests

1. *Title:* National Response Resource Inventory.

*OMB Control Number:* 2115-0606.

*Summary:* The information is needed to improve the effectiveness of deploying response equipment in the event of an oil spill. It may also be used in the development of contingency plans.

*Need:* Section 4202 of the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101-380) requires the Coast Guard to compile and maintain a comprehensive list of spill-removal equipment. This collection helps fulfill that requirement.

*Respondents:* Organizations that remove oil spills.

*Frequency:* On occasion.

*Burden Estimate:* The estimated burden is 1,224 hours a year.

2. *Title:* Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual (OM).