

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]

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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]

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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 145.¹ Section 145 requires, in essence, that

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 \$25.00.² 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

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

² 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.