

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Review Under 49 U.S.C. 41720 of Delta/Northwest/Continental Agreements**

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Extension of waiting period.

SUMMARY: Delta Air Lines, Northwest Airlines, and Continental Airlines have submitted code-sharing and frequent-flyer program reciprocity agreements to the Department for review under 49 U.S.C. 41720. That statute requires such agreements between major U.S. passenger airlines to be submitted to the Department at least thirty days before the agreements' proposed effective date but does not require Department approval for the agreements. The Department may extend the waiting period for these agreements at the end of the thirty-day period. The Department has determined to extend the waiting period for the Delta/Northwest/Continental agreements for an additional thirty days.

FOR FURTHER INFORMATION CONTACT:

Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366-4731.

SUPPLEMENTARY INFORMATION: As required by 49 U.S.C. 41720, Delta, Northwest, and Continental submitted code-sharing and frequent-flyer program reciprocity agreements to us for review on August 23, more than thirty days before the airlines planned to implement these agreements. The statute requires certain kinds of joint venture agreements among major U.S. passenger airlines to be submitted to the Department at least thirty days before they can be implemented, including the code-sharing and frequent-flyer reciprocity agreements proposed by Delta, Continental, and Northwest. We may extend the waiting period by 150 days for code-sharing agreements and by sixty days for other types of agreements. At the end of the waiting period (either the thirty-day period or any extended period established by us), the parties may implement their agreement, since doing so would not require our approval. To block the airlines from implementing their agreements, we would normally need to issue an order under 49 U.S.C. 41712 (formerly section 411 of the Federal Aviation Act) in a formal enforcement proceeding that determined that the agreements' implementation would be an unfair or deceptive practice or unfair method of competition that would violate that section.

We are informally reviewing the agreements submitted by Delta, Continental, and Northwest under 49 U.S.C. 41720. Although our review is informal, we have invited interested parties to submit comments on the agreements. 67 FR 56340 (September 3, 2002). We are considering their comments, the agreements, and other information in our possession, and we will be consulting with the Justice Department, which is responsible for enforcing the antitrust laws in the airline industry.

We have concluded that we need additional time to analyze the issues presented by the agreements. Those issues are important and require careful consideration. We have therefore determined to extend the waiting period by thirty days, from September 22 to October 22. We took similar action on the United/US Airways joint venture agreements. 67 FR 54525 (August 22, 2002). We understand the need to complete our review as promptly as possible, so that the three airlines will know our views on whether and under what terms they may go forward with the agreements.

Issued in Washington, DC, on September 17, 2002.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02-23968 Filed 9-19-02; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Review Under 49 U.S.C. 41720 of United/US Airways Agreements**

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Extension of waiting period.

SUMMARY: United Air Lines and US Airways have submitted code-sharing and frequent flyer program reciprocity agreements to the Department for review under 49 U.S.C. 41720. That statute requires such agreements between major U.S. passenger airlines to be submitted to the Department at least thirty days before the agreements' proposed effective date and authorizes the Department to extend the waiting period for any such agreement. The Department has determined to extend the waiting period for the United/US Airways agreements for an additional thirty days.

FOR FURTHER INFORMATION CONTACT:

Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366-4731.

SUPPLEMENTARY INFORMATION: On July 25 United and US Airways submitted code-sharing and frequent flyer program reciprocity agreements to the Department more than thirty days before the airlines planned to implement them, as required by 49 U.S.C. 41720. That statute authorizes us to extend the waiting period by 150 days for code-sharing agreements and 60 days for the other types of agreements covered by the advance-filing requirement. We have extended the waiting period once by thirty days. 67 FR 54525 (August 22, 2002).

As has been true for all agreements submitted under 49 U.S.C. 41720 since its enactment, our review of the United/US Airways agreements has been informal, but we have given interested parties an opportunity to submit comments on the agreements. 67 FR 50745 (August 5, 2002). We have been reviewing the agreements, the comments submitted by outside parties, and other information in our possession, and we have been discussing the issues with the Justice Department.

We have again concluded that we need additional time for analyzing the agreements. The agreements present important issues that demand careful examination. We have therefore determined to extend the waiting period by another thirty days, from September 23 to October 23. While we may extend the waiting period for the code-share agreement after this extension if necessary, this will be the last extension of the waiting period permitted by statute for the frequent-flyer reciprocity agreement.

We are aware that the two airlines wish to be able to implement the agreements promptly, and we therefore intend to conclude our review as soon as reasonably possible.

Issued in Washington, DC, on September 17, 2002.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02-23969 Filed 9-19-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Aviation Proceedings, Agreements Filed During the Week Ending September 13, 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-2002-13327.

Date Filed: September 10, 2002.

Parties: Members of the International Air Transport Association.

Subject:

PTC1 0221 dated August 12, 2002 (Mail Vote 228),

TC1 Areawide Resolutions r1-r4,

PTC1 0228 dated September 6, 2002 adopting Mail Vote 228 and amendment,

PTC1 0223 dated August 12, 2002 (Mail Vote 230),

TC1 Longhaul (except between USA and Chile, Panama), Resolutions r5-r42,

PTC1 0230 dated September 6, 2002 adopting Mail Vote 230 and amendment

PTC1 0224 dated August 12, 2002 (Mail Vote 231),

TC1 Longhaul between USA and Chile, Panama, Resolutions r43-r57,

PTC1 0231 dated September 6, 2002 adopting Mail Vote 231,

Minutes—PTC1 0233 dated September 6, 2002,

Tables—PTC1 Fares 0072 dated September 10, 2002,

Intended effective date: January 1, 2003.

Docket Number: OST-2002-13331.

Date Filed: September 10, 2002.

Parties: Members of the International Air Transport Association.

Subject:

PTC1 0222 dated August 12, 2002 (Mail Vote 229),

TC1 Caribbean Resolutions r1-r13,

PTC1 0229 dated September 6, 2002 adopting Mail Vote 229 and amendment,

PTC1 0225 dated August 12, 2002 (Mail Vote 232),

Within South America Resolutions r14-r25,

PTC1 0232 dated September 6, 2002 adopting Mail Vote 232 and amendment,

Minutes—PTC1 0233 dated September 6, 2002 filed with TC1 Areawide and TC1 Longhaul agreements,

Tables—PTC1 Fares 0071 and 0073 both dated September 10, 2002.

Andrea M. Jenkins,

Federal Register Liaison.

[FR Doc. 02-23922 Filed 9-19-02; 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 September 13, 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-1995-370.

Date Filed: September 9, 2002.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 30, 2002.

Description: Amendment of United Air Lines, Inc., pursuant to 49 U.S.C. 41101, 14 CFR parts 201 and 302, and Subpart B, amending its application for renewal of its certificate of public convenience and necessity for Route 703, authorizing it to engage in scheduled foreign air transportation of persons, property, and mail from any point or points in the United States, via any intermediate points, to any point or points in Peru and beyond, consistent with the open skies regime between the United States and Peru.

Docket Number: OST-2002-13330.

Date Filed: September 10, 2002.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 1, 2002.

Description: Application of TAP Air Portugal, pursuant to 49 U.S.C. 41301 and 41302, 14 CFR parts 211 and 302, and subpart B, requesting an amendment to its foreign air carrier permit authorizing TAP to provide: (a) Scheduled foreign air transportation of persons, property and mail from points behind Portugal via Portugal and intermediate points to a point or points in the United States and beyond, as provided in Annex I of the Open Skies Agreement, together with all of the operational rights provided for in the Annex; and, (b) charter service in foreign air transportation of passengers (and their accompanying baggage) and/

or cargo to the full extent permitted by Annex II of the Open Skies Agreement.

Docket Number: OST-2002-13365.

Date Filed: September 13, 2002.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 4, 2002.

Description: Application of Glenwood Aviation, LLC, d/b/a America Rising, pursuant to 49 U.S.C. 41102, part 204 and subpart B, requesting a certificate of public convenience and necessity, authorizing Glenwood to engage in interstate scheduled air transportation of persons, property and mail.

Andrea M. Jenkins,

Federal Register Liaison.

[FR Doc. 02-23921 Filed 9-19-02; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Multi-Aero, Inc. d/b/a Air Choice One

AGENCY: Office of Secretary, Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2002-9-14), Docket OST-02-12417.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Multi-Aero, Inc. d/b/a Air Choice One fit, willing, and able to provide scheduled passenger operations as a commuter air carrier under 49 U.S.C. 41738.

Responses: Objections and answers to objections should be filed in Docket OST-02-12417 and addressed to the Department of Transportation Dockets, PL-401, 400 Seventh Street, SW., Washington, DC 20590, and should be served on all persons listed in Attachment A to the order. Persons wishing to file objections should do so no later than September 27, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. James Lawyer, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-1064.

Dated: September 13, 2002.

Read C. Van De Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02-23923 Filed 9-19-02; 8:45 am]

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