

institute a proceeding under section 41712. In addition, the Alliance Carriers are required to give us 180 days notice before code-sharing on additional flights after the second year of their alliance. That will enable us to conduct a thorough review of the impact on competition of the first two years of the alliance, and of any proposed expansion of code-share operations, and to take action if necessary. Finally, the restrictions imposed separately by the Department of Justice will prevent the Alliance Carriers from code-sharing in markets where two or more of the partners offer nonstop service. Again, we will closely monitor the competitive impact of the Alliance Carriers' implementation of their code-sharing agreement and will consider whether additional limits should be placed on that activity.

**Joint Marketing Restrictions.** We have also determined to accept the Alliance Carriers' alternative language on joint marketing. Although it will give them greater ability to make joint offers to corporations and travel agencies than under our original condition, their ability to make joint offers will remain subject to substantial restrictions. In their agreement with the Justice Department, they acknowledge that they may not make joint offers where doing so would violate the antitrust laws. Our condition, with the Alliance Carriers' alternative language, gives each corporation and travel agency the right to request separate offers from each of the Alliance Carriers and allows the airline partners to make a joint bid only if the corporation or travel agency has made a written request for a joint offer. The Alliance Carriers may not make a joint bid for domestic travel, or for domestic travel linked with international travel, to a corporation or travel agency that has its headquarters or a principal place of business in specified cities where the Alliance Carriers' joint market share exceeds fifty percent, except that they may submit a joint bid to such a corporation or travel agency for travel originating from cities other than the principal place of business or headquarters city. No joint bid may make the discounted corporate fares or travel agency commissions dependent on the satisfaction of minimum booking requirements in specific domestic O&D markets offered by one partner, unless the corporation or travel agency has stated in writing that it desires such an offer in order to compare it with a competitive bid from one of the other seven largest carriers or from another airline alliance.

Some commenters suggest that the requirement of a written request from

the corporation or travel agency may be ineffective, because the Alliance Carriers may put pressure on corporations and travel agencies to request a joint bid. *See, e.g.,* Galileo Comments at 2. However, we believe the requirement may still have its intended effect. Any such conduct by the Alliance Carriers would violate the condition, and potentially section 41712. We believe that there is a significant likelihood that some corporations and travel agencies subjected to unlawful pressure will report it to us, and we encourage them to do so. We would take very seriously any such reports. The requirement that any joint offer be preceded by a request from the corporation or travel agency should therefore be effective. As with the other conditions, however, we will monitor the effectiveness of the limitations on joint marketing and take further action if necessary.

One objection to the alternative language reflects a misunderstanding of its restrictions. As noted, the prohibition against joint bids to corporations or travel agencies that have their headquarters or a principal place of business in the cities listed in Exhibit A allows joint bids for travel originating from cities other than their principal place of business or headquarters city. Some commenters have assumed that this exception would allow the Alliance Carriers to make a joint bid for the return trips of a corporation's personnel located at the headquarters or principal place of business, even if the bid may not cover their outbound trips. Any such interpretation would be wrong. The Joint Carriers could not make a joint bid to a company headquartered in Atlanta for the travel of the headquarters personnel, but they could make a joint bid for travel originating at such a company's facility in California, assuming such a bid would comply with the antitrust laws. That bid, however, could only cover the travel of employees and contractors located at the California facility, not those located in Atlanta. The joint bid thus could not cover travel from California to Atlanta by personnel located in Atlanta. The Alliance Carriers accordingly cannot evade the restriction by treating trips by headquarters personnel from the field to headquarters as travel originating in another city, since the travel of such personnel originated in the headquarters city.

#### Conclusion

In sum, after thorough consideration of all comments, we are not persuaded that we should postpone the completion of our review of the agreements or that we should reject the alternative

language. Subject to our conditions, the agreements should not unreasonably restrict each partner's incentives and ability to compete independently or be likely to result in collusion on fares or service levels. However, given our strong concern that the agreements not lead to unfair methods of competition, we intend to monitor their implementation closely. If and when the airlines' implementation of their joint venture appears to be having an adverse impact on competition, we will consider taking action under section 41712. Furthermore, as stated above, if at any point the Alliance Carriers decide that they will no longer comply with the restrictions to which they have agreed, they will have created a new agreement which must be submitted to us under 49 U.S.C. 41720 and whose implementation must be delayed until the end of a new waiting period.

Our review will be deemed terminated when we receive from the Alliance Carriers a signed written acceptance, in a form satisfactory to us, of the six conditions, including the proposed alternative language as discussed in this Notice.

Issued in Washington, DC on March 31, 2003.

**Read C. Van de Water,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 03-8288 Filed 4-4-03; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending March 28, 2003

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-2003-14811.

*Date Filed:* March 26, 2003.

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

*Subject:* PTC2 EUR 0506 dated 28 March 2003. Mail Vote 286—Resolution 010y TC2 Within Europe Special Passenger Amending Resolution from Italy to Europe. *Intended effective date:* 1 April 2003.

*Docket Number:* OST-2003-14816.

*Date Filed:* March 27, 2003.

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

*Subject:* PTC2 EUR 0508 dated 28 March 2003. Mail Vote 289—Resolution 010b. TC2 Within Europe Special

Passenger Amending Resolution, from Croatia to Europe.

*Intended effective date:* 10 April 2003.

*Docket Number:* OST-2003-14817.

*Date Filed:* March 27, 2003.

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

*Subject:* PTC COMP 1020 dated 21 March 2003 Resolutions r1-r13. PTC COMP 1021 dated 21 March 2003 Resolutions r14r38.

PTC COMP 1023 dated 25 March 2003 Technical Correction. PTC COMP 1025 dated 28 March 2003 Technical Correction. PTC COMP 1026 dated 28 March 2003 Technical Correction. Minutes—PTC COMP 1022 dated 25 March 2003. *Intended effective date:* 15 April 2003.

*Docket Number:* OST-2003-14818.

*Date Filed:* March 27, 2003.

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

*Subject:* Mail Vote 278.

PTC12 NMS-AFR 0160 dated 14 March 2003. North Atlantic-Africa Resolutions r1-r20. Minutes—PTC12 NMS-AFR 0163 dated 21 March 2003. Tables—PTC12 NMS-AFR Fares 0081 dated 21 March 2003. *Intended effective date:* 1 May 2003.

**Dorothy Y. Beard,**

*Chief, Docket Operations & Media Management, Federal Register Liaison.*

[FR Doc. 03-8375 Filed 4-4-03; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. OST-95-246]

### North American Free Trade Agreement's Land Transportation Standards Subcommittee and Transportation Consultative Group: Plenary Session

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice.

**SUMMARY:** This notice announces the ninth joint plenary session of the North American Free Trade Agreement's (NAFTA) Land Transportation Standards Subcommittee (LTSS) and the Transportation Consultative Group (TCG) and other related meetings. As an adjunct to the plenary session, technical working groups that address specific standards-related areas will also meet. Representatives of non-governmental organizations (NGO) with an interest in land transportation issues may contact the chairpersons of LTSS or TCG working groups to which they wish to direct their comments, either in writing

or in person. Only U.S., Canadian, and Mexican government officials may attend the plenary session.

### Background

The Land Transportation Standards Subcommittee (LTSS) was established by the North American Free Trade Agreement's (NAFTA) Committee on Standards-Related Measures to examine the land transportation regulatory regimes in the United States, Canada, and Mexico, and to seek to make certain standards more compatible. The Transportation Consultative Group (TCG) was formed by the three countries' departments of transportation to address non-standards-related issues that affect cross-border movements among the countries, but that are not included in the NAFTA's LTSS work program (Annex 913.5.a-1).

*Meetings and Deadlines:* The ninth joint LTSS/TCG plenary session will be held May 28 and 29, 2003, at the Hyatt Riverwalk, San Antonio, Texas, USA. The following LTSS working groups are expected to meet during the same dates and at the same location: (1) Compliance and Driver and Vehicle Standards; (2) Vehicle Weights and Dimensions; and (3) Hazardous Materials Transportation Standards. The following TCG working groups also are expected to meet: (1) Cross-Border Operations and Facilitation; (2) Rail Safety and Economic Issues; (3) Science and Technology; and (4) Maritime and Ports Policy.

An opportunity will be provided for non-governmental organizations to address officials of the individual working groups regarding issues that concern them and that are within the purview of those working groups. Representatives of the truck, bus, and rail industries, transportation labor unions, brokers and shippers, chemical manufacturers, insurance industry, public safety advocates, and others who wish to take advantage of this opportunity are asked to contact the U.S. chairperson of the group they wish to address. Contact names, addresses and phone numbers are provided later in this notice. Copies of presentations, in English and Spanish, should be mailed to the working group chairs no later than May 14, 2003. This is an opportunity for presenters to voice their concerns, provide technical information, and offer suggestions relevant to achieving greater standards compatibility and improving cross-border trade. While written statements may be of any length, oral presentations will be limited based on the number of presenters to be accommodated. Working group chairs will determine

the allowable length of any oral presentation and communicate that to the interested NGOs at least one week prior to the meeting dates. After May 14, statements may be submitted for the record and requests to present oral comments to the working groups will be accommodated only on a time-available basis.

Interested parties can make hotel reservations by telephoning the Hyatt Riverwalk at 1-800-233-6343 and identifying themselves as attendees to the NAFTA LTSS. This will ensure that attendees receive the meeting room rate. A block of guest rooms has been reserved at the hotel for the nights of May 27, 28 and 29 until April 20, 2003. After that the meeting rate cannot be guaranteed, nor the availability of guest rooms. A credit card is required to guarantee payment for all rooms.

A briefing to report on the outcome of the meetings will be conducted in room 3328 at DOT at the address below, on Wednesday, June 25, 2003, from 10 a.m. to 12 noon. Interested parties may notify DOT of their interest in attending this briefing by calling (202) 366-2892 by June 24.

**SUPPLEMENTARY INFORMATION:** LTSS-related documents, including past working group reports and statements received by DOT from industry associations, transportation labor unions, public safety advocates, and others are available for review in Docket No. OST-95-246, at the address below, Room PL-401, between 9 a.m. and 5 p.m., (EST) Monday through Friday, except national holidays. The Docket, which is updated periodically, may also be accessed electronically at <http://dms.dot.gov>. Information about the ninth plenary session can also be found on the DOT NAFTA Web site at <http://www.dot.gov/NAFTA>.

*Address and Phone Numbers:* Individuals and organizations interested in participating in working group sessions must send notice of their interest and copies of their presentations by May 14 to one or more of the following working group chairs:

### LTSS Working Groups

Compliance and Driver and Vehicle Standards, Tom Kozlowski—(202-366-4049), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590. Vehicle Weights and Dimensions, Jim March—(202-366-9237), Federal Highway Administration, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590. Hazardous Materials Transportation Standards, Bob Richard—(202-366-