

in zones 631 and 531. It would also require an inspection to detect damage of fuel lines, and replacement of damaged fuel lines. This proposed AD would also require installation of two additional clamps on the out line of the lift-dumper in cases where clearance is less than 3mm (0.118 inch) and no damage is detected on the fuel lines. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 83 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$4,980, or \$60 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part

39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 94-NM-250-AD.

Applicability: Model F28 Mark 0100 series airplanes, serial numbers 11244 through 11438 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of the fuel supply line, which could result in fuel leakage, and, subsequently, lead to a possible fire hazard and engine fuel deprivation, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a visual inspection to verify proper clearance between the engine fuel supply-line and the hydraulic line in zones 631 and 531 and to detect damage of the fuel supply-line, in accordance with Fokker Service Bulletin SBF100-28-026, dated March 12, 1993.

(1) If the clearance is found to be 3mm (0.118 inch) or more and no damage is found, no further action is required by this AD.

(2) If the clearance is found to be 3mm or more and damage is found, prior to further flight, replace the damaged fuel line in accordance with the service bulletin.

(3) If the clearance is found to be less than 3mm and no damage is found, within 6 months after the effective date of this AD, install 2 additional clamps on the out line of the lift-dumper, in accordance with the service bulletin.

(4) If the clearance is found to be less than 3mm and damage is found, prior to further flight, replace the damaged fuel line, and install 2 additional clamps on the out line of the lift-dumper, in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 10, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-1055 Filed 1-13-95; 8:45 am]

BILLING CODE 4910-13-U

Office of the Secretary

14 CFR Part 257

[Docket Nos. 49702 and 48710; Notice 95-1]

RIN 2105-AC10

Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases

AGENCY: Department of Transportation; Office of the Secretary.

ACTION: Supplementary Notice of Proposed Rulemaking (SNPRM).

SUMMARY: This document proposes modifications to a recent notice of proposed rulemaking ("NPRM"). The NPRM proposed to strengthen the Department's current rules requiring that consumers be notified of the existence of a code-sharing arrangement or long-term wet lease. In these operations, the operator of the aircraft differs from the airline in whose name the transportation was sold. The modification proposed here would require that the corporate name of the transporting carrier be disclosed. This action is being taken in response to comments filed to the NPRM.

DATES: The Department requests comments by February 16, 1995. The Department will consider late-filed comments only to the extent practicable.

ADDRESSES: Comments should be sent to the Docket Section, Docket No. 49702, Department of Transportation, 400 7th

Street SW., Room 4107, Washington, DC 20590. To facilitate consideration of the comments, we ask commenters to file twelve copies of each comment. We encourage commenters who wish to do so also to submit comments to the Department through the Internet; our Internet address is

dot_dockets@postmaster.dot.gov.¹

Note, however, that at this time the Department considers only the paper copies filed with the Docket Section to be the official comments. Comments will be available for inspection at this address from 9:00 a.m. to 5:00 p.m., Monday through Friday. Commenters who wish the Department to acknowledge the receipt of their comments should include a stamped, self-addressed postcard with their comments. The Docket Section will date-stamp the postcard and mail it back to the commenter.

FOR FURTHER INFORMATION CONTACT:

Patricia N. Snyder or Laura Trejo, Office of International Law, Office of the General Counsel, U.S. Department of Transportation, 400 7th Street SW., Room 10105, Washington, DC 20590. (202) 366-9183.

SUPPLEMENTARY INFORMATION:

Background

The Department issued a Notice of Proposed Rulemaking (NPRM), 59 FR 40836 (August 10, 1994), seeking comments on a proposed rule to strengthen the disclosure of code-sharing arrangements and long-term wet leases. In code-sharing arrangements and long-term wet leases, the operator of a flight, or "transporting carrier," differs from the airline in whose name the transportation is sold. The NPRM proposed, *inter alia*: (1) to require ticket agents (including travel agents) doing business in the United States and foreign air carriers, as well as U.S. air carriers, to provide notice in schedules and in any direct oral communication with consumers that the transportation they are considering purchasing will be provided by an airline different from the airline holding out the transportation, and to disclose the identity of the airline that will actually operate the aircraft; and (2) for tickets issued in the United States, to require U.S. and foreign air carriers and ticket agents (including travel agents) to provide written notice of the transporting carrier's identity at the time of sale of transportation involving a code-sharing or long-term wet-lease arrangement.

The NPRM stated that identifying a transporting carrier by a network name, such as "The Delta Connection," would be acceptable if that is the name in which the service is generally held out to the public. It did not require the notice to include the operator's corporate name. However, the NPRM reminded airlines and ticket agents that the proposed rule would require disclosure not only of the name of the transporting carrier or network, but also of the fact that the transporting entity is not the one shown on the ticket. Since many network names may connote a special type of service rather than a different carrier, the NPRM stated that the transporting carrier should be identified, for example, as "our affiliate, Northwest Airlinck." In addition, since the purpose of this rule is to prevent deception and to avoid consumer confusion, the NPRM did not require disclosure of a corporate name that is not the name used by the carrier to identify itself in airports or in advertisements and that would thus mean nothing to consumers.

We received comments and reply comments to the NPRM from ten U.S. airlines (Alaska Airlines, Inc., American Airlines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Northwest Airlines, Inc., Southwest Airlines, Co., Trans World Airlines, United Air Lines, Inc., and USAir, Inc.), eight foreign airlines (Aerovias de Mexico, S.A. de C.V., British Airways, Qantas Airways Limited, SwissAir, LTU Lufttransport-Unternehmen GmbH. & Co. KG, British Midland Airways, Ansett Australia Holdings, and LanChile), four associations (International Association of Machinists, Regional Airline Association, International Airline Passengers Association, and National Air Carrier Association), three CRS vendors (Galileo International Partnership, Worldspan, and System One Information Management, Inc.), nine travel agent/industry groups (Action 6, Admiral Travel Bureau, American Automobile Association, American Society of Travel Agents, Mercury Travel, OmegaWorld Travel, Rogal Associates, Township Travel, and USTravel), and five other groups or individuals (Americans for Sound Aviation Policy, the City of Philadelphia, Donald Pevsner, the British Embassy, and Congresswoman Rosa De Lauro).

The International Airline Passenger Association, Americans for Sound Aviation Policy (ASAP), and Frontier argued that the rule should require disclosure of the name of the actual, transporting carrier to avoid confusion

between the network name and the name of the major code-sharing partner. ASAP claimed that the commuter airlines' aircraft, seat pitch, comfort, in-flight amenities, and cockpit crews age and experience are inferior to those of the major airlines with which they connect. To ensure that passengers are fully informed in making purchase decisions, they argue that the corporate name must be disclosed. Frontier also stated that major carriers typically code-share with a number of otherwise independent commuter carriers, all of which operate under a general network name such as United Express. Masking the true corporate identities, according to Frontier, in accurately suggests that the major carrier is the operator of the commuter service. Moreover, Frontier noted that the aircraft operated by the commuter carriers vary among the commuters themselves.

The Regional Airline Association and United agreed with the NPRM that, in disclosing the transporting carrier for purposes of this rule, it should be permissible to use a network name if that is the name in which the service is generally held out to the public. United argued that reprogramming CRSs to include the corporate name on the primary flight display screen would require considerable effort and cost. In addition, United argued that the commuter's corporate name is readily available to interested passengers in existing schedules and CRS displays. According to United, comments seeking revisions on the network-names-disclosure policy are beyond the scope of this rulemaking, because the NPRM did not propose to require the use of corporate names.

Supplemental Proposal

Having reviewed these comments, the Department has reconsidered its earlier view and now proposes a requirement that the corporate name itself be disclosed to consumers in code-share and long-term wet lease operations. By "corporate name," we mean the carrier's own name, rather than its network name. Thus, for example, under our new proposal, it would not be acceptable for a travel agent or carrier to identify a transporting carrier simply as "United Express." The purpose of the proposal is to prevent any misunderstanding regarding the separate identity of the transporting carrier. Our proposal should help to ensure that consumers will not assume that a major airline is the transporting carrier when purchasing transportation operated by one of its regional airline partners.

¹ Our X.400 e-mail address is G=DOT/S=dockets/OU1=qmail/O=hq/p=gov+dot/a=attmail/c=us.

The Department recognizes that affiliated carriers operating under a network name sometimes use the airport facilities of their major airline partner, and airport signs frequently identify the facilities of these affiliated carriers only by their network name. Thus, to avoid confusion among passengers arriving at the airport, the Department expects airlines and ticket agents also to disclose the network name, if that is the name in which service is generally held out to the public. We are not now proposing to require disclosure of the network name, however, because we tentatively believe that the competitive benefits of promoting the network name are adequate to ensure that airlines and travel agents will, in fact, tell passengers the network name. We solicit comment on whether we should make this an explicit requirement in the final rule.

The Department invites specific comments on the feasibility and costs of implementation of this proposal, if any. Comments discussing the implementation cost must be supported by data and economic analyses.

The usual 60-day comment period has been reduced to 30 days because the proposed change is minor and because commenters have already had an opportunity to address the issue in the original NPRM.

Proposed section 257.5, in revised form, appears immediately below. For convenience, we have put additions in quotes and show the deletion as two asterisks [**]:

Section 257.5 Notice Requirement

(a) Notice in schedules. In written or electronic schedule information provided by carriers to the public, the Official Airline Guides and comparable publications, and, where applicable, computer reservations systems, carriers involved in code-sharing arrangements or long-term wet leases shall ensure that [**] each flight in scheduled passenger air transportation on which the designator code is not that of the transporting carrier "is identified by an asterisk or other easily identifiable mark and that information disclosing the corporate name of the transporting carrier is also provided."

(b) Oral notice to prospective consumers. In any directoral communication with a prospective consumer concerning a flight that is part of a code-sharing arrangement or long-term wet lease, a ticket agent doing business in the United States or a carrier shall tell the consumer, before booking transportation, that the transporting carrier is not the carrier whose designator code will appear on the ticket and shall identify the transporting carrier "by its corporate name."

(c) Written notice. At the time of sale, each selling carrier or ticket agent shall provide each consumer of scheduled passenger air transportation sold in the United States that involves a code-sharing arrangement or long-term wet lease with the following notice:

(1) If an itinerary is issued, there shall appear in conjunction with the listing of any flight segment on which the designator code is not that of the transporting carrier a legend that states 'Operated by' followed by the "corporate" name of the transporting carrier. In the case of single-flight number service involving a segment or segments on which the designator code is not that of the transporting carrier, the notice shall clearly identify the segment or segments and the transporting carrier "by its corporate name." The following form of statement will satisfy the requirement of the preceding sentence: IMPORTANT NOTICE: Service between XYZ City and ABC City will be operated by Jane Doe Airlines;' or

(2) If no itinerary is issued, the selling carrier or ticket agent shall provide a separate written notice that clearly identifies the transporting carrier "by its corporate name" for any flight segment on which the designator code is not that of the transporting carrier. The following form of notice will satisfy the requirement of this subparagraph: IMPORTANT NOTICE: Service between XYZ City and ABC City will be operated by Jane Doe Airlines.'

(d) Advertising In any advertisement for service in a city-pair market that is provided under a code-sharing arrangement or by long-term wet lease, the advertising carrier or ticket agent shall clearly indicate the nature of the service and shall identify the transporting carrier[s] "by corporate name."

Regulatory Analyses and Notices

The Department has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. The Department placed a draft regulatory evaluation that examines the estimated costs and impacts of the proposed rule in the docket in connection with the NPRM. It does not expect the proposal made in this supplemental notice to increase those costs or impacts.

The Department certifies that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Although many ticket agents and some air carriers are small entities, the Department believes that the costs of notification will be minimal. The Department seeks comment on whether there are small entity impacts that should be considered. If comments provide information that there are significant small entity impacts, the Department will prepare a regulatory flexibility analysis at the final rule stage.

The Department does not believe that there would be sufficient federalism implications to warrant the preparation of a federalism assessment.

Paperwork Reduction Act

The proposed rule does not contain information collection requirements that

require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 2507 *et seq.*).

List of Subjects in 14 CFR Part 257

Air carriers, Foreign air carriers, and Consumer protection.

For the reasons set forth in the preamble, the Department of Transportation proposes to amend the part 257 proposed in Notice 94-11, 59 FR 40836, published on August 10, 1994, as follows:

PART 257—[AMENDED]

§ 257.5 [Amended]

1. By deleting from the proposed §257.5(a) the words "an asterisk or other easily recognizable mark identifies" and adding to the end of paragraph (a) the following: "is identified by an asterisk or other easily identifiable mark and that information disclosing the corporate name of the transporting carrier is also provided";

2. By inserting the words "by its corporate name" at the end of proposed §257.5(b);

3. By inserting the word "corporate" between "the" and "name" in the first sentence, and by inserting the words "by its corporate name" at the end of the second sentence after "transporting carrier," of proposed §257.5(c)(1);

4. By inserting the words "by its corporate name" between the first "transporting carrier" and "for any flight segment" in proposed §257.5(c)(2); and

5. By inserting the words "by corporate name" at the end of proposed §257.5(d).

Issued under authority delegated in 49 CFR 1.56a(h)(2) in Washington, D.C. on January 10, 1995.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 95-1014 Filed 1-13-95; 8:45 am]

BILLING CODE 4910-62-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH73-1-6809, OH74-1-6810, CH75-1-6811; FRL-5140-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.