

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: Notice on Comment Procedures.

SUMMARY: The Department is giving interested persons an opportunity to submit comments by August 15, 2002, on agreements filed by United Air Lines and US Airways for Department review under 49 U.S.C. 41720. 67 FR 50745 (August 5, 2002). The Department wishes to provide additional information on its planned comment procedures.

DATES: All comments are due August 15, 2002.

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-share and frequent flyer program reciprocity agreements for review under 49 U.S.C. 41720. We have invited interested persons to submit comments on the agreements. 67 FR 50745 (August 5, 2002). In response to the questions asked by some interested persons about the applicable procedures, we are issuing this notice to provide additional information on our treatment of the documents and on the agreement review process.

As we stated in our notice inviting comments, the statute, 49 U.S.C. 41720, requires certain types of agreements between major U.S. airlines to be submitted to the Department at least thirty days before they can be implemented. By publishing a notice in the **Federal Register**, we may extend the waiting period by 150 days with respect to a code-sharing agreement and by sixty days for the other types of agreements covered by the advance-filing requirement. Since the parties to such an agreement do not require our prior approval, they may implement their agreement at the end of the waiting period (either the thirty-day period or any extended period implemented by us). Blocking them from implementing their agreements would normally require a determination by us under 49 U.S.C. 41712 (formerly section 411 of the Federal Aviation Act) that the agreements' implementation would be an unfair or deceptive practice or unfair method of competition that would violate that section. Formal enforcement

proceedings would be necessary to make such a determination.

When we have reviewed other agreements under 49 U.S.C. 41720, we have done so informally and have not invited public comment. However, due to the public interest in the agreements between United and US Airways, we decided to give interested persons an opportunity to submit comments as part of our informal review. All comments are due by August 15.

We have made the redacted copies of the agreements between United and US Airways available for reading and copying in room PL-401 of the Nassif Building, located at 400 7th St. SW., Washington, DC. We plan to make the comments public as well, although this is not a docketed matter, except to the extent that commenters request confidential treatment under our rules, 14 CFR 302.12. Commenters need not serve their comments on anyone else. While we are allowing public access to the comments, we are not requesting reply comments. We plan to use the comments and other information in our possession to determine whether the waiting periods should be extended and whether we should institute a formal proceeding to investigate whether the implementation of the United/US Airways agreements would constitute an unfair or deceptive practice or unfair method of competition that would violate 49 U.S.C. 41712.

Issued in Washington, DC on August 8, 2002.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

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DEPARTMENT OF TRANSPORTATION**Coast Guard**

[USCG 2002-13027]

Great Lakes Pilotage Office Relocation Study

AGENCY: Coast Guard, DOT.

ACTION: Notice of study; request for comments.

SUMMARY: The Coast Guard will conduct a study to determine whether its Office of Great Lakes Pilotage should move from Washington, DC, to a location closer to the Great Lakes. It will do this to determine the best place from which to serve the public. The right choice should improve service to all concerned.

DATES: The study will begin August 27, 2002 with telephonic interviews of

designated representatives of associations representing a broad spectrum of Great Lakes stakeholders. Written comments should reach the Docket Management Facility on or before September 12, 2002.

ADDRESSES: Please identify your comments and related material by the docket number of this rulemaking [USCG 2002-13027]. Then, to make sure they enter the docket just once, submit them by just one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(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 Docket Management Facility at 202-493-2251.

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

In choosing among these means, please give due regard to the recent difficulties with delivery of mail by the U.S. Postal Service to Federal facilities.

The Docket Management Facility maintains the public docket for this notice. Comments and related material received from the public, as well as documents mentioned in this Notice, 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>.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Wasserman, telephone 202-267-0093 or e-mail at <http://pwasserman@comdt.uscg.mil> for questions on the study. For questions on viewing or submitting material to the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

Background: This study will weigh the benefits of moving the Office of Great Lakes Pilotage from its current location in Washington, DC, to a location near the Great Lakes. Should this study conclude that such a move is justified, the Coast Guard will examine suitable locations for the office near the

Great Lakes and make a final recommendation concerning where to relocate.

From 1960 to 1990, the Office of Great Lakes Pilotage was located in Cleveland, Ohio. In 1990, the Coast Guard moved the office to Washington, DC, to better serve the community. A review of Coast Guard's management and oversight of the Office completed this year, however, recommended that the Office be relocated to Massena, New York, where it would be closer to the pilotage community it regulates and to other government agencies (Saint Lawrence Seaway Development Corporation and the Canadian Great Lakes Pilotage Authority) that share regulatory responsibilities in the Great Lakes. Acting on this recommendation, the Coast Guard is conducting this study to determine whether the office should be relocated and, if so, to what location.

Study Process: The study will be conducted in four phases. Phase 1 will explore the benefits of relocating the function from Washington, DC, to a location closer to the Great Lakes. Phase 1 will include telephone interviews with the representatives of the following stakeholder associations: (1) St. Lawrence Seaway Pilots' Association; (2) Great Lakes District Council, International Longshoremen's Association; (3) American Great Lakes Ports' Association; (4) United States Great Lakes Shipping Association; (5) Lakes Pilots' Association, Inc.; and (6) Western Great Lakes Pilots' Association. In addition, phase 1 will include interviews with U.S. and Canadian governmental agencies that conduct business in the Great Lakes area, and will take into consideration public comments received in connection with this study.

If relocation is recommended, phase 2 will investigate suitable locations in the Great Lakes community. And in that case, phase 3 will develop a specific implementation plan. Phase 4 will examine whether the office should remain a unit of Coast Guard Headquarters or transferred to the Ninth Coast Guard District, with its headquarters in Cleveland.

The study will consider the specific effects of a relocation as they relate to: (1) Communications with the pilot associations, port authorities, shippers, agents, unions other stakeholders and interested parties; (2) Communications with other governmental entities, such as the St. Lawrence Seaway Development Corporation and the Canadian Great Lakes Pilotage Authority; and (3) Whether the Great Lakes Pilotage Office remains a

Headquarters unit or is transferred to the Ninth Coast Guard District.

Dated: August 6, 2002.

Joseph J. Angelo,

Acting Assistant Commandant Marine Safety, Security And Environmental Protection.

[FR Doc. 02-20480 Filed 8-12-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2002-13067]

Requested Non-Availability Waiver

AGENCY: Maritime Administration, Department of Transportation ("MARAD", "we", "us" or "our").

ACTION: Notice of requested administrative waiver of the Cargo Preference Act of 1954 to allow cargo carriage by a non-qualified U.S.-flag vessel in the absence of available qualified U.S.-flag vessels, with request for comments.

SUMMARY: The Cargo Preference Act of 1954, Pub. L. 83-664, 46 App. U.S.C. 1241(b), requires that at least 50 percent of Government-sponsored cargoes (75 percent with regard to certain agricultural exports) transported on ocean-going vessels be transported on certain U.S.-flag vessels when such vessels are available at a fair and reasonable rate for U.S.-flag commercial vessels. The statute excludes from eligibility to carry such cargoes foreign built or foreign rebuilt vessels or vessels previously registered under a foreign flag, unless the vessel has been registered under the United States flag for at least three years. Implicit in the statute is that we may waive the preference for qualified U.S.-flag vessels when they are not available. Here, we are inviting comments on how we should respond to a specific request to waive the Cargo Preference Act to allow U.S.-flag vessels which have not met the three year wait requirement to carry preference cargo when no fully qualified U.S.-flag vessel is available.

DATES: Submit comments on or before September 12, 2002.

ADDRESSES: Comments should refer to docket number MARAD-2002-13067. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW, Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will

be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Harrelson, Director, Office of Cargo Preference, MAR-580 Room 8118, 400 7th St., SW Washington, DC 20590. Telephone no. (202) 366-5515.

SUPPLEMENTARY INFORMATION:

The Government of Israel, Ministry of Defense (GOI-MOD) purchases jet fuel from the Defense Security Cooperative Agency (DSCA) under the Foreign Military Sales Program. The cargo is subject to the Cargo Preference Act of 1954, but longstanding U.S. Government policy set forth in the DSCA manual requires 100 percent U.S.-flag carriage. GOI-MOD has expressed a concern that qualified U.S.-flag vessels may not be available in 2004 and beyond, due to many U.S.-flag tankers being retired under the Oil Pollution Act of 1990. Their efforts to conclude a multi-year contract with a U.S.-flag carrier were frustrated for this very reason earlier this year.

If foreign built tankers are entered into U.S. registry, they would be ineligible for three years to carry DSCA cargoes. However, the statute permits foreign vessels to carry such cargoes if no qualified U.S.-flag vessels are available. GOI-MOD is proposing that when qualified U.S.-flag vessels are not available, that instead of granting a waiver for a foreign vessel to carry the cargo, that we grant a waiver so that non-qualified U.S.-flag vessels can carry the cargo. From the national policy perspective of fostering a sufficient U.S. merchant marine employing U.S. citizen crew members, it would be preferable for U.S. sponsored cargoes to be carried by a non-qualified U.S.-flag vessel rather than a foreign-flag vessel.

By this notice, we are seeking public views on this proposal. Comments should refer to the docket number of this notice in order for us to properly consider the comments. After consideration of such views, we will decide the matter and publish our decision in this docket.

Dated: August 8, 2002.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

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