

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.