

(a) \* \* \* Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of insolvency or bankruptcy of the other air carrier.

(b) \* \* \* An air carrier is not required to provide air transportation under subsection (a) to a passenger unless that passenger makes alternative arrangements with the air carrier for such transportation within 60 days after the date on which that passenger's air transportation was suspended, interrupted, or discontinued (without regard to the originally scheduled travel date on the ticket).

After the recent cessation of operations of Vanguard Airlines, there has been considerable confusion, on the part of airlines and the traveling public, over airlines' responsibilities under section 145, particularly with regard to the meaning of the phrase "to the extent practicable" as it relates to the carriers' duties to transport persons holding Vanguard tickets. Carriers have implemented varying policies regarding the treatment afforded to persons holding Vanguard tickets. Some carriers are providing those passengers transportation at no additional cost, either on a confirmed or stand-by basis. Others permit passengers to fly stand-by but assess up to a \$100 "administrative fee" each way, along with offering to drop advance purchase requirements for restricted positive-space fares, and still others offer restricted positive-space fares and do not permit stand-by travel at all. In some of the instances, carriers have announced that their accommodations for Vanguard passengers will be available for only a short period of time.

It is the Department's position that section 145 requires, at a minimum, that passengers holding valid confirmed tickets, whether paper or electronic, of the insolvent or bankrupt carrier must be transported by other carriers who operate on the route for which the passenger is ticketed on a space-available basis on the date of travel shown on the ticket or other documentation demonstrating e-ticketing, without significant additional charges. We recognize that there is a cost to airlines of transporting such passengers and we do not believe that in enacting section 145 Congress intended to prohibit carriers from recovering from accommodated passengers minimal amounts associated with the actual cost of providing such transportation, such as direct cost of rewriting a passenger's ticket, onboard meal costs, and additional fuel costs for

transporting an additional passenger. However, in no case do we foresee those costs exceeding \$25 each way.

We also believe that the 60-day provision in the statute is clear. Consumers holding Vanguard tickets have until 60 days after the carrier suspended operations, or until September 28, 2002, to attempt to make alternative arrangements with another carrier.

It should be noted that passengers who purchased their Vanguard tickets using a credit card are entitled under the Fair Credit Billing Act to a credit refund from their credit card issuer, under specific circumstances, to the extent they do not receive the services for which they paid. If a passenger elects to accept alternate transportation under section 145, this choice is likely to affect his or her right to a refund under the Fair Credit Billing Act. The public may obtain information on obtaining refunds for Vanguard tickets on the Department's website at <http://www.dot.gov/airconsumer/vanguard.htm>.

Questions regarding this notice may be addressed to the Office of Aviation Enforcement and Proceedings (C-70), 400 7th St., SW., Washington, DC 20590.

**Note:** An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov/reports>.

Dated: August 8, 2002.

**Read C. Van de Water,**

*Assistant Secretary for Aviation and International Affairs.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Airworthiness Approval of Global Navigation Satellite System (GNSS) Equipment

**AGENCY:** Federal Aviation Administration (DOT).

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** This notice announces the availability of and requests comments on a revised draft Advisory Circular (AC) 20-138A airworthiness approach of Global Navigation Satellite System (GNSS) equipment. This AC addresses the following types of installations—

a. GNSS sensors, including those incorporating Wide Area Augmentation System (WAAS), Local Area Augmentation System (LAAS), or the

Russian Global Navigation Satellite System (GLONASS).

b. GNSS stand-alone navigation equipment that provides deviations (including Category 1 precision approach).

**DATES:** Comments submitted must be received on or before September 16, 2002.

**ADDRESSES:** Send all comments on the proposed advisory circular to: Federal Aviation Administration (FAA), Aircraft Certification Service, Aircraft Engineering Division, Avionics Systems Branch, AIR-130, 800 Independence Avenue, SW., Washington, DC 20591. Or deliver comments to: Federal Aviation Administration, Room 815, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Bruce DeCleene, Federal Aviation Administration (FAA), Aircraft Certification Service, Aircraft Engineering Division, Avionics Systems Branch, AIR-130, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 385-4640, FAX: (202) 267-5340.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested person are invited to comment on the draft AC listed in this notice by submitting such written data, views, or arguments, as they desire, to the aforementioned specified address. Comments must be marked "Comments to AC 20-138A." Comments received on the draft advisory circular may be examined, both before and after the closing date, in Room 815, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date for comments specified will be considered by the Director of the Aircraft Certification Service before issuing the Final AC.

##### Background

The FAA is developing a new Advisory Circular, AC 20-138A, Airworthiness Approval of Global Navigation Satellite System (GNSS) Equipment. This advisory circular (AC) provide guidance material for the airworthiness approval of all types of GNSS equipment. This revision to the current AC is in support of the deployment of the Wide Area Augmentation System (WAAS) and the local Area Augmentation System (LASS). WAAS services will be commissioned in 2003, providing en

route, terminal area, and approach navigation. WAAS avionics may be approved under an authorization to Technical Standard Order (TSO) C-1145a, GPS/WAAS Sensors, or TSO-C146a, GPS/WAAS Stand Alone Navigation Equipment. This equipment may be installed prior to the commissioning of WAAS, and this AC is needed to provide the unique policy applicable to such installations. In addition, the LAAS will become operational in 2004. LAAS guidance is included in this AC to support the early installation of the associated avionics.

#### \*How To Obtain Copies

A copy of the revised draft AC may be obtained via Internet (<http://www.faa.gov/avr/air/airhome.htm>) or on request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on August 8, 2002.

**David Hempe,**

*Manager, Aircraft Engineering Division,  
Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for Waiver of Aeronautical Land-use Assurance, St. Louis Regional Airport, East Alton, IL

**AGENCY:** Federal Aviation  
Administration, DOT.

**ACTION:** Notice of intent of waiver with  
respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a proposal to change a portion of airport land from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of the sale of Parcel I-54A (a 0.023-acre portion of Parcel I-54, also known as Lot 43 in Wayside Estates), Parcel I-56A (a 0.038-acre portion of Parcel I-56, also known as Lot 42 in Wayside Estates), Parcel I-58A (a 0.036-acre portion of Parcel I-58, also known as Lot 41 in Wayside Estates), Parcel I-99A (a 0.0370-acre portion of Parcel I-99, also known as Lot 40 in Wayside Estates), Parcel I-101A (a 0.036-acre portion of Parcel I-101, also known as Lot 39 in Wayside Estates), and Parcel I-103A (a 0.049-acre portion of Parcel I-103, also known as Lot 38 in Wayside Estates). Presently the land is vacant and used for control of FAR Part 77 surfaces and for land use and noise compatibility purposes and is not

needed for appropriate use, as shown on the Airport Layout Plan. Parcel I-54 (0.293 acre, more or less) was acquired in 1996 with Federal participation under AIP grant 3-17-SBG-12. Parcel I-56 (0.311 acre, more or less) was acquired in 1996 with Federal participation under AIP grant 3-17-SBG-13. Parcel I-58 (0.285 acre, more or less) was acquired in 1996 with Federal participation under AIP grant 3-17-SBG-10. Parcel I-99 (0.227 acre, more or less) was acquired in 1997 with Federal participation under AIP grant 3-17-SBG-16. Parcel I-101 (0.252 acre, more or less) was acquired in 1998 with Federal participation under AIP grant 3-17-SBG-20. Parcel I-103 (0.254 acre, more or less) was acquired in 1997 with Federal participation under AIP grant 3-17-SBG-20. It is the intent of the St. Louis Regional Airport Authority (SLRAA) to sell Parcels I-54A, I-56A, I-58A, I-99A, I-101A and I-103A in fee. This notice announces that the FAA intends to authorize the disposal of the subject airport property at St. Louis Regional Airport, East Alton, IL. Approval does not constitute a commitment by the FAA to financially assist in disposal of the subject airport property nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA Order 5100.38B "Airport Improvement Program Handbook."

In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before September 13, 2002.

#### **FOR FURTHER INFORMATION CONTACT:**

Richard Pur, Program Manager, 2300 East Devon Avenue, Des Plaines, IL, 60018. Telephone Number 847-294-7527/FAX Number 847-294-7046. Documents reflecting this FAA action may be reviewed at this same location by appointment or at the St. Louis Regional Airport Authority, St. Louis Regional Airport, 8 Terminal Drive, East Alton, IL 62024.

**SUPPLEMENTARY INFORMATION:** The following legal description of the proposed land sale is:

#### **Parcel I-54A**

That part of Lot 43 in Wayside Estates, a subdivision of part of the East Half of Section 11, Township 5 North, Range 9 West of the Third Principal

Meridian in Madison County, Illinois, according to the plat thereof recorded in Plat Book 32, Page 83, described as follows:

Beginning at the northwest corner of said Lot 43; thence on an assumed bearing of North 79 degrees 02 minutes 13 seconds East, 21.18 feet on the north line of said Lot 43; thence South 01 degree 34 minutes 36 seconds East, 16.91 feet; thence South 11 degrees 36 minutes 36 seconds West, 41.52 feet to the south line of said Lot 43; thence North 58 degrees 27 minutes 11 seconds West, 12.09 feet on said south line to the southwest corner of said Lot 43; thence North 00 degrees 56 minutes 11 seconds West, 52.59 feet (52.56 feet recorded) on the west line of said Lot 43 to the Point of Beginning.

Said parcel herein described contains 0.023 acre, more or less.

#### **Parcel I-56A**

That part of Lot 42 in Wayside Estates, a subdivision of part of the East half of Section 11, Township 5 North, Range 9 West of the Third Principal Meridian in Madison County, Illinois, according to the plat thereof recorded in Plat Book 32, Page 83, described as follows:

Beginning at the northwest corner of said Lot 42, thence on an assumed bearing of North 79 degrees 01 minute 48 seconds East, 20.27 feet on the north line of said Lot 42; thence South 01 degree 34 minutes 36 seconds East, 81.05 feet to the south line of said Lot 42; thence South 79 degrees 02 minutes 13 seconds West, 21.18 feet on said south line to the southwest corner of said Lot 42; thence North 00 degrees 56 minutes 11 seconds West, 81.20 feet (81.15 feet recorded) on said west line to the Point of Beginning.

Said parcel herein described contains 0.038 acre, more or less.

#### **Parcel I-58A**

That part of Lot 41 in Wayside Estates, a subdivision of part of the East Half of Section 11, Township 5 North, Range 9 West of the Third Principal Meridian in Madison County, Illinois, according to the plat thereof recorded in Plat Book 32, Page 83, described as follows:

Beginning at the northwest corner of said Lot 41; thence on an assumed bearing of North 79 degrees 01 minute 59 seconds East, 19.35 feet on the north line of said Lot 41; thence South 01 degree 34 minutes 36 seconds East, 81.07 feet to the south line of said Lot 41; thence South 79 degrees 01 minute 48 seconds West, 20.27 feet on said south line to the southwest corner of said Lot 41; thence North 00 degrees 56