

concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NE-42-AD." The postcard will be date stamped and returned to the commenter.

### Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from 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.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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. 106(g), 40113, 44701.

#### § 39.13 [Amended]

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

**2002-19-02 Turbomeca S.A.:** Amendment 39-12882. Docket No. 2001-NE-42-AD.

### Applicability

This airworthiness directive (AD) is applicable to Turbomeca S.A. Makila models 1A, 1A1, and 1A2 turboshaft engines with exhaust pipes incorporating modification TU 200A installed. These engines are installed on, but not limited to, Aerospatiale AS 332 "Super Puma Mark I" C, C1, L, L1, and "Super Puma Mark II" L2 helicopters.

**Note 1:** This AD applies to each engine 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 engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

### Compliance

Compliance with this AD is required as indicated, unless already done.

To prevent the ejector from becoming loose from the exhaust pipe, resulting in damage to the main rotor and tail rotor and loss of helicopter control, do the following:

(a) Upon completion of the last flight of each day, clean and visually inspect exhaust pipes for cracks and tears, focusing on the ejector attachment tabs that connect the ejector to the primary exhaust pipe. Information on exhaust pipe inspection for Turbomeca S.A. Makila models 1A and 1A1 may be found in Engine Maintenance Manual (EMM) Section 78-10-601, and EMM Section 78-11-00 for Makila model 1A2.

(b) On exhaust pipes also incorporating modification TU 54, use a mirror placed between the engine firewall and the exhaust pipe, and visually inspect the furthest aft attachment tab, as specified in paragraph (a) of this AD.

(c) Replace exhaust pipe at the first visual sign of any exhaust pipe crack or tear before further flight. Information on exhaust pipe replacement for Turbomeca S.A. Makila models 1A and 1A1 may be found in EMM Section 78-10-401, and EMM Section 78-11-00 for Makila model 1A2.

(d) After the replacement exhaust pipe is installed, before further flight, perform engine vibration level checks to ensure all vibration levels are within manufacturer's limits. Information on vibration level checks for Turbomeca S.A. Makila models 1A and 1A1 may be found in EMM Section 71-00-601, and EMM Section 71-00-00 for Makila model 1A2.

### Terminating Action

(e) Remove from service exhaust pipes incorporating modification TU 200A at the next shop visit, or no later than June 30, 2003. Removal from service constitutes terminating action to the repetitive visual

inspections required by this AD. Information on removal from service may be found in Turbomeca S.A. Alert Service Bulletin No. A298 72 0148, Update No. 1, dated February 18, 2002.

### Alternative Methods of Compliance

(f) 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, Engine Certification Office (ECO). Operators must submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

**Note 3:** The subject of this AD is addressed in the Direction Generale de L'Aviation Civile airworthiness directive AD T2001-301(A), dated July 3, 2001, and AD 2002-124(A), dated March 6, 2002.

### Effective Date

(g) This amendment becomes effective on October 3, 2002.

Issued in Burlington, Massachusetts, on September 9, 2002.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 02-23652 Filed 9-17-02; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### 14 CFR Parts 217, 241 and 298

[Docket No. OST-00-7735]

RIN 2139-AA07

### Amendment to the Definitions of Revenue and Nonrevenue Passengers

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

**ACTION:** Final rule.

**SUMMARY:** The Office of the Secretary and the Bureau of Transportation Statistics (BTS) are revising the Department's definitions of *revenue passenger* and *nonrevenue passenger* to specify that a passenger traveling on a ticket or voucher received as compensation for denied boarding or as settlement of a consumer complaint is considered to be a revenue passenger. The revised definitions will also be added to other regulatory provisions. Based on this final rule, the definitions will be in harmony with the definitions of *revenue* and *nonrevenue passenger* adopted by the International Civil Aviation Organization (ICAO). Harmonizing DOT's and ICAO's

definitions will relieve air carriers from being required to keep two sets of traffic enplanement statistics—one for reporting to ICAO and one for reporting to DOT. This action is taken at DOT's initiative.

**DATES:** This rule is effective October 18, 2002.

**FOR FURTHER INFORMATION CONTACT:** Clay Moritz or Bernard Stankus, Office of Airline Information, K-14, Bureau of Transportation Statistics, Department of Transportation, Room 4125, 400 Seventh Street, SW., Washington, DC, 20590-0001, (202) 366-4385 or (202) 366-4387, respectively. You can also contact either party by e-mail at [clay.moritz@bts.gov](mailto:clay.moritz@bts.gov) or [bernard.stankus@bts.gov](mailto:bernard.stankus@bts.gov) or by fax at (202) 366-3383.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Services at (202) 512-1661. Internet users may reach the Office of the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>. You can also view and download this document by going to the webpage of the Department's Docket Management System (<http://dms.dot.gov/>). On that page, click on "search." On the next page, type the last four digits of the docket number shown in the heading of this document. Then click on "search."

##### Background

On August 22, 2000, the Department issued a Notice of Proposed Rulemaking (NPRM) (65 FR 50946) to revise the definitions of *revenue* and *nonrevenue passenger* in 14 CFR 217.1, 241.03, and 298.2. The Department proposed to classify as revenue passengers those passengers, traveling on a ticket or voucher received as compensation for denied boarding or as settlement of a consumer complaint. Previously, these passengers were classified as nonrevenue passengers.

The proposals were intended to harmonize the Department's definitions of *revenue* and *nonrevenue passengers* with the definitions adopted by the International Civil Aviation Organization (ICAO). The proposed change in the Department's definitions would negate the need for carriers to maintain two sets of statistics to record passenger enplanements. This rule is

being issued jointly by the Office of the Secretary and BTS.

##### Public Comments

Comments were received from American Airlines, United Air Lines, and Southwest Airlines. The three carriers support the Department's action to harmonize its definitions of *revenue* and *nonrevenue passengers* with ICAO's definitions. Southwest believes that common reporting guidelines will benefit airlines by allowing for greater reporting accuracy and efficiency.

However, the carriers did express concerns that the revision in the definitions could have the unintended consequence of subjecting more passengers to Passenger Facility Charges (PFCs). American Airlines points out that although a passenger may now be defined as a *revenue passenger* that passenger has paid no additional amounts. United Air Lines requests that the Department clarify that the change in definitions does not impact or expand the collection of PFCs by either making a statement to this effect or revising 14 CFR 158.9(a)(3).

DOT agrees with the air carriers. The sole purpose of the revisions in the definitions of *revenue* and *nonrevenue passengers* is to harmonize the classifications of passenger enplanements between the Department and ICAO. Thus, the changes adopted in this final rule are for air carrier traffic and financial reporting purposes and are not meant to expand the universe of passengers required to pay PFCs.

##### Revenue Passengers

The following types of passengers are examples of revenue passengers: (1) Passengers traveling on publicly available tickets; (2) passengers traveling on frequent flyer awards; (3) passengers traveling on barter tickets; (4) infants traveling on confirmed-space tickets; (5) passengers traveling on vouchers as compensation for denied boarding or passengers traveling free in response to consumer complaints or claims; and (6) passengers traveling on preferential fares (Government, seamen, military, youth, student, *etc.*). This list is not exhaustive and is provided for illustrative purposes only.

##### Nonrevenue Passengers

The following types of passengers are examples of nonrevenue passengers when traveling free or pursuant to token charges: (1) Directors, officers, employees, and others authorized by the air carrier operating the aircraft; (2) directors, officers, employees, and others authorized by the air carrier or another air carrier traveling pursuant to

a pass interchange agreement; (3) travel agents being transported for the purpose of familiarizing themselves with the carrier's services; (4) witnesses and attorneys attending any legal investigation in which such carrier is involved; (5) persons injured in aircraft accidents, and physicians, nurses, and others attending such persons; (6) any persons transported with the object of providing relief in cases of general epidemic, natural disaster, or other catastrophe; (7) any law enforcement official, including any person who has the duty of guarding government officials who are traveling on official business or traveling to or from such duty; (8) guests of an air carrier on an inaugural flight or delivery flights of newly-acquired or renovated aircraft; (9) security guards who have been assigned the duty to guard such aircraft against unlawful seizure, sabotage, or other unlawful interference; (10) safety inspectors of the National Transportation Safety Board or the FAA in their official duties or traveling to or from such duty; (11) postal employees on duty in charge of the mails or traveling to or from such duty; (12) technical representatives of companies that have been engaged in the manufacture, development or testing of a particular type of aircraft or aircraft equipment, when the transportation is provided for the purpose of in-flight observation and subject to applicable FAA regulations; (13) persons engaged in promoting air transportation; (14) air marshals and other Transportation Security officials acting in their official capacities and while traveling to and from their official duties; and (15) other authorized persons, when such transportation is undertaken for promotional purpose. This list is not exhaustive and is provided for illustrative purposes only.

##### Reporting Burden

DOT believes that this final rule is not a revision to an information collection for the purposes of the Paperwork Reduction Act. It is not adding or removing any data items. Rather, it is changing definitions to simplify carrier reporting and preclude the need for affected air carriers to maintain two separate systems for identifying revenue and nonrevenue passengers for DOT and ICAO reporting. Under Article 67 of the 1944 Chicago Convention, the United States, as a party to the treaty, is obligated to supply certain individual U.S. air carrier data to ICAO. By harmonizing DOT's definitions of revenue and nonrevenue passengers with ICAO's definitions, DOT will be able to supply ICAO with U.S. air

carrier data from DOT's own data base. U.S. carriers will not be required to submit special traffic reports in order to meet this U.S. treaty obligation. Some carriers may, however, have a one-time reprogramming task to classify, as revenue passengers, those passengers traveling on vouchers or tickets received in response to consumer complaints or as compensation for denied boardings.

In the NPRM, DOT specifically sought comments from any carrier that believed it would experience a reporting burden as a result of the change in the definitions of revenue and nonrevenue passengers. DOT did not receive any comments on this issue.

### Rulemaking Analyses and Notices

#### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

DOT does not consider this final rule to be a significant regulatory action under section 3(f) of Executive Order 12866. It was not subject to review by the Office of Management and Budget.

DOT does not consider the final rule to be significant under its regulatory policies and procedures (44 FR 11034; February 26, 1979). The purpose of the rule is to revise the Department's definitions of revenue passenger and nonrevenue passenger. This action will negate the need for air carriers to keep two sets of traffic records. Presently, air carriers maintain one set of records for tracking revenue passengers for DOT reporting purposes, and a set of records for ICAO reporting. Therefore, this action will result in a positive economic impact on reporting air carriers.

#### *Federalism*

DOT analyzed this final rule in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism") and the rule will not have a substantial direct effect on the states, on the relationship between the national government and states, or on the distribution of power and responsibilities among the various levels of government. The rule does not impose substantial direct compliance costs on State and local governments or preempt state law. Thus, the BTS has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

We certify this final rule will not have a significant economic impact on a substantial number of small entities, as the total cost of the rulemaking is insignificant, although there should be a minor cost savings in harmonizing the

definition of revenue passenger. There are about 100 small air carriers that report traffic data to DOT. However, the rule's most significant change is the treatment of passengers traveling on a ticket or voucher received as compensation for denied boarding. The denied boarding regulations are not applicable to small air carriers. Therefore, the final rule does not have a significant impact on small air carriers.

#### *Unfunded Mandates*

Under section 201 of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531), DOT assessed the effects of this final rule on State, local and tribal governments, in the aggregate, and the private sector. DOT determined that this regulatory action requires no written statement under section 202 of the UMRA (2 U.S.C. 1532) because it will not result in the expenditure of \$100,000,000 in any one year by State, local and tribal governments, in the aggregate, or the private sector.

#### *National Environmental Protection Act*

The DOT has analyzed the final rule for the purpose of the National Environmental Protection Act, and has determined that the changes will not have any impact on the quality of the human environment.

#### *Regulation Identifier Number*

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number 2139-AA07 contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

### List of Subjects

#### *14 CFR Part 217*

Foreign air carriers, Traffic reports.

#### *14 CFR Part 241*

Air carriers, Reporting and recordkeeping requirements, Uniform System of accounts.

#### *14 CFR Part 298*

Air taxis, Commuter and small certificated air carriers, Reporting and recordkeeping requirements.

Accordingly, the Office of Secretary amends 14 CFR parts 217, 241 and 298 as follows:

### PART 217—[AMENDED]

1. The authority citation for part 217 continues to read as follows:

**Authority:** 49 U.S.C. 329 and chapters 401, 413, 417.

2. Definitions for *revenue passenger* and *nonrevenue passenger* are added in alphabetical order to § 217.1 to read as follows:

#### § 217.1 Definitions.

\* \* \* \* \*

*Nonrevenue passenger* means: a person traveling free or under token charges, except those expressly named in the definition of *revenue passenger*; a person traveling at a fare or discount available only to employees or authorized persons of air carriers or their agents or only for travel on the business of the carriers; and an infant who does not occupy a seat. (This definition is for 14 CFR Part 217 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.)

The definition includes, but is not limited to the following examples of passengers when traveling free or pursuant to token charges:

- (1) Directors, officers, employees, and others authorized by the air carrier operating the aircraft;
- (2) Directors, officers, employees, and others authorized by the air carrier or another carrier traveling pursuant to a pass interchange agreement;
- (3) Travel agents being transported for the purpose of familiarizing themselves with the carrier's services;
- (4) Witnesses and attorneys attending any legal investigation in which such carrier is involved;
- (5) Persons injured in aircraft accidents, and physicians, nurses, and others attending such persons;
- (6) Any persons transported with the object of providing relief in cases of general epidemic, natural disaster, or other catastrophe;
- (7) Any law enforcement official, including any person who has the duty of guarding government officials who are traveling on official business or traveling to or from such duty;
- (8) Guests of an air carrier on an inaugural flight or delivery flights of newly-acquired or renovated aircraft;
- (9) Security guards who have been assigned the duty to guard such aircraft against unlawful seizure, sabotage, or other unlawful interference;
- (10) Safety inspectors of the National Transportation Safety Board or the FAA in their official duties or traveling to or from such duty;
- (11) Postal employees on duty in charge of the mails or traveling to or from such duty;

(12) Technical representatives of companies that have been engaged in the manufacture, development or testing of a particular type of aircraft or aircraft equipment, when the transportation is provided for the purpose of in-flight observation and subject to applicable FAA regulations;

(13) Persons engaged in promoting air transportation;

(14) Air marshals and other Transportation Security officials acting in their official capacities and while traveling to and from their official duties; and

(15) Other authorized persons, when such transportation is undertaken for promotional purpose.

*Revenue passenger* means: a passenger for whose transportation an air carrier receives commercial remuneration. (This definition is for 14 CFR Part 217 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.) This includes, but is not limited to, the following examples:

(1) Passengers traveling under publicly available tickets including promotional offers (for example two-for-one) or loyalty programs (for example, redemption of frequent flyer points);

(2) Passengers traveling on vouchers or tickets issued as compensation for denied boarding or in response to consumer complaints or claims;

(3) Passengers traveling at corporate discounts;

(4) Passengers traveling on preferential fares (Government, seamen, military, youth, student, etc.);

(5) Passengers traveling on barter tickets; and

(6) Infants traveling on confirmed-space tickets.

\* \* \* \* \*

#### PART 241—[AMENDED]

3. The authority citation for part 241 continues to read as follows:

**Authority:** 49 U.S.C. 329 and chapters 401, 411, 417.

4. The definitions in part 241 Section 03 for *passenger*, *nonrevenue* and *passenger*, *revenue* are revised to read as follows:

#### Section 03—Definitions for the Purposes of This System of Accounts and Reports

\* \* \* \* \*

*Passenger*, *nonrevenue* means: a person traveling free or under token charges, except those expressly named

in the definition of revenue passenger; a person traveling at a fare or discount available only to employees or authorized persons of air carriers or their agents or only for travel on the business of the carriers; and an infant who does not occupy a seat. (This definition is for 14 CFR part 241 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.)

The definition includes, but is not limited to following examples of passengers when traveling free or pursuant to token charges:

(1) Directors, officers, employees, and others authorized by the air carrier operating the aircraft;

(2) Directors, officers, employees, and others authorized by the air carrier or another carrier traveling pursuant to a pass interchange agreement;

(3) Travel agents being transported for the purpose of familiarizing themselves with the carrier's services;

(4) Witnesses and attorneys attending any legal investigation in which such carrier is involved;

(5) Persons injured in aircraft accidents, and physicians, nurses, and others attending such persons;

(6) Any persons transported with the object of providing relief in cases of general epidemic, natural disaster, or other catastrophe;

(7) Any law enforcement official, including any person who has the duty of guarding government officials who are traveling on official business or traveling to or from such duty;

(8) Guests of an air carrier on an inaugural flight or delivery flights of newly-acquired or renovated aircraft;

(9) Security guards who have been assigned the duty to guard such aircraft against unlawful seizure, sabotage, or other unlawful interference;

(10) Safety inspectors of the National Transportation Safety Board or the FAA in their official duties or traveling to or from such duty;

(11) Postal employees on duty in charge of the mails or traveling to or from such duty;

(12) Technical representatives of companies that have been engaged in the manufacture, development or testing of a particular type of aircraft or aircraft equipment, when the transportation is provided for the purpose of in-flight observation and subject to applicable FAA regulations;

(13) Persons engaged in promoting air transportation;

(14) Air marshals and other Transportation Security officials acting in their official capacities and while traveling to and from their official duties; and

(15) Other authorized persons, when such transportation is undertaken for promotional purpose.

*Passenger*, *revenue*: means a passenger for whose transportation an air carrier receives commercial remuneration. (This definition is for 14 CFR part 241 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.) This includes, but is not limited to, the following examples:

(1) Passengers traveling under publicly available tickets including promotional offers (for example two-for-one) or loyalty programs (for example, redemption of frequent flyer points);

(2) Passengers traveling on vouchers or tickets issued as compensation for denied boarding or in response to consumer complaints or claims;

(3) Passengers traveling at corporate discounts;

(4) Passengers traveling on preferential fares (Government, seamen, military, youth, student, etc.);

(5) Passengers traveling on barter tickets; and

(6) Infants traveling on confirmed-space tickets.

\* \* \* \* \*

5. Part 241 Sec. 19–7 is amended by removing the term *revenue passenger* from Section X, “GLOSSARY OF TERMS” in Appendix A to Sec. 19–7—Instructions to Air Carriers for Collecting and Reporting Passenger Origin-Destination Survey Statistics.

#### PART 298—[AMENDED]

6. The authority citation for part 298 is revised to read as follows:

**Authority:** 49 U.S.C. 329 and chapters 401, 411, 417.

7. The paragraph designations are removed, the definition of *ton* is transferred to correct alphabetical order, and definitions for *Nonrevenue passenger* and *Revenue passenger* are added in alphabetical order to § 298.2 to read as follows:

#### § 298.2 Definitions.

\* \* \* \* \*

*Nonrevenue passenger* means a person traveling free or under token charges, except those expressly named in the definition of revenue passenger; a person traveling at a fare or discount

available only to employees or authorized persons of air carriers or their agents or only for travel on the business of the carriers; and an infant who does not occupy a seat. (This definition is for 14 CFR part 298 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.) The definition includes, but is not limited to, the following examples of passengers when traveling free or pursuant to token charges:

(1) Directors, officers, employees, and others authorized by the air carrier operating the aircraft;

(2) Directors, officers, employees, and others authorized by the air carrier or another carrier traveling pursuant to a pass interchange agreement;

(3) Travel agents being transported for the purpose of familiarizing themselves with the carrier's services;

(4) Witnesses and attorneys attending any legal investigation in which such carrier is involved;

(5) Persons injured in aircraft accidents, and physicians, nurses, and others attending such persons;

(6) Any persons transported with the object of providing relief in cases of general epidemic, natural disaster, or other catastrophe;

(7) Any law enforcement official, including any person who has the duty of guarding government officials who are traveling on official business or traveling to or from such duty;

(8) Guests of an air carrier on an inaugural flight or delivery flights of newly-acquired or renovated aircraft;

(9) Security guards who have been assigned the duty to guard such aircraft against unlawful seizure, sabotage, or other unlawful interference;

(10) Safety inspectors of the National Transportation Safety Board or the FAA in their official duties or traveling to or from such duty;

(11) Postal employees on duty in charge of the mails or traveling to or from such duty;

(12) Technical representatives of companies that have been engaged in the manufacture, development or testing of a particular type of aircraft or aircraft equipment, when the transportation is provided for the purpose of in-flight observation and subject to applicable FAA regulations;

(13) Persons engaged in promoting air transportation;

(14) Air marshals and other Transportation Security officials acting in their official capacities and while

traveling to and from their official duties; and

(15) Other authorized persons, when such transportation is undertaken for promotional purpose.

\* \* \* \* \*

*Revenue passenger* means a passenger for whose transportation an air carrier receives commercial remuneration. (This definition is for 14 CFR part 298 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.) This includes, but is not limited to, the following examples:

(1) Passengers traveling under publicly available tickets including promotional offers (for example two-for-one) or loyalty programs (for example, redemption of frequent flyer points);

(2) Passengers traveling on vouchers or tickets issued as compensation for denied boarding or in response to consumer complaints or claims;

(3) Passengers traveling at corporate discounts;

(4) Passengers traveling on preferential fares (Government, seamen, military, youth, student, etc.);

(5) Passengers traveling on barter tickets; and

(6) Infants traveling on confirmed-space tickets.

\* \* \* \* \*

Issued in Washington, DC on September 10, 2002.

**Read C. Van de Water,**

*Assistant Secretary for Aviation and International Affairs, Office of the Secretary.*

**Ashish Sen,**

*Director, Bureau of Transportation Statistics.*

[FR Doc. 02-23614 Filed 9-17-02; 8:45 am]

**BILLING CODE 4910-FE-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 774

[Docket No. 020830206-2206-01]

RIN 0694-AC51

#### Missile Technology Production Equipment and Facilities

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** To clarify Department of Commerce controls, Commerce is revising the language contained in Export Control Classification Numbers

(ECCNs) 1B115, 1B117, 9B115, and 9B116 to reflect that all missile technology (MT) production equipment and facilities are controlled on the Commerce Control List (CCL) of the Export Administration Regulations (EAR).

**DATES:** This rule is effective: September 18, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Steve Clagett, Director, Nuclear and Missile Technology Controls Divisions, Bureau Industry and Security, Telephone: (202) 482-1641.

#### SUPPLEMENTARY INFORMATION

##### Background

Since 1998, ECCNs 1B115, 1B117, 9B115 and 9B116, have referred exporters to the International Traffic in Arms Regulations (ITAR), administered by the Department of State, Office of Defense Trade Controls, for licensing requirements for equipment specially designed for production of MT items subject to the ITAR. This rule clarifies that all production equipment for MT items, described in ECCNs 1B115, 1B117, 9B115 and 9B116, is subject to the EAR and controlled on the CCL. The Departments of Commerce, State and Defense are currently reviewing the control jurisdiction for specific items of equipment specially designed for the production of certain MT items that are subject to the ITAR. This review may result in future revisions to the EAR and the ITAR with respect to specific items of specially designed MT production equipment.

*Specifically, the following changes are made to the following ECCNs:*

1B115: Notes 1 and 2 are removed from the Related Controls paragraph of the List of Items Controlled section.

1B117: Notes 2 and 4 are removed from the Related Controls paragraph of the List of Items Controlled section.

9B115 and 9B116: The heading is revised and License Requirements, License Exceptions, and List of Items Controlled sections are added.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001), as extended by the Notice of August 14, 2002 (67 FR 53721, August 16, 2002), continues the Regulations in effect under the International Emergency Economic Powers Act.

#### Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required