

accordance with paragraph (d) 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: Required as indicated, unless already accomplished.

To minimize the potential hazards associated with operating the airplane in severe icing conditions by providing more clearly defined procedures and limitations associated with such conditions, accomplish the following:

(a) Within 30 days after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

Note 2: Operators should initiate action to notify and ensure that flight crewmembers are apprised of this change.

(1) Revise the FAA-approved Airplane Flight Manual (AFM) by incorporating the following into the Limitations Section of the AFM. This may be accomplished by inserting a copy of this AD in the AFM.

"WARNING

Severe icing may result from environmental conditions outside of those for which the airplane is certificated. Flight in freezing rain, freezing drizzle, or mixed icing conditions (supercooled liquid water and ice crystals) may result in ice build-up on protected surfaces exceeding the capability of the ice protection system, or may result in ice forming aft of the protected surfaces. This ice may not be shed using the ice protection systems, and may seriously degrade the performance and controllability of the airplane.

- During flight, severe icing conditions that exceed those for which the airplane is certificated shall be determined by the following visual cues. If one or more of these visual cues exists, immediately request priority handling from Air Traffic Control to facilitate a route or an altitude change to exit the icing conditions.

- Unusually extensive ice accumulation on the airframe and windshield in areas not normally observed to collect ice.

- Accumulation of ice on the upper surface of the wing, aft of the protected area.

- Accumulation of ice on the engine nacelles and propeller spinners farther aft than normally observed.

- Since the autopilot, when installed and operating, may mask tactile cues that indicate adverse changes in handling characteristics, use of the autopilot is prohibited when any of the visual cues specified above exist, or when unusual lateral trim requirements or autopilot trim warnings are encountered while the airplane is in severe icing conditions.

- All wing icing inspection lights must be operative prior to flight into icing conditions at night. [NOTE: This supersedes any relief provided by the Master Minimum Equipment List (M MEL).]"

(2) Revise the FAA-approved AFM by incorporating the following into the Normal Procedures Section of the AFM. This may be accomplished by inserting a copy of this AD in the AFM.

"THE FOLLOWING WEATHER CONDITIONS MAY BE CONDUCTIVE TO SEVERE IN-FLIGHT ICING:

- Visible rain at temperatures below 0 degrees Celsius ambient air temperature.
- Droplets that splash or splatter on impact at temperatures below 0 degrees Celsius ambient air temperature.

PROCEDURES FOR EXITING THE SEVERE ICING ENVIRONMENT:

These procedures are applicable to all flight phases from takeoff to landing. Monitor the ambient air temperature. While severe icing may form at temperatures as cold as -18 degrees Celsius, increased vigilance is warranted at temperatures around freezing with visible moisture present. If the visual cues specified in the Limitations Section of the AFM for identifying severe icing conditions are observed, accomplish the following:

- Immediately request priority handling from Air Traffic Control to facilitate a route or an altitude change to exit the severe icing conditions in order to avoid extended exposure to flight conditions more severe than those for which the airplane has been certificated.
- Avoid abrupt and excessive maneuvering that may exacerbate control difficulties.
- Do not engage the autopilot.
- If the autopilot is engaged, hold the control wheel firmly and disengage the autopilot.
- If an unusual roll response or uncommanded roll control movement is observed, reduce the angle-of-attack.
- Do not extend flaps when holding in icing conditions. Operation with flaps extended can result in a reduced wing angle-of-attack, with the possibility of ice forming on the upper surface further aft on the wing than normal, possibly aft of the protected area.
- If the flaps are extended, do not retract them until the airframe is clear of ice.
- Report these weather conditions to Air Traffic Control."

(b) Incorporating the AFM revisions, as required by this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by § 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with § 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

(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.

(d) 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, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) All persons affected by this directive may examine information related to this AD at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 9, 1997.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-24485 Filed 9-15-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 260

[Docket No. OST-97-2622]

Truth in Airfares

AGENCY: Office of the Secretary, DOT.

ACTION: Request for comments, petition for rulemaking.

SUMMARY: The Department is inviting interested persons to comment on a petition for rulemaking filed by Consumers Union of U.S., Inc. ("CU") on June 16, 1997. The petition asks the Department to establish a "Truth in Airfares" regulation that would require commercial passenger carriers to disclose directly to consumers the most recently available average fare and lowest fare charged by the carrier for the route and class of service quoted to an inquiring party. CU also requests that the Department require the carriers to make this fare information available to computer reservations system vendors as well.

DATES: Comments must be submitted on or before November 17, 1997. Reply comments must be submitted on or before December 15, 1997.

ADDRESSES: Comments must be filed in Room PL-401, Docket OST-97-2622, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Late filed comments will be considered to the extent possible. To facilitate consideration of comments, each commenter should file eight copies of its comments. Comments filed prior to the publication of this notice will also be considered.

FOR FURTHER INFORMATION CONTACT: Jim Craun, Director of the Office of Aviation and International Economics, Office of the Assistant Secretary for Aviation and International Affairs, Office of the Secretary, U.S. Department of Transportation, 400 Seventh St. SW.,

Washington, DC 20590 at (202) 366-1032 or (202) 366-7638 (FAX).

SUPPLEMENTARY INFORMATION: In its petition, CU stated that fares have dropped during the past 15 years. As measured on an inflation-adjusted basis, average fares have decreased from 12.7 cents per mile in 1981 to eight cents per mile today, according to CU. CU also indicated that more than 550 million passengers traveled on commercial flights on U.S. airlines in 1996 and many of these trips were made possible because of the lower fares. Despite the large number of airline passengers and the increase in passenger travel¹ since airline deregulation, however, CU claims that it is almost impossible for passengers to determine whether they are getting a good, fair, or poor value, because of the way in which many airlines set their ticket prices.

In support of its claim, CU cited a study of more than three million discount airline tickets purchased on 34 of the most heavily traveled domestic routes in 1996. (CU published an article on the study in the July 1997 issue of *Consumer Reports* and attached a copy of the article as part of this petition.) Based on an analysis of the average restricted coach class fares on each route, CU concluded that airline ticket prices for a given class of service between two points can vary by hundreds of dollars depending upon the availability of a wide range of fares, with availability determined not so much by the number of seats actually physically available but by how many seats the airline—in its sole discretion—chooses to supply at each price. CU also asserts that, at any time, sale fares that are available in limited quantities can suddenly appear and disappear. According to CU, these constant fare changes confuse customers and effectively remove price information that helps consumers assess the value of the transportation.

CU claims that the lack of reliable “fair market price” or “going rate” information available to the consumer at the time of ticket purchase establishes a barrier to effective comparison shopping and price-based bargaining by the ordinary consumer. This barrier gives an unfair advantage to a number of airlines (including the very largest airlines) in the buyer-seller transaction. The airlines

can allegedly engage in opportunistic pricing practices because the consumer lacks the information needed to counter these practices.

CU stated that consumers cannot rely on travel agents to solve the problem and cited, in support, an unsourced consumer test conducted by representatives of several state public interest research groups. In the test, fourteen phone calls were made to nine travel agents and airlines requesting the “lowest” advance-purchase round-trip fare from Boston to Houston on specified travel dates and at specified times. The requests netted ten different fare quotes ranging from \$504 to \$1,323.68 with six of the ten different fare quotes coming from travel agents.

CU's Petition

In order to address these issues, CU has filed a petition that asks the Department to adopt a regulation which would require airlines, their agents, and computer reservations system (CRS) vendors to disclose the average and lowest fares an airline charges for each class of service on a route to any person to whom they quote fares for a specific class of service on that route. The petitioner also requests that the Department require that airlines make this information available to CRSs and that the information be based on the latest available quarterly fare data in Databank #1 of the Department's Origin-Destination Survey of Airline Passenger Traffic. (Presumably, CU's petition applies to fares in domestic markets only since the Department is prohibited by regulation from publicly disclosing international fare data in the Origin-Destination Survey of Airline Passenger Traffic.) CU also asks that the Department either supply to each carrier the data to be disclosed or allow each carrier to calculate the data to be disclosed according to calculation standards prescribed by us and based on the information the carrier submits to the Department for inclusion in Databank 11 of the Origin-Destination Survey of Airline Passenger Traffic.

CU states that its petition provides the substance and the elements of the rule it is seeking but not a proposed text for a rule. However, since the purpose of its request is to give consumers bargaining power by increasing consumer information, the petitioner considers it important that a final rule cover as many consumer transactions as practicable and that neither the scope nor the specific provisions of the rule be

so narrow as to limit the effectiveness of the rule.

CU stated that by knowing both the average fare and the lowest fare charged by route, by airline, and by class of service, consumers would be armed with two key benchmarks of value that are critical to making an informed purchase decision. These two pieces of information, used together, would show the relevant range of prices with the average fare providing a broad indication of the relative value available by airline and the lowest fare indicating the market-clearing price. According to the petitioner, easy access to this information would enhance comparison shopping, informed consumer negotiation, price competition and market efficiency.

Request for Comments

In response to an increasing number of inquiries from consumers about domestic airline prices, the Department recently published the first edition of a report entitled *Domestic Airline Fares Consumer Report*. This report provides information about average prices being paid by consumers in the 1,000 largest domestic city-pair markets for the third quarter of 1996. In addition to the Department's commitment to provide fare information to consumers in this report, we have decided to consider further the issues raised by CU. We invite interested persons to comment on all aspects of the petition including, but not limited to, whether such a rule should be adopted and, if so, should the rule apply only to airlines, or to airlines as well as travel agents and discount travel brokers, such as consolidators.

We will decide after reviewing those comments whether we should propose a rule as requested by CU. To the extent that commenters provide quantified estimates of the value or cost of implementing such a regulation, we ask that they provide specific supporting details regarding the methodologies used in determining these benefits and costs. We also encourage commenters to provide information on other possible alternatives for accomplishing the goals sought by CU in this petition.

Issued in Washington, DC on September 8, 1997.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 97-24567 Filed 9-15-97; 8:45 am]

BILLING CODE 4910-62-P

¹To quantify CU's statement regarding the increase in passenger travel, the Department notes that there were approximately 250 million domestic passengers traveling on U.S. airlines in 1978.