



U.S. Department of  
Transportation

DOCUMENTARY SERVICE DIVISION  
Washington, D.C. 20590

97-15

Office of the Secretary  
of Transportation

Weekly Summary of Orders and  
Regulations

APRIL 7 - APRIL 11, 1997

Order	Docket		Date Action Taken
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(#) Published in the Federal Register.

97-3-47	Undoc'd	FITNESS DETERMINATION OF M & N AVIATION, INC. AS A COMMUTER AIR CARRIER UNDER SECTION 49 U.S.C. 41738	3-31-97
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Because the Department received no objections to show-cause order 97-3-12, it finds that M & N Aviation, Inc., is fit, willing, and able to provide scheduled passenger service as a commuter air carrier and therefore issues a Commuter Air Carrier Authorization to M & N Aviation, Inc., subject to the Terms, Conditions, and Limitations.  
Served 4-4-97

Intervening numbers appeared on a previous summary

97-4-2	OST-95-556 OST-95-746 OST-95-791 OST-95-806 OST-95-901 OST-95-935 OST-95-945 OST-96-1007 OST-96-1218 OST-96-1687 OST-96-1894 OST-96-2021 OST-97-2071	APPLICATIONS OF VARIOUS FOREIGN AIR CARRIERS FOR EXEMPTIONS OR AUTHORITIES UNDER 49 U. S. C. SECTION 40109 AND THE ORDERS AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION The Department confirms the actions described in the Notices of Action Taken, which granted the referenced foreign air carriers (1) exemptions from the provisions of Section 41301, and where necessary 41504, and/or other sections of Title 49 of the U. S. Code; and/or (2) relief or authorizations provided for under	4-1-97
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APPLICATIONS OF VARIOUS FOREIGN AIR CARRIERS FOR EXEMPTIONS OR AUTHORITIES UNDER 49 U. S. C. SECTION 40109 AND THE ORDERS AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION  
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regulations or orders of  
Continued.....

97-4-2	OST-95-556 OST-95-746 OST-95-791 OST-95-806 OST-95-901 OST-95-935 OST-95-945 OST-96-1007 OST-96-1218 OST-96-1687 OST-96-1894 OST-96-2021 OST-97-2071	Continued..... the Department, to the applicants to perform the operations described in the Notices of Action Taken. Because of the imminence of these operations, they were approved by telephone. Served 4-4-97	4-1-97
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Intervening numbers appeared on a previous summary

97-4-4	OST-96-1538	U.S.-TORONTO THIRD YEAR SERVICE PROCEEDING The Department selects Continental, Delta, Northwest and TWA to operate two daily round-trip scheduled combination frequencies each, Continental between Newark and Toronto, Delta between Atlanta and Toronto, Northwest between Minneapolis/St. Paul and Toronto, and TWA between St. Louis and Toronto. All frequencies allocated are effective for one year from the effective date and the frequencies allocated to Continental, Delta, and TWA are further subject to the conditions that such services must begin within 90 days of the effective date. The Department grants Midway's request to withdraw its application; revokes the exemption granted Midway; will not entertain Petitions for Reconsideration and denies all other requests in this proceeding.	3-21-97
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Served 4-8-97.

97-4-5	OST-97-2091 OST-97-2077 OST-97-2073 OST-97-2068 OST-97-2065 OST-96-1667 OST-95-774 OST-95-219	APPLICATIONS OF VARIOUS FOREIGN AIR CARRIERS FOR EXEMPTIONS OR AUTHORITIES UNDER 49 U. S. C. SECTION 40109 AND THE ORDER AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION The Department confirms the actions described in the Notices of Action Taken, which granted the referenced foreign air carriers (1) exemptions from the provisions of sections 41301, and where necessary 41504, and/or other sections of Title 49 of the U.S. Code; and/or (2) relief or authorizations provided for under regulations or orders of the Department, to the applicants to perform the operations described in the Notices of Action Taken. Because of the imminence of these operations, they were approved by telephone.	4-3-97
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Served 4-9-97

97-4-6	OST-96-1945 OST-97-2141	APPLICATIONS OF U S AIR, INC. d/b/a USAIR AND ALLEGHENY AIRLINES, INC. d/b/a USAIR EXPRESS FOR REGISTRATION OF NAME CHANGE AND REISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER 14 CFR PART 215	4-3-97
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The Department confirms its oral action for Registration of Name Change under the authority assigned in its Regulation 14 CFR 385.12, and reissues the certificates issued to USAir, Inc., and Allegheny airlines, Inc. Petitions may be filed within 10 days of the date of Service.  
 Served 4-9-97

Order	Docket	Summary	Date Action Taken
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97-4-7	OST-97-2316 (46794)	<p>ESSENTIAL AIR SERVICE AT BROOKINGS, SOUTH DAKOTA UNDER 49 U.S.C., 41731 <i>et seq.</i></p> <p>The Department approves the alternate service pattern of Great Lakes Aviation, Ltd., d/b/a United Express, and selects it to provide essential air service at Brookings, South Dakota for the period beginning May 1, 1997, through April 30, 1999. If Brookings fails to meet the passenger levels, Great Lakes may suspend service at any time after February 28, 1998, after having given at least 30-days' notice to the community and the Department. The Department sets the final annual rate of compensation of \$216,622 for service between Brookings and Chicago O'Hare Airport.</p> <p>Served 4-10-97</p>	4-4-97
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97-4-8	OST-96-1834	<p>The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which is comprised of resolutions affecting travel between North America and the Middle East, except to/from Iraq and Jordan, which are excluded from the agreement.</p> <p>Served 4-11-97</p>	4-7-97
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97-4-9	OST-97-2232 OST-97-2207 OST-97-2152 OST-95-943 OST-95-132 UNDOC'D UNDOC'D	<p>APPLICATIONS OF VARIOUS FOREIGN AIR CARRIERS FOR EXEMPTIONS OR AUTHORITIES UNDER 49 U. S. C. SECTION 40109 AND THE ORDERS AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION</p> <p>The Department confirms the actions described in the Notices of Action Taken,</p>	4-8-97
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which granted the referenced foreign air carriers (1) exemptions from the provisions

97-4-9	OST-97-2232 OST-97-2207 OST-97-2152 OST-95-943 OST-95-132 UNDOC'D UNDOC'D	Continued..... Continued..... of sections 41301, and where necessary 41504, and/or other sections of Title 49 of the U.S. Code; and/or (2) relief or authorizations provided for under regulations or orders of the Department, to the applicants to perform the operations described in the Notices of Action Taken. Because of the imminence of these operations, they were approved by telephone. Served 4-14-97	4-8-97
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97-4-10	OST-96-1868	APPLICATION OF U. S. CALJET AIRLINES, INC. d/b/a CALJET AIRLINES FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL Because the Department received no objections to show-cause order 97-3-25, it finds that U.S. Caljet Airlines, Inc., is fit, willing, and able to engage in interstate scheduled air transportation of persons, property, and mail and issues a Certificate of Public Convenience and Necessity to U.S. Caljet Airlines, Inc. Should Caljet propose to expand its entire fleet size to more than 12 aircraft, the Department directs it to notify us in writing at least 45 days in advance and demonstrate its fitness for such operations prior to implementing service with those additional aircraft. Served 4-14-97	4-9-97
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97-4-11	OST-97-2135	APPLICATION OF POLSKIE LINIE LOTNICZE LOT S.A. FOR AN EXEMPTION FROM SUBPARTS K AND S OF PART 93 OF TITLE 14, CODE OF FEDERAL REGULATIONS PURSUANT TO 49 U.S.C SECTION 41714(b)(1)	4-8-97
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The Department grants a temporary exemption to Polskie Linie Lotnicze LOT S.A. to the extent necessary to permit the airline to operate scheduled arrivals at Chicago's O'Hare International Airport on Monday, Tuesday and Wednesday at 1:10 P.M. and to operate scheduled departures from Chicago's O'Hare International Airport on Monday, Tuesday and Wednesday at 3:00 P.M. (all times are local time), effective commencing on June 9, 1997, and expires on September 15, 1997. As conditions of approval, the airline may use this exemption authority only to provide scheduled service between Warsaw, Poland, and the terminal point Chicago, Illinois and the Department directs that all aircraft operations granted under this exemption must be provided by Stage 3 aircraft. Polskie Linie Lotnicze LOT S.A. must notify the FAA's Slot Administration Office as to the start-up date for the six exemptions granted. The FAA will assign slot withdrawal numbers for each slot exemption time.  
Served 4-9-97

97-4-12	OST-97-2329 (50176) OST-95-474	LOS ANGELES INTERNATIONAL AIRPORT RATES PROCEEDING AND SECOND LOS ANGELES	4-9-97
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INTERNATIONAL AIRPORT  
PROCEEDING

The Department stays the obligation of the respondents, the City of Los Angeles, the City of Los Angeles Department of Airports  
Continued.....

97-4-12	OST-97-2329 (50176) OST-95-474	<p>Continued.....</p> <p>and the Los Angeles Board of Airport Commissioners, until there is a final, non-reviewable judgment on the Department's decision in the Airport Rates Proceeding, that the respondents may not use the fair market value of the airfield and apron land in calculating landing fees at Los Angeles International Airport.</p> <p>An opening brief no longer than twenty-five pages in length and a reply brief no longer than twelve pages in length may be filed by each of the two parties – the respondents and all of the airline complainants.</p> <p>Intervenor Airports Council International - North America may file an opening brief no longer than ten pages in length and a reply brief no longer than five pages in length.</p> <p>Opening Briefs shall be filed within thirty days of the issuance of this order and reply briefs shall be filed within fifteen days of the due date for opening briefs; the Department will not accept petitions for reconsideration of this order.</p> <p>Served 4-10-97</p>	4-9-97
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97-4-13	OST-96-2016	<p>1997 U.S.-BRAZIL COMBINATION SERVICE PROCEEDING</p> <p>The Department makes final its tentative decision and (a) grants Continental Airlines, Inc., Delta Air Lines, Inc.,</p>	4-8-97
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		<p>certificate authority to provide scheduled combination services in the U.S.-Brazil market, and (b) allocates Continental 14 weekly frequencies for its services and Delta 7 weekly frequencies. Except as modified with respect to Delta's backup certificate award in this case, the frequencies allocated are awarded for a period of one year and are</p> <p>Continued.....</p> <p>Continued.....</p>	
97-4-13	OST-96-2016	<p>subject to a 90-day dormancy condition wherein frequencies not used by a carrier for any 90-day period will automatically expire and will revert back to the Department for reallocation. Tower Air, Inc. is directed to notify the Department no later than seven calendar days from the date of service of this order, as to the date on which it will discontinue its scheduled service operations in the U.S.-Brazil market.</p> <p>Served 4-11-97</p>	4-8-97