



U.S. Department of
Transportation

DOCUMENTARY SERVICE DIVISION
Washington, D.C. 20590

97-46

Office of the Secretary
of Transportation

Weekly Summary of Orders and
Regulations

NOVEMBER 10 - NOVEMBER 14, 1997

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

97-11-9	OST-96-1899 OST-96-1900 OST-96-1901 OST-96-1902 OST-96-1903	<p>ESSENTIAL AIR SERVICE AT KINGMAN AND PRESCOTT, ARIZONA; CORTEZ, COLORADO; ALAMOGORDO/HOLLOMAN AIR FORCE BASE, NEW MEXICO; CLOVIS, NEW MEXICO; AND SILVER CITY/HURLEY/DEMING, NEW MEXICO UNDER 49 U.S.C 41731 <i>et seq.</i> The Department is authorizing increased service levels and subsidy rates for the subsidized essential air service provided by Mesa Air Group at the six communities listed beginning when the increased service is implemented (but no earlier than October 1, 1997) through September 30, 1998. Served 11-13-97</p>	11-6-97
97-11-10	OST-97-2890 OST-96-1895 OST-96-1304 OST-95-351 50382 50371 48745 48662	<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 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 regulations or orders of the Department, to the applicants to perform the operations described in the Notices of Action Taken. Served 11-13-97</p>	11-6-97

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		Intervening numbers appeared in a previous issue	
97-11-13	49868 49502 49503 OST-96-1152 48180 OST-97-2844 OST-96-1316 OST-96-1142 OST-95-835 47563 OST-95-271 OST-96-1591 OST-96-1658	APPLICATIONS OF ATLANT-SV AIRLINES; BAVARO SUNFLIGHT, S.A.; EVA AIRWAYS CORPORATION; FINNAIR; HEAVYLIFT-VOLGADNEPR LTD.; SERVICIOS AEREOS LITORAL, S.A., DE. CV.; TACA DE HONDURAS, S.A. DE. C.V.; TRANSBRASIL S/A LINHAS AEREAS FOR PERMITS, EXEMPTION OR OTHER AUTHORITIES UNDER TITLE 49 OF THE UNITED STATES CODE The Department, acting under authority assigned in its Regulations, 14 CFR Section 385.13 dismisses the applications described in the Appendix of this order. Petitions for review under Regulations 14 CFR Section 385.50 are to be filed within ten days after the date of service of this order Served 11-14-97	11-7-97
97-11-14	UNDOC'd	TOWER AIR, INC. VIOLATIONS OF 49 U.S.C SECTIONS 41708 AND 41712 AND 14 CFR PART 250 AND SECTION 399.84 The Department approves this settlement and the provisions of this order as in the public interest and finds that Tower Air, Inc. violated 14 CFR Part 250 by (1) failing to seek volunteers who would be willing to give up their seats for compensation on overbooked flights; (2) not paying cash or issuing checks at its ticket counters or boarding gates in the appropriate amount to qualified passengers who were denied boarding; (3) enforcing its check-in deadlines improperly; and (4)	11-7-97

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Order	Docket	Summary	Date Action Taken
97-11-14	UNDOC'd	<p>Continued..... submitting inaccurate Form 251 reports; it violated 49 U.S.C. Section 41708 by submitting inaccurate Form 251 reports; and it violated 14 CFR 399.84 by advertising fares which failed to state the total price to be paid. By engaging in the conduct described and by failing to disclose the fact that advertised fares were subject to capacity controls, were not completely refundable, and were subject to cancellation and change in itinerary fees, Tower Air, Inc. violated 49 U.S.C. Section 41712. Therefore, Tower Air, Inc., and all other entities owned or controlled by or under common ownership with Tower Air, Inc., and their successors and assignees are ordered to cease and desist from further violations and Tower Air, Inc. is assessed \$90,000 in compromise of the potential civil penalties that might otherwise be assessed for the violations. Served 11-7-97</p>	11-7-97
97-11-15	OST-97-2889	<p>The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which aligns IATA agreed fares from India to reflect recent action by the Indian government. IATA had originally proposed a ten percent increase in fares from India to offset fuel price increases. The Indian government has only approved a five percent increase. In view of this action, the agreement cancels the remaining five percent. Served 11-14-97</p>	11-7-97

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97-11-15	OST-95-715 OST-95-710 OST-95-555 OST-95-72 (50062) OST-96-981 OST-95-717 OST-95-796 OST-95-812 UNDOC'd OST-96-2016 OST-95-709 OST-96-1606 OST-96-2033 OST-95-711 OST-95-827 OST-95-89 (50086) OST-95-654 (48763)	APPLICATIONS/MOTIONS OF AMERICA WEST AIRLINES, INC.; AMERICAN AIRLINES, INC.; CARNIVAL AIR LINES, INC.; CONTINENTAL AIRLINES, INC.; DELTA AIR LINES, INC.; FLAGSHIP AIRLINES, INC. d/b/a/ AMERICAN EAGLE; FINE AIRLINES, INC.; INDEPENDENT ASSOCIATION OF CONTINENTAL PILOTS; NORTHWEST AIRLINES, INC.; TOWER AIR, INC.; UNITED AIR LINES, INC.; USAIR, INC. FOR CERTIFICATES, EXEMPTIONS OR OTHER AUTHORITIES OR RELIEF UNDER 49 U.S.C. SECTIONS 41102 OR 40109 AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION The Department, acting under authority assigned in its Regulations, 14 CFR 385.13, dismisses the applications and petitions shown in the Appendix to this order. Persons entitled to petition for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within ten days after the date of service of this order although the filing of a petition with respect to one of the dismissed items will not alter the effectiveness of this order with respect to the others. Served 11-17-97	11-12-97
97-11-17	OST-95-112 OST-95-324 OST-96-1256 OST-96-1359 OST-97-2637 OST-97-2641 OST-97-2644 OST-97-2769 OST-97-2778 OST-97-2894	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 Sections 41301, and where necessary 41504,	11-12-97

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97-11-17	OST-95-112 OST-95-324 OST-96-1256 OST-96-1359 OST-97-2637 OST-97-2641 OST-97-2644 OST-97-2769 OST-97-2778 OST-97-2894	Continued..... 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. Served 11-17-97	11-12-97
97-11-18	OST-97-3009	The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which increases first and intermediate class Circle Pacific APEX fares between three and twelve percent, re-establishes first class fares for application on journeys where first class service is not available for all sectors at 95% of full first class levels, increases allowable stopovers in Australia to three, and re-establishes fares from Macau to equal those from Hong Kong. Side-trip fares were also established to Mexico and South America. Served 11-17-97 Intervening numbers have not been issued	11-12-97
97-11-21	OST-97-2936 OST-97-2937	APPLICATIONS OF WINAIR, INC. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE AND FOREIGN CHARTER AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL The Department tentatively finds that WINAR, Inc. is fit, willing, and able to provide interstate and foreign charter air transportation of persons, property, and mail Continued.....	11-12-97

Order	Docket	Summary	Date Action Taken
97-11-21	OST-97-2936 OST-97-2937	Continued..... as a certificated air carrier, and therefore, directs all interested persons to show cause why a final order should not be issued. Objections to the issuance of a final order should be filed with the Department of Transportation Dockets no later than 7 calendar days after the service date of this order; answers to objections shall be filed no later than 5 calendar days thereafter. The request of WINAIR, Inc. to withhold from public disclosure its aircraft term sheet submitted pursuant to Rule 39 on October 15, 1997, has been granted Served 11-12-97	11-12-97
97-11-22	OST-95-971 OST-95-842	APPLICATIONS OF JAPAN AIRLINES COMPANY, LTD. FOR EXEMPTIONS UNDER 49 U.S.C. SECTION 40109 The Department is granting Japan Airlines Company, Ltd. (JAL), a foreign air carrier of Japan, exemptions from Section 41301 of Title 49 of the U.S. Code to conduct scheduled combination service (1) between Tokyo, Japan, and Kona, Hawaii, and (2) between Tokyo, Japan and Atlanta, Georgia, on a non-stop basis (subject to the conditions of the 1989 MOU); for a period 179 days from the service date of this order. The authorities granted are subject to the conditions of Japan Airlines' foreign air carrier permit (Order 70-8-66); and the motion of Northwest Airlines, Inc. and the State of Hawaii to file otherwise unauthorized documents has been granted. Served 11-13-97	11-13-97
		Intervening numbers have not been issued	

Order	Docket	Summary	Date Action Taken
97-11-26	OST-97-2845 OST-96-1988	<p data-bbox="691 281 1279 758">APPLICATION OF CONTINENTAL AIRLINES, INC. FOR AN EXEMPTION PURSUANT TO 49 U.S.C. SECTION 40109 (SAN ANTONIO-MEXICO CITY); JOINT APPLICATION OF UNITED AIR LINES, INC. AND COMPANIA MEXICANA DE AVIACION, S.A. DE C.V. UNDER 49 U.S.C. 40109 FOR EXEMPTIONS (U.S.-MEXICO) AND ROUTE INTEGRATION; AND FOR STATEMENTS OF AUTHORIZATION UNDER 14 CFR PARTS 207 AND 212 (RECIPROCAL CODE-SHARING SERVICES)</p> <p data-bbox="691 764 1279 1514">The Department tentatively finds that it is consistent with the public interest (1) to withdraw the designation of United Air Lines, Inc., and the regulatory authorities granted to United and Compania Mexicana de Aviacion to engage in code-share services in the San Antonio, Texas-Mexico City, Mexico, market; and (2) to grant exemption authority to, and to designate, Continental Airlines, Inc., as requested in Docket OST-97-2845, to provide scheduled foreign air transportation of persons, property, and mail between San Antonio, Texas and Mexico City, Mexico. Interested parties having objections to the tentative decision, are to file an original and five copies of their objections with the Department's Docket Section, no later than 7 calendar days from the date of service of this order; answers thereto shall be filed no later than 5 calendar days thereafter.</p> <p data-bbox="691 1520 915 1549">Served 11-13-97</p> <p data-bbox="691 1598 1279 1696">ORDERS NOT RELEASED AS OF 11-14-97: 97-11-19, 97-11-20, 97-11-23, 97-11-24, AND 97-11-25</p>	11-13-97