



U.S. Department of
Transportation

Office of the Secretary
of Transportation

DOCUMENTARY SERVICE DIVISION
Washington, D.C. 20590

97-47

Weekly Summary of Orders and
Regulations

NOVEMBER 17 - NOVEMBER 21, 1997

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

97-11-19	UNDOC'D OST-97-2880 UNDOC'D OST-97-2920 OST-96-1672 OST-97-2708 UNDOC'D OST-97-2893 OST-97-2967 UNDOC'D OST-97-2977 OST-97-2265 OST-96-1428	APPLICATIONS OF AMERICAN AIRLINES, INC. AND TRANSPORTES AEREOS DEL MERCOSUR, S.A., CONTINENTAL AIRLINES, INC., AND VIRGIN ATLANTIC AIRWAYS LIMITED, CONTINENTAL MICRONESIA, INC., DELTA AIR LINES, INC., GEMINI AIR CARGO, LLC, POLAR AIR CARGO, INC., QANTAS AIRWAYS LIMITED FOR EXEMPTIONS OR AUTHORITIES UNDER 49 U.S.C. SECTION 40109 AND THE ORDERS AND REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION	11-12-97
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The Department confirms the actions described in the Notices of Action Taken, which granted the referenced U.S. and foreign air carriers (1) exemptions from the provisions of Sections 41101 and 41301, where necessary 41504, or as noted in the notices, other sections of Title 49 U.S.C.; or (2) relief or authorizations as provided for under regulations or orders of the Department, to the applicants to perform the operations described in the Notices of Action Taken. Served 11-18-97

97-11-20	OST-95-405 OST-95-429	INTRA-ALASKA BUSH SERVICE MAIL RATE; INTRA-ALASKA CLASS SERVICE MAIL RATE (MAINLINE RATE) The Department makes final its tentative findings and conclusions set forth in Order 97-9-37, served October 3, 1997, and	11-12-97
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Order	Docket	Summary	Date Action Taken
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97-11-20	OST-95-405 OST-95-429	<p>(1) changes the methodology the Department currently uses to update the Alaska Bush and Mainline mail rates; (2) changes the frequency of the Alaska Mainline mail rate updates from twice a year to once a year; (3) adjusts the procedural schedule for responses to Alaska mail rate Show-Cause orders by eliminating the provision for Notices of Objection and extending the Answer period to 45 days after the service date of the Show Cause Order. Because all interested persons have had an opportunity to comment on its Order to Show Cause (97-9-37), the Department will not entertain petitions for reconsideration of this order. Served 11-18-97</p>	11-12-97
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Intervening numbers appeared in a previous issue

97-11-23	OST-97-3048	<p>APPLICATION OF VISCOUNT AIR SERVICES, INC. FOR AN EXEMPTION FROM THE REVOCATION PROVISIONS OF 14 CFR 204.7</p> <p>The Department is granting the request of Viscount Air Services, Inc., for an exemption, until April 30, 1998, from the provisions of Section 204.7 of the Department's rules which provides for the revocation of the carrier's certificate authority, if following a cessation of all operations for which a fitness determination is required, it fails to have its fitness reestablished and resume such operations within a year of the cessation. Served 11-19-97</p>	11-13-97
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Order	Docket	Summary	Date Action Taken
97-11-24	OST-97-3023 OST-97-2884 OST-97-2878 OST-97-2651 OST-96-1654 OST-96-1622 OST-96-1562 OST-96-1501	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, 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 11-19-97	11-13-97
97-11-25	OST-97-2851 OST-96-1659 OST-96-1303 OST-96-1302 50395 48174 48166	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, 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 11-19-97	11-13-97

Intervening number appeared in a previous issue

Order	Docket	Summary	Date Action Taken
97-11-27	OST-97-2586	<p>1997 U.S.-CHILE COMBINATION SERVICE PROCEEDING</p> <p>The Department tentatively selects Continental Airlines, Inc., to serve the U.S.-Chile market and allocates it seven weekly frequencies for its nonstop services in the Newark/New York-Santiago market. It also tentatively selects Delta Airline Lines, Inc., for backup authority in the U.S.-Chile market. The Department will afford interested parties 10 calendar days to file objections to its tentative findings and conclusions and 5 calendar days thereafter for any answers.</p> <p>Served 11-14-97</p>	11-14-97
97-11-28	OST-97-3040	<p>APPLICATION OF VALUJET AIRLINES, INC. d/b/a AIRTRAN AIRLINES FOR REGISTRATION OF NAME CHANGE AND REISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER 14 CFR PART 215</p> <p>The Department, acting under authority assigned in its Regulations, 14 CFR 385.12, reissues the certificates issued to ValuJet Airlines, Inc., by Order 93-10-43 effective on November 18, 1997.</p> <p>Served 11-17-97</p>	11-17-97
97-11-29	OST 97-2794 OST-97-2795	<p>APPLICATION OF TRADEWINDS AIRLINES, INC. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE AND FOREIGN CHARTER PASSENGER AIR TRANSPORTATION</p> <p>The Department tentatively concludes that Tradewinds Airlines, Inc. (Tradewinds), a certificated all-cargo air carrier, is “fit, willing and able” to provide interstate and foreign charter passenger air transportation, subject to</p>	11-18-97

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Order	Docket	Summary	Date Action Taken
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97-11-29	OST 97-2794 OST-97-2795	conditions. The Department will afford interested parties 10 days after the service date of this order to file objections to its tentative findings and conclusions and 7 days thereafter for any answers. Served 11-18-97	11-18-97
		Intervening numbers have not been issued	
97-11-33	OST-97-2574	The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which revises existing resolutions governing the election of members to five technical IATA panels and boards dealing with cargo business procedures, dangerous goods, live animals and perishables, unit load devices (ULDs) and airmail. It provides for the election of half of the membership at the annual meeting of each board or panel so as to maintain the continuity of expertise. It revises Resolution 023 and it modifies the customs declaration regarding U.S. export control regulations. Served 11-25-97	11-19-97
97-11-34	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 finds that WINAIR, Inc., is fit, willing and able to engage in interstate and foreign charter air transportation of persons, property, and mail and issues a certificate of public convenience and necessity to WINAIR, Inc., to engage	11-20-97
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Order	Docket	Summary	Date Action Taken
97-11-34	OST-97-2936 OST-97-2937	Continued..... in interstate air transportation in the form and subject to the Terms, Conditions, and Limitations. Should WINAIR, Inc., propose to operate more than 8 aircraft, it is directed to notify the Department in writing at least 45 days prior to the proposed operation and demonstrate its fitness to conduct such operations before their commencement. Served 11-20-97	11-20-97
97-11-35	OST-97-3139 OST-97-2548 OST-97-2848 OST-97-2594 OST-97-2852 OST-97-2578 OST-97-2855	1997 U.S.-ARGENTINA ALL-CARGO FREQUENCY PROCEEDING; JOINT APPLICATION OF FEDERAL EXPRESS CORPORATION, ARROW AIR, INC., AND FLORIDA WEST INTERNATIONAL AIRWAYS, INC. FOR APPROVAL OF A TRANSFER OF FREQUENCY ALLOCATIONS PURSUANT TO 49 U.S.C. SECTION 41105 (U.S.-ARGENTINA ALL-CARGO FREQUENCIES); APPLICATIONS OF ARROW AIR, INC., FEDERAL EXPRESS CORPORATION, FINE AIRLINES, INC., POLAR AIR CARGO, INC., AND SOUTHERN AIR TRANSPORT, INC. FOR ALLOCATION OF FREQUENCIES AND/OR EXEMPTION AUTHORITY (U.S.-ARGENTINA ALL-CARGO FREQUENCIES) The Department institutes the <i>1997 U.S.-Argentina All-Cargo Frequency Proceeding</i> to determine whether U.S.-Argentina all-cargo frequencies currently held by Florida West, Arrow Air, and Challenge should be reallocated, including the issue of whether frequencies should be transferred from Florida West and Arrow Air to Federal Express. It will consolidate all of the captioned applications into this new proceeding. Served 11-20-97	11-20-97

Order	Docket	Summary	Date Action Taken
97-11-36	OST-97-2915	<p>ESSENTIAL AIR SERVICE AT NEW HAVEN, CONNECTICUT UNDER 49 U.S.C. 41731 <i>et seq.</i></p> <p>The Department will take no action to prevent Continental Express from terminating its essential air service at New Haven, Connecticut, at the end of its 90-day notice period on December 17, 1997. It will also update the community's essential air service (EAS) definition as service to any medium or large hub. Finally, because New Haven is within 70 highway miles of Hartford, Connecticut and New York (LaGuardia), the Department is precluded by statute from paying subsidy to any carrier to provide service; thus, it may not require service beyond the end of a 90-day notice period.</p> <p>Served 11-26-97</p>	11-20-97

ORDERS NOT RELEASED AS OF 11-21-97: 97-11-30, 97-11-31, AND 97-11-32