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UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Order 96-6-27

Served: June 19, 1996

Issued by the Department of Transportation  
on the 13 day of June, 1996

Applications of

**JAPAN AIR LINES COMPANY, LTD.**

**WEST INDIES EXPRESS S.A.**

**FAST AIR CARRIER LTDA.**

**ATLANT-SV AIRLINES**

**AIR ESPANA, S.A. T/A AIR EUROPA**

**ALL NIPPON AIRWAYS CO., LTD.**

**NIPPON CARGO AIRLINES CO., LTD.**

**KRASNOYARSK AIRLINES D/B/A KRASAIR**

**NATIONAL AIRLINES CHILE S.A.**

Dockets

OST-96-1307 - 4  
OST-95-662 - 17  
OST-96-1161 - 3  
OST-96-1033 - 1  
OST-95-977 - 3  
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OST-95-670 - 3  
OST-95-523 - 4  
OST-95-449 - 2  
(49766)

for exemptions or authorities under 49 U.S.C.  
section 40109 and the orders and regulations  
of the Department of Transportation

**ORDER**

The foreign air carriers referenced in the attached Notices of Action Taken have applied for various forms of authority or relief from Title 49 of the U.S. Code or regulations or orders of the Department in order to perform the air transportation activities shown in the attached Notices of Action Taken. Except as noted, no answers were filed to these requests. Because of the imminence of these operations, we approved them by telephone, subject to adherence, by each applicant, to the conditions set forth in its foreign air carrier permit, and/or conditions attached.

We carefully considered the information set forth in each application described in the attached Notices of Action Taken, and we found that each of the proposed operations was consistent with the public interest and was consistent with an applicable bilateral aviation agreement and/or our aviation relationship with the

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applicant's homeland, that each applicant was qualified to perform its proposed operations, and that each application should be approved.

For applicant carriers seeking initial operating authority, we determined, based on the record in those proceedings, that those carriers were financially and operationally qualified to conduct the services they proposed, and, unless otherwise noted, that they were substantially owned and effectively controlled by citizens of their respective homelands.

Under authority assigned by the Department in its Regulations, 14 CFR Part 385, we found that for each operation (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption or authority was consistent with the public interest; and (3) grant of this authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.

ACCORDINGLY,

1. We confirm the actions described in the attached 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 attached Notices of Action Taken;
2. In the conduct of the service, each applicant was to adhere to the conditions set forth in Appendix A, and to any other conditions as noted in the attached Notices of Action Taken;
3. To the extent not granted, or explicitly deferred as noted in the attached Notices of Action Taken, these applications are denied; and
4. We may amend, modify, or revoke this order at any time without hearing.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within ten (10) days after the date of service of this order. The filing of a petition for review of a particular action shall affect this order only as it concerns that action.

These actions were effective when taken, and the filing of a petition for review will not alter their effectiveness.

By:

PAUL L. GRETCH  
Director  
Office of International Aviation

(SEAL)

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<http://www.dot.gov/dotinfo/general/orders/aviation.html>*

## CONDITIONS OF AUTHORITY

In the conduct of the operations authorized, the holder shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
- (2) Comply with all applicable requirements of the Federal Aviation Administration, including, but not limited to, 14 CFR Parts 129, 91, and 36;
- (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Department's Regulatory Analysis Division, X-57, Office of Aviation Analysis (any changes to, or termination of, insurance also shall be filed with that office);
- (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
- (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
- (6) Comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are:
  - (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or
  - (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States.

**Appendix A**  
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In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;

(8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;

(9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;

(10) If charter operations are authorized, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and

(11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code.

(41301/40109) 7/94



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

### DOCKET OST 96-1307

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Japan Air Lines Company, Ltd.**

Date Filed: April 25, 1996

Relief requested: Exemption from 49 U.S.C. 41301 to (1) conduct its currently-authorized all-cargo services to or from any point or points in Japan, and (2) coterminize all the U.S. points for which the carrier holds Department authority to conduct all-cargo services.

If renewal, date and citation of last action: New authority.

Applicant representative: Jeffrey N. Shane (202) 663-6909

Responsive pleadings: On May 10, 1996, Federal Express Corporation filed an answer in support of an immediate grant of JAL's request, stating that the JAL request appears to be wholly consistent with the enhanced all-cargo service opportunities made available to Japanese carriers pursuant to the April 16, 1996 U.S.-Japan Memorandum of Understanding (MOU), and that, in view of improved U.S.-Japan relations on cargo issues, as evidenced by the recent MOU, it anticipates that the Government of Japan will act favorably and in timely fashion on its request for approval of its 1996 Summer cargo schedules. It further states that should such favorable action not be forthcoming by the Government of Japan, the Department should take proportionate action against the U.S. all-cargo operations of Japanese carriers. Federal Express notes that it hopes and anticipates that no such restrictive actions will become necessary.

### DISPOSITION

Action: Approved

Action date: **May 15, 1996**

Effective dates of authority granted: **May 15, 1996 - May 15, 1997**

Basis for approval (bilateral agreement/reciprocity): The authority requested is encompassed by a Memorandum of Understanding between the United States and Japan, signed April 16, 1996.

(over)

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Foreign air carrier permit conditions (Order 70-8-66).

Special conditions/Partial grant/Denial basis/Remarks:

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-95-662

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Japan Air Lines Company, Ltd.** . . . Date Filed: **n/a**

**Sua sponte exemption modifying our action in Order 96-3-63, to the extent necessary, to permit JAL to operate up to seven weekly combination frequencies between Sendai, Japan, and Honolulu, Hawaii, through July 8, 1996.**

If renewal, date and citation of last action: **Order 96-5-3, issued May 1, 1996.**  
Applicant representative: Jeffrey N Shane (202) 663-6909

#### DISPOSITION

Action: **Approved**

Action date: **June 5, 1996**

Effective dates of authority granted: **June 5-July 8, 1996**

Basis for approval (bilateral agreement/reciprocity): **As a result of discussions between U.S. and Japanese aviation officials in Tokyo June 3 and 4, 1996, the United States agreed to extend, to July 8, 1996, Japan Airlines' authority to operate up to seven weekly flights between Sendai and Honolulu.**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **Order 96-3-63 and JAL's foreign air carrier permit (Order 70-8-66).**

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-96-1161

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **West Indies Express S.A.**

Date Filed: **March 15, 1996**

Relief requested: **Exemption from 49 U.S.C. 41301 to conduct scheduled foreign air transportation of persons, property and mail between Cap Haitien, Haiti, and Miami, Florida; and charters subject to Part 212 of the Department's rules.**

If renewal, date and citation of last action: **n/a**

Applicant representative: **Benjamin R. Achenbach, Jr. (202) 822-8888**

### DISPOSITION

Action: **Approved**

Action date: **June 6, 1996**

Effective dates of authority granted: **June 6, 1996-June 6, 1997**

Basis for approval (bilateral agreement/reciprocity): **Comity and reciprocity with Haiti**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **In the conduct of the operations authorized above, WIE must wet lease aircraft from a duly authorized and properly supervised U.S. or foreign air carrier. In that regard, on June 6, 1996, we approved a request by Renown Aviation, a U.S. certificated air carrier, to wet lease a Convair 580 aircraft to WIE in the conduct of the authorized services. See Renown Aviation, Statement of Authorization approved June 6, 1996.**

Special conditions/Partial grant/Denial basis/Remarks: **Based on the record in this case, we find that West Indies Express is financially and operationally qualified to perform the services authorized above. However, we are unable to find that WIE is substantially owned and effectively controlled by Haitian nationals. WIE states that it is a Haitian corporation, wholly owned by three former Haitian nationals {now naturalized U.S. citizens (Carneus Jacob/Napoleon Elima & Fred Elusma)} with extensive commercial and other contacts with Haiti. In spite of the lack of Haitian ownership in this carrier, we find it appropriate to waive our ownership and control**

(over)

**requirements. The three owners of WIE formerly held Haitian citizenship and are now naturalized U.S. citizens. The carrier is properly licensed by the Government of Haiti to perform the proposed services, and there is no evidence on the record which would suggest that the ownership of the carrier would be inimical to U.S. aviation policy or interests.**

**Haiti is currently a Category III country under the FAA's International Aviation Safety Assessment Program, and foreign air carriers of Haiti are not permitted to serve the United States with their own aircraft and crews. In the event that Haiti is reclassified as a Category I country, and should WIE then wish to operate its own aircraft and crews under the authority authorized above, it must first apply for and receive appropriate authority from the Department to conduct such services in its own right.**

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-96-1033

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Fast Air Carrier Ltda.**

Date Filed: **January 26, 1996**

Relief requested: **Exemption from 49 U.S.C. 41301 to engage in scheduled foreign air transportation of property and mail between Santiago, Chile, and Los Angeles, California.**

If renewal, date and citation of last action: January 20, 1995, Order 95-7-26

Applicant representative: Marshall S. Sinick (202) 626-6600

### DISPOSITION

Action: **Approved**

Action date: **February 6, 1996**

Effective dates of authority granted: **February 6, 1996-February 6, 1997**

Basis for approval (bilateral agreement/reciprocity): **Air Transport Agreement between the United States and Chile signed September 27, 1989.**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations of **Fast Air's Foreign Air Carrier Permit (Order 82-2-66).**

Special conditions/Partial grant/Denial basis/Remarks:

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)

**We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.**



**U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-95-977

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Atlant-SV Airlines**

Date Filed: December 29, 1995

Relief requested: **Exemption from 49 U.S.C. 41301 to conduct charter foreign air transportation of persons, property and mail, separately or in combination, between Ukraine and the United States; and other charters in accordance with Part 212 of the Department's rules.**

If renewal, date and citation of last action: December 30, 1994, Order 94-12-42  
Applicant representative: George U. Carneal/Glenn P. Wicks (202) 637-5683

#### DISPOSITION

Action: **Approved**

Action date: **February 23, 1996**

Effective dates of authority granted: **February 23, 1996-February 23, 1997**

Basis for approval (bilateral agreement/reciprocity): **U.S.-Ukraine bilateral aviation agreement**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **Standard exemption conditions**

Special conditions/Partial grant/Denial basis/Remarks: **In addition to our standard conditions, the authority granted above is subject to the conditions contained in Order 94-12-42.**

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-95-794

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Air Espana, S.A. t/a Air Europa**      Date Filed: **March 14, 1996**

Relief requested: **Exemption from 49 U.S.C. 41301 to engage in scheduled foreign air transportation of persons, property and mail between Madrid (and/ or Santiago de Compostela), Spain, and New York, New York (including Newark).**

If renewal, date and citation of last action: November 16, 1995

Applicant representative: Aaron A. Goerlich (202) 822-9070

### DISPOSITION

Action: **Approved in Part/Denied in Part**      Action date: **April 18, 1996**

Effective dates of authority granted: **April 18, 1996-October 11, 1996** {Since the duration of the authority is for a period fewer than 180 days, this is not a license with reference to an activity of a continuing nature within the meaning of 5 USC 558(c)}. See 14 CFR 377.

Basis for approval (bilateral agreement/reciprocity): **U.S.-Spain Air Transport Services Agreement.**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **Foreign Air Carrier Permit (Order 95-9-7)**

Special conditions/Partial grant/Denial basis/Remarks: We denied Air Europa's request to the extent that it sought approval of the requested authority for a period of one year. We limited the term of Air Espana's authority for the reasons cited in our November 16, 1995, Notice of Action Taken granting Air Espana's initial request for scheduled authority in the Madrid-New York market (Docket OST-95-794).

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-95-794

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Air Espana, S.A. t/a Air Europa**      Date Filed: **November 3, 1995**

Relief requested: **Exemption from 49 U.S.C. 41301 to engage in scheduled foreign air transportation of persons, property and mail between Madrid, Spain and New York, New York.**<sup>1</sup>

If renewal, date and citation of last action: n/a

Applicant representative: Aaron A. Goerlich (202) 822-9070

#### DISPOSITION

Action: **Approved in Part/Denied in Part**<sup>2</sup>      Action date: **November 16, 1995**

Effective dates of authority granted: **November 16, 1995-May 8, 1996**<sup>3</sup>

Basis for approval (bilateral agreement/reciprocity): **U.S.-Spain Air Transport Services Agreement.**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **Foreign Air Carrier Permit (Order 95-9-7)**

Special conditions/Partial grant/Denial basis/Remarks:

(Over)

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<sup>1</sup> Air Europa's application also included a request to perform scheduled combination services between Tenerife and Boston/New York. On November 16, 1995, Air Europa withdrew the Tenerife-Boston/New York portion of its request.

<sup>2</sup> We denied Air Europa's request to the extent that it sought approval of the requested authority for a period of one year.

<sup>3</sup> Since the duration of the authority is for a period fewer than 180 days, this is not a license with reference to an activity of a continuing nature within the meaning of 5 USC 558(c). See 14 CFR 377.

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)

**(We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.)**

The Spanish authorities have indicated through diplomatic communications during the past year that they are not prepared to accord a U.S. carrier permission to inaugurate service on the New York-Madrid route. We have responded that such permission is a bilateral right available under the Agreement. Taking into account our position that the Agreement provides for the introduction of scheduled combination services over the New York-Madrid route by additional carriers of both the United States and Spain, and taking into account further the lack of opposition to Air Europa's request, we are prepared to authorize Air Europa to commence the operation at issue here. However, in light of our concern over the previously expressed Spanish position, we are limiting our authorization to a period of 179 days. In addition, we are granting this authority strictly on the condition that the Spanish authorities will honor U.S. carrier rights to serve the New York-Madrid route as well as other routes available under the Agreement. We reserve the right to amend, modify, or revoke Air Europa's authority, without hearing, should such U.S. rights not be so honored.



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## **NOTICE OF ACTION TAKEN**

### **DOCKET OST-95-674**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: All Nippon Airways Co., Ltd. Date Filed: September 20, 1995**

**Relief requested: Exemption from 49 U.S.C. 41301 to conduct scheduled foreign air transportation of persons, property and mail between Osaka, Japan, and Guam.**

**If renewal, date and citation of last action: April 20, 1995, Order 95-4-31.**

**Applicant representative: James L. Devall (202) 298-8660**

### **DISPOSITION**

**Action: Approved**

**Action date: October 13, 1995**

**Effective dates of authority granted: October 13, 1995-October 13, 1996**

**Basis for approval (bilateral agreement/reciprocity): 1985 Memorandum of Understanding between the United States and Japan (1985 MOU).**

**Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Foreign Air Carrier Permit (Order 87-11-27)**

**Special conditions/Partial grant/Denial basis/Remarks: The authority granted above is subject to the terms of the 1985 MOU.**

**Action taken by:**

**Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)**

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of  
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## **NOTICE OF ACTION TAKEN**

### **DOCKET OST-95-670**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Nippon Cargo Airlines Co., Ltd.      Date Filed: September 20, 1995**

**Relief requested: Exemption from 49 U.S.C. 41301 to conduct scheduled all-cargo foreign air transportation between the terminal point Osaka, Japan, and the coterminal points Chicago, Illinois, and New York, New York.**

If renewal, date and citation of last action: n/a

Applicant representative: James L. Devall (202) 298-8660

#### **DISPOSITION**

**Action: Approved**

**Action date: October 13, 1995**

**Effective dates of authority granted: October 13, 1995-October 13, 1996**

**Basis for approval (bilateral agreement/reciprocity): 1995 Record of Consultations between the United States and Japan (1995 ROC).**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **Foreign Air Carrier Permit (Order 90-4-4)**

**Special conditions/Partial grant/Denial basis/Remarks: The authority granted above is subject to the terms of the 1995 ROC.**

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-95-523

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Krasnoyarsk Airlines d/b/a Krasair** Date Filed: January 11, 1996

Relief requested: **Exemption from 49 U.S.C. 41301 to conduct scheduled foreign air transportation of persons, property and mail between Russia and New York, New York; Miami, Florida; and Los Angeles and San Francisco, California.**

If renewal, date and citation of last action: January 11, 1995, Order 95-1-14

Applicant representative: Walter B. McCormick (202) 508-6000

### DISPOSITION

Action: **Approved**

Action date: **February 23, 1996**

Effective dates of authority granted: **February 23, 1996-February 23, 1997**

Basis for approval (bilateral agreement/reciprocity): **Air Transport Agreement between the United States and Russian Federation, entered into force January 14, 1994. The Annexes to the Agreement were scheduled to expire on May 31, 1995. During consultations on April 20, 1995, both sides indicated they would be prepared to extend the term of the Annexes through May 31, 1996. Pending formal confirmation of that intent the Annexes have continued to be observed on the basis of comity and reciprocity.**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **Standard exemption conditions**

Special conditions/Partial grant/Denial basis/Remarks: **In addition to our standard conditions, the authority granted above is subject to the conditions contained in Order 95-1-14.**

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-95-449

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **National Airlines Chile S.A.**      Date Filed: **September 13, 1995**

Relief requested: Exemption from 49 U.S.C. 41301. **Renew exemption and statement of authorization to the extent necessary to engage in code-share operations with United Air Lines for the carriage of passengers on the Santiago- Antofagasta/Arica/ Copiapo/Concepcion/Iquique/La Serena/Puerto Montt & Punta Arenas, Chile segments of United's U.S.-Chile service. NAC also seeks to amend this authority by adding Temuco, Chile as an additional point to be served in conjunction with United's flights between the U.S. and Santiago.**

If renewal, date and citation of last action: **October 3, 1994**  
Applicant representative: **Jeffrey A. Manley (202) 637-9057**

### DISPOSITION

Action: **Approved**      Action date: **October 3, 1995**

Effective dates of authority granted: **October 3, 1995-October 3, 1996**

Basis for approval (bilateral agreement/reciprocity): **Reciprocity with Chile**

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **Standard Exemption Conditions**

Special conditions/Partial grant/Denial basis/Remarks: **Under the authority granted above, NAC may not hold out services in its own right between Chile and the United States.**

**The code-sharing operations authorized herein must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation**

(over)

**systems and elsewhere, that the carrier selling such transportation accept all obligations established in its contract of carriage with the passenger (*i.e., the ticket*), and that the operator shall not permit the code of its U.S. air carrier code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.**

**NAC requested that the authority be granted for a two year period. However, as is our usual practice in granting foreign carriers exemption authority, we are limiting the term of the authority to one year. NAC may, of course, seek renewal of this authority in accordance with the Department's regulations.**

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## **NOTICE OF ACTION TAKEN**

### **DOCKET 49766**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **National Airlines Chile S.A.** Date Filed: **September 13, 1994**

Relief requested: Exemption from 49 U.S.C. 41301. **Exemption and statement of authorization to the extent necessary to engage in code-share operations with United Air Lines for the carriage of passengers on the Santiago- Antofagasta/Arica/ Copiapo/Concepcion/Iquique/La Serena/Puerto Montt & Punta Arenas, Chile segments of United's U.S.-Chile service.**

If renewal, date and citation of last action: n/a

Applicant representative: Jeffrey A. Manley (202) 637-9057

### **DISPOSITION**

Action: **Approved**

Action date: **October 3, 1994**

Effective dates of authority granted: **October 3, 1994-October 3, 1995**

Basis for approval (bilateral agreement/reciprocity): Reciprocity with Chile

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: **Standard Exemption Conditions**

Special conditions/Partial grant/Denial basis/Remarks: **Under the authority granted above, NAC may not hold out services in its own right between Chile and the United States.**

**The code-sharing operations authorized herein must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation**

(over)

**systems and elsewhere, that the carrier selling such transportation accept all obligations established in its contract of carriage with the passenger (*i.e., the ticket*).**

Action taken by:

Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)