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NEW



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

NOTICE OF ACTION TAKEN

July 31, 1997

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.

Application of Tower Air, Inc. filed 6/19/97 in Docket OST-97-2636 for:

XX Exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between New York, New York, and Cairo, Egypt, via Athens, Greece, and to integrate this authority with its existing exemption and certificate authority.

Applicant rep.: Stephen L. Gelband, 202-337-6200 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted (subject to conditions, see below)*

The above action was effective when taken: July 30, 1997, through July 30, 1998

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
*(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of
this action.)*

XX Authority granted is consistent with the aviation agreements between the United States and Egypt, and the United States and Greece.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

- XX** Holder's certificate of public convenience and necessity
- XX** Standard Exemption Conditions (attached)

Conditions: The route integration authority granted is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in award of the route integration authority requested should be construed as conferring upon Tower rights (including fifth freedom intermediate

(See Reverse Side)

and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Tower notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in Tower's authority by virtue of the route integration exemption granted here, but that are not then being used by Tower, the holding of such authority by route integration will not be considered as providing any preference for Tower in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.