

Order 97-1-10

Served: January 21, 1997

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

**Issued by the Department of Transportation
on the 27th day of December, 1996**

Applications of	:	
	:	
American Airlines, Inc.	:	Dockets 49672
	:	OST-95-856
	:	OST-96-1393
	:	OST-96-1394
	:	
Continental Airlines, Inc.	:	OST-96-1423
	:	
Delta Air Lines, Inc.	:	OST-96-1371
	:	
Tower Air, Inc.	:	49575
	:	
United Air Lines, Inc.	:	OST-96-1389
	:	
for certificates of public convenience and necessity under	:	
section 41102 of Title 49 U.S.C. as amended, and the orders	:	
and regulations of the Department of Transportation	:	

ORDER ISSUING CERTIFICATES

The captioned applicants seek grant, renewal, and/or amendment of certificates of public convenience and necessity under section 41102 of Title 49 of the United States Code. The applications are fully described in the attachments to this order. Because the public

convenience and necessity bases for granting these applications are clear, and the applications are not controversial, it is appropriate to use this simplified, Subpart Q procedures to grant the requested authority.¹

¹ 14 CFR 302.1701 et seq. Under Rule 29(b) we may, in our discretion, omit a tentative decision in proceedings under Subpart Q and proceed directly to a final decision.

The applicants have filed and perfected each application as required by 14 CFR 201 and served it as required by 14 CFR 302.1705. Each application was summarized in the Federal Register, as cited in the relevant descriptive attachment, and was also summarized in the Department's published weekly list of applications filed. These notices described the authority sought and gave interested persons an opportunity to submit evidence and objections to the award of the authority. Except as noted in individual attachments, no answers to these applications were filed.

Public Convenience and Necessity

We find that grant or amendment of these certificates is consistent with the public convenience and necessity. Where, as noted, the services authorized are the subject of a bilateral agreement, the certificate is consistent with the agreement and uses rights for which the United States has exchanged valuable operating rights. For authority which is not the subject of a bilateral agreement, the grant is consistent with the overall state of aviation relations between the United States and the foreign countries involved. All of the authority conferred here contributes to the variety of price and service options available to travelers and shippers.

Fitness/Citizenship

Each applicant is a citizen of the United States as defined in 49 U.S.C. 40102(a)(15). Each is an operating certificated air carrier for which the authority at issue here would not constitute a substantial change in operations which would require further review by the Department. No information has come to our attention which leads us to question the fitness of the applicants to conduct air transportation operations. Therefore, on the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we find each applicant is fit, willing and able to provide the services authorized.

Terms, Conditions and Limitations

Each certificate of public convenience and necessity is subject to the standard terms, conditions, and limitations we consistently impose in the public interest. Duration of certificate authority is determined by the nature of the routes at issue. Where routes may be served by multiple U.S. carriers, without restrictions on additional entrants, the certificates are of indefinite duration. Where limited entry routes are involved, we issue temporary, experimental certificates of five years' duration under section 49 U.S.C. 41102(c).² The certificates issued to American, Continental, and United to serve

² 14 CFR Part 399.120.

Spain and to American for Dallas/Ft. Worth-Tokyo authority are granted for another five-year term; the certificates issued to American to serve Manchester and Prestwick/Glasgow, and Tower to serve London (Stansted) are for an indefinite duration.

Pendente Lite Exemptions

For those services operated under current exemptions, those exemptions will expire in accordance with their own terms 90 days after we submit this order for review under section 41307 49 U.S.C. For those routes operated under expired exemptions and kept in force by 5 U.S.C. 558(c), the exemption renewal applications on file will be dismissed by separate order, upon the effectiveness of the corresponding certificates of public convenience and necessity. The attachments cite the relevant currently held authority.

Findings and Conclusions

In view of the foregoing and all the facts of record, we find and conclude that:

1. It is consistent with the public convenience and necessity to amend or issue each applicant a certificate in the form attached;
2. Each applicant is a citizen of the United States and is fit, willing and able to perform properly the foreign air transportation described in the attached certificate or certificate amendment and to conform to the provisions of Subtitle VII of Title 49, United States Code (Transportation), and to the Department's rules, regulations, and requirements.
3. The public interest requires that the exercise of the privileges granted by the attached certificates and certificate amendments be subject to the terms, conditions and limitations contained in and attached to those certificates and to such others required by the public interest as the Department may prescribe;
4. Except as otherwise noted in the attachments, the issuance of each of these certificates and certificate amendments does not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975, as defined by section 313.4(a)(1) of the Department's regulations;³ and

³ Our finding is based on the fact that grant of each application would not result in a near-term increase in annual fuel consumption in excess of 10 million gallons.

5. The public interest does not require an oral evidentiary hearing or a show-cause proceeding on any of these applications. There are no material, determinative issues of fact requiring such procedures for their resolution.

ACCORDINGLY,

1. We amend or issue in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;
2. The certificates and certificate amendments will be effective 30 days after the service date of this order, subject to the extension of those effective dates in accordance with the provision of the certificate amendments;
3. To the extent not granted, dismissed or deferred, we deny all motions and requests in these dockets;
4. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order shall become effective upon the 61st day after its submission for section 41307 review, or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier;⁴ and
5. We will serve this order on the parties to the captioned dockets of this order, the Ambassador in Washington, DC of each country that the applicants seek authority to serve, the U.S. Department of State (Office of Aviation Negotiations), and the Federal Aviation Administration.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation and
International Affairs

(SEAL)

⁴ This order was submitted for section 41307 review on December 27, 1996. On January 14, 1997, we received notification that the President's designee, under Executive Order 12597 and implementing regulations, did not intend to disapprove the Department's order.

American Airlines, Inc.
Renewal and Amendment of Certificate for **Route 576**

Filed: 7/20/94

Docket: 49672

Notice: 59 FR(39012) 8/1/94

I. Authority Sought: (1) Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between Chicago, Illinois, and Prestwick/Glasgow, Scotland, and (2) amend certificate to integrate this authority with its existing authority on Routes 137, 370, 487, 602, 604, and 648, and with existing exemption authorities.

II. Relevant Currently Held Authorities: American holds certificate authority on Route 576 to provide scheduled foreign air transportation of persons, property, and mail between Chicago, Illinois, and Prestwick/Glasgow, Scotland. Order 89-12-43. Under the terms of the certificate, American's authority expired on January 21, 1995. American filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the U.S.-U.K. Air Services Agreement and the U.S.-U.K. Memorandum of Consultations dated June 5, 1995, which is being applied on the basis of comity and reciprocity. Consistent with our standard practice to afford carriers the maximum operating flexibility possible, we will grant American the authority to integrate the above authority with its existing authority on Routes 137, 370, 487, 602, 604, 648, and with its existing exemption authorities. The route integration authority is subject to the provisions of the aviation agreements between the United States and the foreign countries involved.

V. Fitness/Citizenship: American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-5-9. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question American's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will reissue American's certificate for Route 576 to reflect renewal for an indefinite duration rather than five years and to add a new standard condition concerning route integration authority involving limited entry countries. Under the June 5, 1995, Memorandum of Consultations between the United States and the United Kingdom, U.S. carriers are able to serve between any point in the United States and any point in the United Kingdom (except Heathrow and Gatwick). Prestwick/Glasgow is now available as an open-entry market. Thus, it is no longer necessary to subject American's authority to a limited term.

VII. Duration: Indefinite.



**Certificate of Public Convenience and Necessity
for
Route 576
(as reissued)**

This Certifies That

American Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-1-10
On December 27, 1996
Effective on February 20, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

*As renewed and reissued

by

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Terms, Conditions and Limitations

American Airlines, Inc. for **Route 576**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail between:

Chicago, Illinois, and Prestwick/Glasgow, Scotland.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

*As renewed and reissued

by

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(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able,” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) The holder may combine services on this certificate with its certificate authority on Routes 137, 370, 487, 602, 604, and 648, and with existing authority issued by exemption provided that any service under this certificate shall be consistent with all applicable agreements between the United States and the foreign countries involved; and provided further, that (a) nothing in the award on the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedure 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 the holder’s authority by virtue of the route integration authority granted here, but that are not then being used by the holder, the holding of such authority by route integration will not be considered as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

This certificate shall become effective February 20, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate, issued by Order 89-12-43, is reissued to reflect renewal of authority in the Chicago-Prestwick/Glasgow market for an indefinite duration, and to add route integration authority. The reissued certificate also incorporates revised standard terms and conditions applicable to U.S. carriers.

American Airlines, Inc.
Renewal of Certificate for **Route 605**

Filed: 11/21/95
12/4/95

Docket: OST-95-856

Notice: 60 FR (62131)

I. Authority Sought: Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between New York, New York, and Manchester, England.

II. Relevant Currently Held Authorities: American holds certificate authority on Route 605 to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 91-4-45. Under the terms of the certificate, American's authority expired on May 24, 1996. American filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the U.S.-U.K. Air Services Agreement and the U.S.-U.K. Memorandum of Consultations dated June 5, 1995, which is being applied on the basis of comity and reciprocity.

V. Fitness/Citizenship: American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-5-9. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question American's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will reissue American's certificate for Route 605 for an indefinite period rather than five years. Under the June 5, 1995, Memorandum of Consultations between the United States and the United Kingdom, U.S. carriers are able to serve between any point in the United States and any point in the United Kingdom (except Heathrow and Gatwick). Regional airports such as Manchester are now available as open-entry markets. Thus, it is no longer necessary to subject American's authority to a limited term.

VII. Duration: Indefinite.



**Certificate of Public Convenience and Necessity
for
Route 605
(as reissued)**

This Certifies That

American Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-1-10
On December 27, 1996
Effective on February 20, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

*As renewed and reissued

by

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Terms, Conditions and Limitations

American Airlines, Inc. for **Route 605**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail between:

The terminal points New York, New York, and Manchester, England.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

*As renewed and reissued

by

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(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able,” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective February 20, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate, issued by Order 91-4-45, is reissued to reflect renewal of authority in the New York-Manchester market for an indefinite duration. The reissued certificate also incorporates revised

standard terms and conditions applicable to U.S. carriers.

American Airlines, Inc.
Renewal of Certificate for **Route 517**

Filed: 5/23/96 **Docket:** OST-96-1393 **Notice:** 61 FR (28632 & 28633)
6/5/96

- I. **Authority Sought:** Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between Dallas/Ft. Worth, Texas, and Tokyo, Japan.

- II. **Relevant Currently Held Authorities:** American holds certificate authority on Route 517 to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 91-10-43. Under the terms of the certificate, American's authority expired on November 23, 1996. American filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application.

- III. **Pleadings:** No answers were filed.

- IV. **Public Convenience and Necessity:** The authority requested is consistent with the aviation agreement between the United States and Japan.

- V. **Fitness/Citizenship:** American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-5-9. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question American's fitness to conduct the air transportation operations authorized here.

- VI. **Terms, Conditions and Limitations:** Standard. We will reissue American's certificate for Route 517 to reflect renewal of the authority for an additional five years.

- VII. **Duration:** Five years. Section 41102(c).



**Experimental Certificate
of Public Convenience and Necessity
for
Route 517
(as reissued)**

This Certifies That

American Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-1-10
On December 27, 1996
Effective on February 20, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

*As renewed and reissued

by

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Terms, Conditions and Limitations

American Airlines, Inc. for **Route 517**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail between:

The terminal point Dallas/Ft. Worth, Texas, and the terminal point Tokyo, Japan.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.
- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

*As reissued by
Order 97-1-10
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(7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(9) In the event that the holder commences operations for which it was found "fit, willing, and able," and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective February 20, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time. It shall expire five years thereafter, unless the Department earlier suspends, modifies, or deletes the authority.

*This certificate, issued by 86-10-16 and reissued by Order 91-10-43, is reissued to reflect renewal of authority in the Dallas/Ft. Worth-Tokyo market for an additional five years. The reissued certificate also incorporates revised standard terms and conditions applicable to U.S. carriers.

American Airlines, Inc.
Renewal of Certificate for **Route 602**

Filed: 5/23/96 **Docket:** OST-96-1394 **Notice:** 61 FR (28632 & 28633)
6/5/96

I. Authority Sought: Renew certificate authority on segment 4 of Route 602 to provide foreign air transportation of persons, property, and mail between the coterminal points Dallas/Ft. Worth, Texas, and Miami, Florida; the intermediate points the Azores and Lisbon, Portugal; and the coterminal points Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain.

II. Relevant Currently Held Authorities: American holds certificate authority on segment 4 of Route 602 to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 91-10-54. Under the terms of the certificate, America's authority on segment 4 to serve Spain expired on November 28, 1996. American filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Spain.

V. Fitness/Citizenship: American has previously been found to be a citizen of the United States and fit, willing and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-5-9. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question American's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will amend American's certificate for Route 602 to reflect renewal of the authority on segment 4 for an additional five years.

VII. Duration: Five years. Section 41102(c).

*As amended by
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American Airlines, Inc.

Certificate Amendment for **Route 602**

Add the following new condition:

() The authority on segment 4 shall expire February 20, 2002.

This certificate amendment shall become effective February 20, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this amendment may by order or orders extend such effective date from time to time.

*This certificate originally issued by Order 91-1-72, reissued by Order 91-4-47, and amended by Orders 91-10-54, 93-7-5, and 96-5-9, is amended to reflect renewal of authority for an additional five years on segment 4 of Route 602.

Continental Airlines, Inc.
Renewal of Certificate for **Route 29-F**

Filed: 5/31/96 **Docket:** OST-96-1423 **Notice:** 61 FR (29163) 6/7/96

I. Authority Sought: Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between New York, New York (Newark), and Madrid and Barcelona, Spain, via the intermediate points the Azores and Lisbon, and beyond to points in Algeria; Tunisia; Egypt; Uganda; Kenya; Tanzania; Turkey; Tel Aviv, Israel; Jordan; Syria; Bahrain; Kuwait; Oman; Qatar; Yemen; United Arab Emirates; Iran; Afghanistan; Pakistan; and India.

II. Relevant Currently Held Authorities: Continental holds certificate authority on segment 12 of Route 29-F to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 92-11-46. Under the terms of the certificate, Continental's authority on segment 12 expired on November 28, 1996. Continental filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Spain.

V. Fitness /Citizenship: Continental has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-10-44. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Continental's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will amend Continental's certificate for Route 29-F to reflect renewal of the authority on segment 12 for an additional five years.

VII. Duration: Five years. Section 41102(c).

Certificate Amendment

Continental Airlines, Inc. for **Route 29-F**

Amend condition (7) to read as follows:

(7) Authority on segment 12 shall expire February 20, 2002, unless the Department earlier suspends, modifies, or deletes the authority.

This certificate amendment shall become effective February 20, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate, issued by Order 79-5-56, reissued by Orders 82-12-42, 86-8-78, and 92-11-46, is amended to reflect renewal of authority for segment 12 of Route 29-F for an additional five years.

Delta Air Lines, Inc.
Renewal of Certificate for **Route 178**

Filed: 5/14/96 **Docket:** OST-96-1371 **Notice:** 61 FR (26245) 5/24/96

I. Authority Sought: Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between Atlanta, Georgia, and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain, via the intermediate points the Azores and Lisbon, Portugal.

II. Relevant Currently Held Authorities: Delta holds certificate authority on segment 5 of Route 178 to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 91-10-54. Under the terms of the certificate, Delta's authority on segment 5 to serve Spain expired November 28, 1996. Delta filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Spain.

V. Fitness /Citizenship: Delta has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-5-9. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Delta's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will amend Delta's certificate for Route 178 to reflect renewal of the authority on segment 5 for an additional five years.

VII. Duration: Five years. Section 41102(c).

Certificate Amendment

Delta Air Lines, Inc. for **Route 178**

Amend condition (6) to read as follows:

(6) The holder's authority to serve Spain on segment 5 shall expire February 20, 2002, unless the Department earlier suspends, modifies, or deletes this authority.

This certificate amendment shall become effective February 20, 1997. provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate, issued by Order 87-9-38, amended by Orders 91-4-43, 91-10-43, 91-10-54, and reissued by Order 92-10-58, is amended to reflect renewal of authority on segment 5 of Route 178 for an additional five years.

Tower Air, Inc.
Certificate of Public Convenience and Necessity

Filed: 5/26/94 **Docket:** 49575 **Notice:** 59 FR (29320) 6/6/94

I. Authority Sought: Scheduled foreign air transportation of persons, property, and mail between New York, New York, and London (Stansted), England.

II. Relevant Currently Held Authorities: Tower holds certificate authority to provide scheduled foreign air transportation of persons, property, and mail in the New York/Miami-Gothenburg; New York-Brussels-Tel Aviv; New York-Copenhagen/Oslo/Stockholm; Miami/Orlando-Copenhagen/Oslo/Stockholm; and New York-Amsterdam-New Delhi/Bombay, India markets. Order 95-1-41. Tower also holds exemption authority to serve the New York-Stansted market. Order 95-2-41.

III. Pleadings: Prior to the conclusion of the June 5, 1995 U.S.-U.K. Memorandum of Consultations cited in paragraphs IV and VI below, Delta filed an answer in opposition of Tower's application stating that Tower's request was extrabilateral. Tower replied.

IV. Public Convenience and Necessity: The authority requested is consistent with the U.S.-U.K. Air Services Agreement and the U.S.-U.K. Memorandum of Consultations dated June 5, 1995, which is being applied on the basis of comity and reciprocity. (See below.)

V. Fitness/Citizenship: Tower has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-1-41. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Tower's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will issue Tower a certificate for public convenience and necessity for an indefinite period. Under the June 5, 1995, Memorandum of Consultations between the United States and the United Kingdom, U.S. carriers are able to serve between any point in the United States and any point in the United Kingdom (except Heathrow and Gatwick). Regional airports such as Stansted are now available as open-entry markets. In these circumstances, the issue raised by Delta is resolved.

VII. Duration: Indefinite.



**Certificate of Public Convenience and Necessity
for
Route 731**

This Certifies That

Tower Air, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-1-10
On December 27, 1996
Effective on February 20, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

Tower Air, Inc.

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between New York, New York, and London (Stansted), England.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able,” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective February 20, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate is issued to reflect award of new authority in the New York-London (Stansted) market.

United Air Lines, Inc.
Renewal of Certificate for **Route 603**

Filed: 5/21/96 **Docket:** OST-96-1389 **Notice:** 61 FR (28632 & 28633)
6/5/96

I. Authority Sought: Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between Washington, D.C., and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain, via the intermediate points the Azores and Lisbon, Portugal.

II. Relevant Currently Held Authorities: United holds certificate authority on segment 6 of Route 603 to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 91-10-54. Under the terms of the certificate, United's authority on segment 6 to serve Spain expired November 28, 1996. United filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application.

III. Pleadings: The Metropolitan Washington Airports Authority filed an answer in support of United's application.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Spain.

V. Fitness /Citizenship: United has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated carrier under section 41102 Title 49 U.S.C. See e.g., Order 96-5-9. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question United's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will amend United's certificate for Route 603 to reflect renewal of the authority on segment 6 for an additional five years.

VII. Duration: Five years. Section 41102(c).

Certificate Amendment

United Air Lines, Inc. for **Route 603**

Add the following new condition to read as follows:

() The holder's authority on segment 6 shall expire February 20, 2002, unless the Department earlier suspends, modifies, or deletes this authority.

This certificate amendment shall become effective February 20, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate, issued by Order 91-2-5 , amended by Orders 91-10-54 and 92-7-9, is further amended to reflect renewal of authority on segment 6 of Route 603 for an additional five years.