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WITHDRAWAL SHEET

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Withdrawer

File Folder

JGR/CIVIL AVIATION BOARD DECISIONS (6 OF 16)

RBW 8/30/2005

FOIA

Box Number

F05-139/01

COOK

15RW

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	SUMMARY	SUMMARY OF APPLICATION FOR CANADA AIRCRAFT (OPEN IN WHOLE)	1	ND	B4	490

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

49
14/6/1

DOT, DOT

move to review to Drug Act, case came up.

the court could not review → sentence + exec order
1978 Drug Act. 801(a)

Ellist ~~Seiden~~ Seiden 724-6349

- case not heard + fact

- don't know 801(a)

all U.S. or more

Jeff Stone 426-2972

W

234,093
168,034

66,059

234,093

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Civil Aeronautics Board Decisions in
Action Air Cargo Corporation, The Flying
Tiger Line, Inc., Northwest Airlines,
Inc., and Capitol Air, Inc.

Richard Darman's office has asked for comments by close of business Wednesday, July 13, 1983 on the above-referenced CAB decisions, which were submitted for Presidential review as required by § 801(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1461(a). Under this section, the President may disapprove, solely on the basis of foreign relations or national defense considerations, CAB actions involving either foreign air carriers or domestic carriers involved in foreign air transportation. If the President wishes to disapprove such CAB actions, he must do so within sixty days of submission (in these cases, by July 23).

The orders here have been reviewed by the appropriate departments and agencies, following the procedures established by Executive Order No. 11920 (1976). OMB recommends that the President not disapprove, and reports that the NSC and the Departments of State, Defense, Justice and Transportation have not identified any foreign relations or national defense reasons for disapproval. Since these orders involve domestic carriers, judicial review is theoretically available. Hence, the proposed letter from the President to the CAB Chairman prepared by OMB includes the standard sentence designed to preserve availability of judicial review, as contemplated by the Executive Order for cases involving domestic airlines.

The Action Air Cargo order authorizes service by that carrier between Jamaica and the U.S. The remaining orders authorize service by Flying Tiger between the U.S. on the one hand and Australia and Lebanon on the other, and by Northwest and Capitol between the U.S. and Lebanon. My review of the orders confirms OMB's description of them as "routine, noncontroversial matters."

A memorandum for Darman is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING *orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decisions in
Action Air Cargo Corporation, The Flying
Tiger Line, Inc., Northwest Airlines,
Inc., and Capitol Air, Inc.

Our office has reviewed the above-referenced CAB decisions and related materials and has no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(a).

We also have no legal objection to OMB's recommendation that the President not disapprove these orders or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

FFF:JGR:aw 7/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decisions in
Action Air Cargo Corporation, The Flying
Tiger Line, Inc., Northwest Airlines,
Inc., and Capitol Air, Inc.

Our office has reviewed the above-referenced CAB decisions and related materials and has no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(a).

We also have no legal objection to OMB's recommendation that the President not disapprove these orders or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

FFF:JGR:aw 7/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1

Name of Correspondent: Richard G. Harman

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: CAB Decision: Action Air Cargo Corporation, The Flying Tiger Line, Inc., Northwest Airlines, One and Capital Air, Inc.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
CU Holland	ORIGINATOR	83.07.07		1/1
CUAT 12	Referral Note: D.	83.07.07		583.07.13
	Referral Note:	1/1		1/1
	Referral Note:	1/1		1/1
	Referral Note:	1/1		1/1
	Referral Note:	1/1		1/1

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered C - Completed
B - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments:

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Always return completed correspondence record to Central Files.
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WHITE HOUSE STAFFING MEMORANDUM

DATE: July 7, 1983 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. WEDNESDAY, July 13SUBJECT: CAB Decisions: Action Air Cargo Corporation, The Flying Tiger Line, Inc.,
Northwest Airlines, Inc. and Capital Air, Inc.

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	HARPER	☒	☐
MEESE	☐	☐	HERRINGTON	☐	☐
BAKER	☐	☐	JENKINS	☐	☐
DEAVER	☐	☐	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
CLARK	☐	☐	ROGERS	☐	☐
DARMAN	☐	☒ SS	ROLLINS	☐	☐
DUBERSTEIN	☐	☐	VERSTANDIG	☐	☐
FELDSTEIN	☐	☐	WHITTLESEY	☐	☐
FIELDING	☒	☐	BRADY/SPEAKES	☐	☐
FULLER	☐	☐	_____	☐	☐
GERGEN	☐	☐	_____	☐	☐

REMARKS:

Please provide any comments/edits by c.o.b. Wednesday, July 13.

Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Received SS

1983 JUL -7 PM 2:03

July 6, 1983

ACTION

MEMORANDUM FOR: ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

SUBJECT: Civil Aeronautics Board Decisions:

Action Air Cargo Corporation
Docket 41125
Date due: July 22, 1983

The Flying Tiger Line, Inc.
Northwest Airlines, Inc.
Capital Air, Inc.
Dockets 41332, 41394, 41418
Date due: July 22, 1983

You will find attached a memorandum for the President about the above international aviation cases. The interested executive agencies have reviewed the Board's decisions and have no objection to the proposed orders.

These are routine, noncontroversial matters. No foreign policy or national defense reasons for disapproving the Board's orders have been identified. I recommend that the President sign the attached letter to the Chairman which indicates that he does not intend to disapprove the Board's orders within the 60 days allowed by statute. Otherwise, the Board's orders become final on the 61st day.

Constance Horner
Associate Director
Economics and Government

Attachments:

Memorandum to the President
CAB letters of transmittal
CAB orders
Letter to the Chairman



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Received 55
1983 JUL -7 PM 2:04

July 6, 1983

ACTION

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decisions:

Action Air Cargo Corporation
Docket 41125
Date due: July 22, 1983

The Flying Tiger Line, Inc.
Northwest Airlines, Inc.
Capitol Air, Inc.
Dockets 41332, 41394, 41418
Date due: July 22, 1983

The Civil Aeronautics Board proposes to take the following actions with regard to the above international aviation cases:

- Amend the certificate of Action Air Cargo Corporation, authorizing the airline to transport property and mail between Jamaica and the United States.
- Amend the certificate of The Flying Tiger Line, Inc., authorizing the airline to transport property and mail between the United States, on the one hand, and Austria and Lebanon, on the other. Amend the certificates of Northwest Airlines, Inc., and Capitol Air, Inc., authorizing the airlines to transport persons, property and mail between the United States and Lebanon.

The Departments of State, Defense, Justice, and Transportation and the National Security Council have not identified any foreign policy or national defense reasons for disapproving the orders in whole or in part.

The Office of Management and Budget recommends that you approve the Board's decisions by signing the attached letter to the Chairman which indicates that you do not intend to disapprove the Board's orders within the 60 days allowed by statute for your review. Also, OMB recommends that you state in your letter that no national defense or foreign policy reason underlies your action. This will preserve whatever opportunity is available under the statute for judicial review.

Constance Horner
Associate Director
Economics and Government

Attachments:

CAB letters of transmittal
CAB orders
Letter to the Chairman

Options and Implementation Actions:

- () 1) Approve the Board's orders and preserve whatever opportunity is available for judicial review (DOS, DOD, DOJ, DOT, NSC, OMB).
-- Sign the attached letter to the Chairman.
- () 2) Approve the Board's orders and do nothing to preserve whatever opportunity is available for judicial review.
-- Implementation materials to be prepared.
- () 3) Disapprove the Board's orders.
-- Implementation materials to be prepared.
- () 4) See me.

THE WHITE HOUSE
WASHINGTON

Dear Chairman McKinnon:

I have reviewed the orders proposed by the Civil Aeronautics Board in the following cases:

Action Air Cargo Corporation
Docket 41125

The Flying Tiger Line, Inc.
Northwest Airlines, Inc.
Capitol Air, Inc.
Dockets 41332, 41394, 41418

I have decided not to disapprove the Board's orders. No foreign relations or national defense reason underlies my actions.

Sincerely,

The Honorable Dan McKinnon
Chairman
Civil Aeronautics Board
Washington, D.C. 20428



THE CHAIRMAN
OF THE
CIVIL AERONAUTICS BOARD

WASHINGTON, D.C. 20428

B-11

MAY 23 1983

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I transmit the Board's proposed order on the application of Action Air Cargo Corporation, Docket 41125, for your consideration under section 801(a) of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978. The order will issue an amended certificate to the applicant and adopt the Board's tentative decision in its Order to Show Cause 83-3-122 (enclosed) unless you disapprove it within 60 days of this transmittal.

If you should decide earlier that you will not disapprove, please advise me to that effect; this will allow the earlier issuance of the authority.

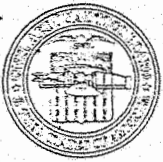
We are submitting the proposed decision to you before publication under the provisions of section 801(a) of the Federal Aviation Act of 1958. In accordance with Executive Order 11920, however, we plan to release all unclassified portions of the decision on or after the sixth day following this transmittal unless notified by your Assistant for National Security Affairs.

Respectfully yours,

A handwritten signature in dark ink, reading "Dan McKinnon". The signature is written in a cursive style with a large, looped "D" at the beginning.

Dan McKinnon

Enclosures



THE CHAIRMAN
OF THE
CIVIL AERONAUTICS BOARD

WASHINGTON, D. C. 20428

B-11

MAY 23 1983

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I transmit the Board's proposed order on the applications of The Flying Tiger Line Inc., Docket 41332, Northwest Airlines, Inc., Docket 41394, and Capitol Air, Inc., Docket 41418, for your consideration under section 801(a) of the Federal Aviation Act of 1958 as amended by the Airline Deregulation Act of 1978. The order will adopt the Board's decision establishing simplified procedures and issue certificate amendments to the applicants unless you disapprove it within 60 days of this transmittal.

If you should decide earlier that you will not disapprove, please advise me to that effect; this will allow the earlier issuance of the authority.

We are submitting the proposed decision to you before publication under the provisions of section 801(a) of the Federal Aviation Act of 1958. In accordance with Executive Order 11920, however, we plan to release all unclassified portions of the decision on or after the sixth day following this transmittal unless notified by your Assistant for National Security Affairs.

Respectfully yours,

A handwritten signature in dark ink, reading "Dan McKinnon". The signature is written in a cursive style with a large, sweeping "D" at the beginning.

Dan McKinnon

Enclosures

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 15, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Civil Aeronautics Board Decisions in
Societe Antillaise de Transports, et al
Certain Indirect Foreign Air Carriers;
Certain Foreign Air Carriers;
Trans North Turbo Air Limited

Richard Darman's office has asked for comments by close of business Wednesday, August 17, 1983 on the above-referenced CAB decisions, which were submitted for Presidential review as required by § 801(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1461(a). Under this section, the President may disapprove, solely on the basis of foreign relations or national defense considerations, CAB actions involving either foreign air carriers or domestic carriers involved in foreign air transportation. If the President wishes to disapprove such CAB actions, he must do so within sixty days of submission (in these cases, by September 13, August 29, September 18, and September 13, respectively).

The orders here have been reviewed by the appropriate departments and agencies, following the procedures established by Executive Order No. 11920 (1976). OMB recommends that the President not disapprove, and reports that the NSC and the Departments of State, Defense, Justice and Transportation have not identified any foreign relations or national defense reasons for disapproval. Since these orders involve foreign carriers, the proposed letter from the President to the CAB Chairman prepared by OMB does not include the standard sentence designed to preserve availability of judicial review.

The Air Guadeloupe order authorizes specified service by that carrier. The indirect foreign air order cancels certain existing permits to compel the carriers to comply with new registration procedures. (The carriers have had ample time to do so voluntarily.) The foreign air order revokes certain permits for failure to maintain adequate insurance, and the Trans North order authorizes specified service by that carrier.

A memorandum for Darman is attached for your review and signature.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 15, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decisions in
Societe Antillaise de Transports, et al
Certain Indirect Foreign Air Carriers;
Certain Foreign Air Carriers;
Trans North Turbo Air Limited

Our office has reviewed the above-referenced CAB decisions and related materials and has no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(a).

We also have no legal objection to OMB's recommendation that the President not disapprove these orders or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

FFF:JGR:ph 8/16/83
cc: FFFielding/
JGRoberts✓
Subject
Chron.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 15, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decisions in
Societe Antillaise de Transports, et al
Certain Indirect Foreign Air Carriers;
Certain Foreign Air Carriers;
Trans North Turbo Air Limited

Our office has reviewed the above-referenced CAB decisions and related materials and has no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(a).

We also have no legal objection to OMB's recommendation that the President not disapprove these orders or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

WHITE HOUSE STAFFING MEMORANDUMDATE: 8/12/83 ACTION/CONCURRENCE/COMMENT DUE BY: 8/17/83SUBJECT: CAB DECISIONS RE: Societe Antillaise de Transports, et al
Certain Indirect Foreign Air Carriers;
Certain Foreign Air Carriers;
Trans North Turbo Air Limited

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	HARPER	☒	☐
MEESE	☐	☐	HERRINGTON	☐	☐
BAKER	☐	☐	JENKINS	☐	☐
DEAVER	☐	☐	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
CLARK	☒	☐	ROGERS	☐	☐
DARMAN	☐	☒	ROLLINS	☐	☐
DUBERSTEIN	☐	☐	VERSTANDIG	☐	☐
FELDSTEIN	☐	☐	WHITTLESEY	☐	☐
FIELDING →	☒	☐	BRADY/SPEAKES	☐	☐
FULLER	☐	☐	_____	☐	☐
GERGEN	☐	☐	_____	☐	☐

REMARKS:

May we have your comments on the attached by close of business
August 17. Thank you.

RESPONSE:



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 11 1983

ACTION

MEMORANDUM FOR: ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

SUBJECT: Civil Aeronautics Board Decisions

Certain Indirect Foreign Air
Carriers
Docket 41455
Date due: August 29, 1983

Certain Foreign Air Carriers
Docket 41538
Date due: September 18, 1983

Trans North Turbo Air Limited
Docket 41344
Date due: September 13, 1983

Societe Antillaise De
Transports Aeriens d/b/a
Air Guadeloupe
Docket 38858
Date due: September 13, 1983

You will find attached a memorandum for the President about the above international aviation cases. The interested executive agencies have reviewed the Board's decisions and have no objection to the proposed orders.

These are routine, noncontroversial matters. No foreign policy or national defense reasons for disapproving the Board's orders have been identified. I recommend that the President sign the attached letter to the Chairman which indicates that he does not intend to disapprove the Board's orders within the 60 days allowed by statute. Otherwise, the Board's orders become final on the 61st day.

Original signed by
Constance Horner

Constance Horner
Associate Director
Economics and Government

Attachments:

Memorandum to the President
CAB letters of transmittal
CAB orders
Letter to the Chairman



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 11 1983

ACTION

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decisions:

Certain Indirect Foreign Air
Carriers
Docket 41455
Date due: August 29, 1983

Certain Foreign Air Carriers
Docket 41538
Date due: September 18, 1983

Trans North Turbo Air Limited
Docket 41344
Date due: September 13, 1983

Societe Antillaise De
Transports Aeriens d/b/a
Air Guadeloupe
Docket 38858
Date due: September 13, 1983

The Civil Aeronautics Board proposes to take the following actions with regard to the above international air cases:

- Cancel the foreign air carrier permits issued to certain foreign charter tour operators and foreign air freight forwarders. The Board proposes this action in order to compel these foreign charter tour operators and foreign air freight forwarders to abide by its new registration procedures. The Board's action would cancel all permits remaining under the old procedures.
- Revoke the foreign air carrier permits issued to certain foreign air carriers. The Board proposes this action because these carriers failed to maintain insurance for aircraft accident liability, as required by CAB regulations and by a condition in their permits.
- Amend the foreign air carrier permit of Trans North Turbo Air Limited authorizing the airline to transport persons, property and mail between Whitehorse, Yukon Territory, Canada and Fairbanks, Alaska.
- Issue a foreign air carrier permit to Air Guadeloupe authorizing the airline to transport persons, property and mail between Guadeloupe, French West Indies; the intermediate point of St. Maarten, Netherlands Antilles; and San Juan, Puerto Rico.

The Departments of State, Defense, Justice, and Transportation and the National Security Council have not identified any foreign policy or national defense reasons for disapproving the orders in whole or in part.

The Office of Management and Budget recommends that you approve the Board's decisions by signing the attached letter to the Chairman which indicates that you do not intend to disapprove the Board's orders within the 60 days allowed by statute for your review.

Original signed by
Constance Horner

Constance Horner
Associate Director
Economics and Government

Attachments:

CAB letters of transmittal
CAB orders
Letter to the Chairman

Options and Implementation Actions:

- () 1) Approve the Board's orders. (DOS, DOD, DOJ, DOT, NSC, OMB).
-- Sign the attached letter to the Chairman.
- () 3) Disapprove the Board's orders.
-- Implementation materials to be prepared.
- () 4) See me.

THE WHITE HOUSE

WASHINGTON

Dear Chairman McKinnon:

I have reviewed the orders proposed by the Civil Aeronautics Board in the following cases:

Certain Indirect Foreign Air
Carriers
Docket 41455

Certain Foreign Air Carriers
Docket 41538

Trans North Turbo Air Limited
Docket 41344

Societe Antillaise De
Transports Aeriens d/b/a
Air Guadeloupe
Docket 38858

I have decided not to disapprove the Board's orders.

Sincerely,

The Honorable Dan McKinnon
Chairman
Civil Aeronautics Board
Washington, D.C. 20428

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Adopted by the Civil Aeronautics Board
at its office in Washington, D. C.
on the 14th day of July, 1983

Application of :
: SOCIETE ANTILLAISE DE TRANSPORTS AERIENS : Docket 38858
: d/b/a AIR GUADELOUPE :
: for a foreign air carrier permit pursuant :
: to section 402 of the Federal Aviation :
: Act of 1958, as amended :

ORDER ISSUING FOREIGN AIR CARRIER PERMIT

By application filed October 17, 1980, and noticed in the Federal Register, 1/ Societe Antillaise de Transports Aeriens d/b/a Air Guadeloupe requests a foreign air carrier permit to provide foreign air transportation of persons, property and mail between a point or points in Guadeloupe, French West Indies, the intermediate point St. Maarten, Netherlands Antilles, and San Juan, Puerto Rico. 2/ Air Guadeloupe also requests permission, under Part 215 of our Regulations, to do business under the trade name Air Guadeloupe, as well as its full corporate name Societe Antillaise de Transports Aeriens. 3/

No answers to the application have been filed.

We have thoroughly reviewed the record including the application, which is summarized in Appendix A, and have decided to grant the application using the simplified Subpart Q procedures. 4/ The public was

1/ 47 FR 70954, October 27, 1980.

2/ We delayed processing the application to permit Air Guadeloupe to submit additional evidentiary material as required by Part 211. The application is now complete and ready for decision.

3/ Since there has been no objection to the proposed trade name "Air Guadeloupe" and since there is no apparent risk of public confusion by use of that name, we are issuing the attached permit showing the applicant's full corporate name and its trade name.

4/ 14 CFR 302.1701 et seq. Under Rule 29(b), the Board may, in its own discretion, omit a tentative decision in proceedings under Subpart Q and proceed directly to a final decision, after provision of an opportunity for interested parties to submit evidence and to object to grant of authority under section 402 of the Act.

informed of the carrier's application by notices in the Federal Register and the Board's weekly list of applications filed, describing the authority sought and giving interested persons an opportunity to submit evidence and objections to the award of the authority. These notices provided the required notice and filing opportunities. Simplified procedures are appropriate in this case because the authority conferred is not of a controversial nature. The applicant's fitness is unchallenged and no answers have been filed to the application or to the Federal Register notice.

Ownership and Control

The Government of France and the French Department of Guadeloupe own 51 percent of the applicant's stock. Air France owns 45 percent of the stock and the Chamber of Commerce and Townships own the remaining 4 percent. All of the directors and managers of Air Guadeloupe are French citizens.

Financial and Operational Fitness

The evidence submitted by the applicant indicates that it has the managerial skills, the financial qualifications, operating and maintenance capability, and compliance disposition necessary for a finding of fitness.

The financial records of Air Guadeloupe show total assets of \$5.3 million, total liabilities of \$4.6 million and a net worth of \$643 thousand as of December 31, 1980. It had a net loss of \$440 thousand for the 12 months ended December 31, 1980. After the French Government authorized Air Guadeloupe to increase its capital, the existing stockholders contributed \$525 thousand in new capital to the company in 1981.

Air Guadeloupe was incorporated under French law on March 23, 1970. It is based at Raizet Airport, Guadeloupe. Air Guadeloupe began operations with Twin Otter aircraft in 1970 between Pointe-a-Pitre, Guadeloupe and three nearby islands. It currently operates over 130 weekly flights between Pointe-a-Pitre and Maria Galante, St. Maarten, St. Barthelemy, Dominica, and Antigua. It carried 259,000 passengers in 1980. Air Guadeloupe owns two F-27's and four Twin Otter aircraft. These aircraft are maintained by Air Guadeloupe's personnel in Guadeloupe.

Air Guadeloupe provided service in 1980 between Guadeloupe and San Juan via St. Maarten under exemption authority. 5/ However, this service was discontinued after eight months because of insufficient traffic. Air Guadeloupe states that it plans to resume San Juan service in the near future.

Air Guadeloupe has not been involved in any safety or tariff violations during the past five years, 6/ and it has never been refused insurance. No operating authority held by Air Guadeloupe has ever been

5/ See Order 80-11-126, November 24, 1980. This exemption authority will remain in effect until final disposition of the present permit application.

6/ By letter dated June 1, 1983, the Federal Aviation Administration advised us that it knew of no reason why the Board should act unfavorably on Air Guadeloupe's application.

suspended, revoked or cancelled. Air Guadeloupe has sufficient insurance coverage to meet the requirements contained in Part 205 of our Regulations.

Designation and Public Interest

The Air Services Agreement of March 27, 1946, as amended, between the United States and France provides, among other things, route rights for French and U.S. carriers to operate between Guadeloupe and the United States. The authority sought is consistent with Route 6 of this Agreement. 7/ The Government of France has designated Air Guadeloupe to provide this service.

Under section 402 of the Act, we are empowered to issue a foreign air carrier permit if we find the applicant is qualified and designated by its government to perform services pursuant to an agreement. We find that Air Guadeloupe meets these requirements and should be issued a permit.

In view of the foregoing and all the facts of record, the Board finds and concludes that:

1. The applicant is qualified and has been designated by France to perform the air services described in the attached foreign air carrier permit, under the terms of an Agreement with the United States, and such transportation will be in the public interest;
2. The applicant is fit, willing, and able properly to perform the foreign air transportation described in the attached permit and to conform to the provisions of the Act, and rules, regulations and requirements of the Board;
3. The public interest requires that the exercise of the privileges granted by the permit shall be subject to the terms, conditions, and limitations required by the public interest as may be prescribed by the Board;
4. The applicant is substantially owned by the Government of France and the French Department of Guadeloupe and effectively controlled by nationals of its homeland;
5. Issuance of this foreign air carrier permit will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in section 313.4(a)(1) of the Board's Regulations; 8/ and
6. The public interest does not require an oral evidentiary hearing on the application.

7/ As of June 1983, two U.S. carriers provided service between the United States and Guadeloupe: American Airlines provided service between New York and Guadeloupe; Eastern Air Lines provided service between Miami and St. Croix and Guadeloupe.

8/ Our finding is based upon the fact that issuance of the applicant's permit will not result in a near-term annual increase in fuel consumption in excess of 10 million gallons.

ACCORDINGLY,

1. We are issuing a foreign air carrier permit, in the form attached, to Societe Antillaise de Transports Aeriens d/b/a Air Guadeloupe authorizing foreign air transportation of persons, property and mail between a point or points in Guadeloupe, French West Indies, the intermediate point of St. Maarten, Netherlands Antilles, and San Juan, Puerto Rico;

2. Except to the extent granted, the application in Docket 38858 is denied;

3. The Secretary of the Board shall sign the permit on our behalf and shall affix the seal of the Board;

4. We shall serve this order on the applicant, the Ambassador of the applicant's home country in Washington, D.C., and the Departments of State and Transportation; and

5. Unless disapproved by the President of the United States under section 801(a) of the Act, this order and the attached permit shall become effective on the 61st day after its submission to the President, 9/ or upon the date of receipt of advice from the President that he does not intend to disapprove the Board's order under that section, whichever is earlier.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR

Secretary

(SEAL)

All Members concurred.

9/ This order was submitted to the President on JUL 15 1983
The 61st day is SEP 14 1983

APPENDIX A

SUMMARY OF APPLICATION

Homeland Country: Department of Guadeloupe, France

Authority Covered by Bilateral Agreement: U.S.-France Air Services Agreement of March 27, 1947, as amended

Designated By Its Government: Appendix B, AGL-3, Docket 38858

Holds Government License for Authority Sought: Exhibit AGL-2, Docket 38858

Operating History: Began regional Caribbean operations in 1970

Aircraft Owned (O) and Leased (L): 2 F-27(O) 4-Twin Otter (O)

Aircraft Maintenance Performed By: Air Guadeloupe in Guadeloupe

Financial Indicators--as of:	<u>Dec. 31, 1979</u>	<u>Dec. 31, 1980</u>
	(000)	(000)
Total Assets	\$ 4,503	\$ 5,269
Total Liabilities	3,488	4,626
Owners' Equity */	1,015	643
Operating Profit (Loss) 12 mos. ending	(304)	(440)

*/ Note: In 1981, there was an infusion of \$525,000 in new capital by the existing stockholders.

Majority Ownership by Nationals Of: France, government owned.

Effective Control by Nationals Of: France, government controlled.

Insurance Coverage: Meets requirements, AGL-9, Docket 38858

Insurance Refused or Involuntarily Canceled During Last 3 Years: No

Refused Debt Financing Last 3 Years : No

Defaulted On Transportation Commitments Last 3 Years: No

Failed To Meet Current Financial Obligations Last 3 Years: No

Safety Violations During Last 5 Years: No

Tariffs Violations During Last 5 Years: No

Subscribes To Standard Permit Conditions Regarding Insurance And Annex 6 Of Chicago Convention And C.A.B. Agreement 18900: Yes

Near-term Annual Fuel Consumption Exceeds 10 Million Gallons: No

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

- - - - -

PERMIT TO FOREIGN AIR CARRIER

- - - - -

SOCIETE ANTILLAISE DE TRANSPORTS AERIENS
d/b/a AIR GUADELOUPE

is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958, as amended and the orders, rules and regulations of the Board, to engage in the foreign air transportation of persons, property, and mail, as follows:

Between a point or points in Guadeloupe, French West Indies; the intermediate point St. Maarten, Netherlands Antilles; and the terminal point San Juan, Puerto Rico.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by the Board's Regulations governing charters.

This permit and the exercise of the privileges granted in it shall be subject to the terms, conditions and limitations attached, and to the following:

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and France shall be parties.

This permit shall be effective on . Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention or agreement or amendment, which shall have the effect of eliminating the route or routes authorized by this permit from the routes which may be operated by airlines designated by the Government of France (or in the event of the elimination of any part of the authorized route or routes, the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of France in lieu of the holder, or (3) upon the termination or expiration of the Air Services Agreement between the Government of the United States of America and the Government of France, effective March 27, 1946, as

DRAFT

- 2 -

amended (or in the event of the termination or expiration of any part of the Air Services Agreement, the authority granted by this permit shall cease to the extent of such termination or expiration). However, clause (3) of this paragraph shall not apply if, prior to occurrence of the event specified in clause (3), the operation of the foreign air transportation authorized becomes the subject of any treaty, convention, or agreement to which the United States of America and the Government of France are or shall become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on July 14 1983.

PHYLLIS T. KAYLOR

Secretary

(SEAL)

DRAFT

Attachment

PERMIT TO FOREIGN AIR CARRIER

The holder's authority to conduct operations under the permit attached shall also be subject to the following terms, conditions, and limitations:

(1) The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(2) The privileges granted by this permit are subject to the condition that the holder comply with the requirements for minimum insurance coverage contained in 14 CFR 205.

(3) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

(4) The holder shall not operate any aircraft under the authority granted by this permit, unless the holder complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention.

(5) The holder shall conform to the airworthiness and airman competency requirements prescribed by its home Government for international air service.

(6) Except as specifically authorized by the Board, all flights to/from the United States or its territories or possessions must originate or terminate in the holder's homeland.

(7) The holder shall not provide the foreign air transportation authorized by this permit unless it holds a currently effective authorization from its Government for such operations and such document is on file with the Board.

(8) The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

* * * *

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Adopted by the Civil Aeronautics Board
at its office in Washington, D.C.
on the 14th day of July, 1983

Application of :
:
TRANS NORTH TURBO AIR LIMITED : Docket 41344
:
for amendment of its foreign air carrier :
permit issued under section 402 of the :
Federal Aviation Act of 1958, as amended :

ORDER ISSUING FOREIGN AIR CARRIER PERMIT

By application filed March 8, 1983, and noticed in the Federal Register, 1/ Trans North Turbo Air Limited d/b/a Trans North Air requests amendment of its foreign air carrier permit which currently authorizes scheduled foreign air transportation of persons and property between Whitehorse, Yukon Territory, Canada and Juneau, Alaska. In its application, Trans North seeks new route authority to engage in scheduled foreign air transportation of persons, property, and mail between Whitehorse, Yukon Territory, Canada and Fairbanks, Alaska, 2/ and authority to carry mail on its existing route between Whitehorse and Juneau. The authority sought is consistent with the U.S.-Canada Air Transport Services Agreement governing scheduled services.

Over the Whitehorse-Fairbanks route, Trans North proposes to provide daily round-trip services during the summer season (June 15-September 15), using F-27 aircraft, and reduce the number of frequencies to two round-trip flights each week during the winter season (September 16-June 14) using smaller aircraft, namely DC-3, Cessna 404, or Titan aircraft.

No answers to Trans North's application or to the Federal Register notice have been filed.

1/ 48 FR 11729, March 21, 1983.

2/ Trans North was designated for operations over this route (Canadian Route F.4) by Diplomatic Note No. 241, dated May 14, 1982.

We have reviewed the record including the application, which is summarized in Appendix A, and have decided to grant the application using the simplified Subpart Q procedures. ^{3/} The public was informed of the carrier's application by notices in the Federal Register and the Board's weekly list of applications filed, describing the authority sought and giving interested persons an opportunity to submit evidence and objections to the award of the authority. The notices provided the required notice and filing opportunities. Simplified procedures are appropriate in this case because the authority sought is consistent with rights contained in the U.S.-Canada Air Transport Services Agreement.

The applicant's fitness can be determined based on the submission of evidence in this docket and the evidence submitted in Docket 40590, which the applicant has incorporated by reference. Trans North is a Canadian local service airline, which provides scheduled and charter air services with small aircraft between points mainly in the Yukon and Northwest Territories of Canada. Since 1975, Trans North has held authority from us to conduct charter passenger services into the United States using small aircraft. We recently found the applicant fit and awarded it a foreign air carrier permit to engage in scheduled foreign air transportation (see Order 82-9-63). We have no information before us that would suggest our recent fitness finding was in error or that it should be amended, conditioned, or reversed. Trans North is owned and controlled by Canadian citizens. Its financial statements for calendar year 1982 show total assets of \$10 million, total liabilities of \$9.3 million, and shareholders' equity of \$800,000. Trans North states that it will accept all of the terms, conditions and limitations normally attached to foreign air carrier permits.

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

1. The applicant is qualified and has been designated by its government to perform the air services described in the attached foreign air carrier permit;

2. The applicant is fit, willing and able properly to perform the foreign air transportation described in the attached permit and to conform to the provisions of the Act, and our rules, regulations and requirements;

^{3/} 14 CFR 302.1701 et seq. Under Rule 29(b), the Board may in its discretion, omit a tentative decision in proceedings under Subpart Q and proceed directly to a final decision, after provision of an opportunity for interested parties to submit evidence and to object to grant of authority under section 402 of the Act.

3. The public interest requires that the exercise of the privileges granted by the permit shall be subject to the terms, conditions, and limitations contained in the attached permit, and to such other reasonable terms, conditions, and limitations required by the public interest as we may prescribe;

4. The applicant is substantially owned and effectively controlled by nationals of its homeland country;

5. Issuance of this amended foreign air carrier permit will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in subsection 313.4(a)(1) of our Regulations; 4/ and

6. The public interest does not require an oral evidentiary hearing on the application.

ACCORDINGLY,

1. We are issuing, in the form attached, an amended foreign air carrier permit to the applicant authorizing scheduled foreign air transportation of persons, property, and mail between Whitehorse, Yukon Territory, Canada and Fairbanks, Alaska; and adding authority to carry mail over its current route between Whitehorse, Yukon Territory, Canada and Juneau, Alaska;

2. We deny, except to the extent granted, the application and other requests for relief in this Docket;

3. The Secretary of the Board shall sign the permit on our behalf and shall affix the seal of the Board;

4. Unless disapproved by the President of the United States under section 801(a) of the Act, this order with the attached permit shall become effective on the 61st day after its submission to the President, 5/ or upon the date of receipt of advice from the President that he does not intend to disapprove the Board's order under that section whichever is earlier; and

4/ Our finding is based upon the fact that the applicant's permit will not result in a near-term annual increase in fuel consumption in excess of 10 million gallons.

5/ This order was submitted to the President on JUL 15 1983
The 61st day is SEP 14 1983

5. We shall serve this order on the applicant, the Ambassador of Canada in Washington, D.C., and the Departments of State and Transportation.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR

Secretary

(SEAL)

All Members concurred.

Appendix A

SUMMARY OF APPLICATION

Homeland Country: Canada

Authority Covered By Bilateral Agreement: Yes

Designated By Its Government: By Diplomatic Note 241, dated May 14, 1982

Holds Government License For Authority Sought: Yes. Document attached to application in Docket 41344.

Operating History: Trans North has been conducting scheduled passenger service within Canada since 1973, and recently began scheduled passenger service between the United States and Canada. Also, Trans North has been conducting charter services to the United States since 1975, with small aircraft.

Aircraft Owned: 2 DC-3; 2 deHavilland Twin Otter; 2 Cessna 404 Titans; 1 Cessna 402. Trans North plans to acquire an F-27 aircraft.

Aircraft Maintenance Performed By: Trans North at its base of operations in Whitehorse, Yukon, Canada.

Financial Indicators (as of):	<u>Dec. 31, 1982</u>
	(000)
Total Assets	\$10,000
Total Liabilities	9,300
Owners' Equity	800
Operating Profit (Loss) 12 mos. ended	(117)

Majority Ownership By Nationals Of: Canada

Effective Control By Nationals Of: Canada

Insurance Coverage: Yes

Insurance Refused Or Involuntarily Canceled During Last 3 Years: No

Refused Debt Financing Last 3 Years: No

Defaulted On Transportation Commitments Last 3 Years: No

Failed To Meet Current Financial Obligations Last 3 Years: No

Safety Violations During Last 5 Years: No

Tariff Violations During Last 5 Years: No

Subscribes To Standard Permit Conditions Regarding Insurance And Annex 6 Of Chicago Convention and C.A.B. Agreement 18900: Yes

Near-Term Annual Fuel Consumption Exceeds 10 Million Gallons: No

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

PERMIT TO FOREIGN AIR CARRIER
(as amended)

TRANS NORTH TURBO AIR LIMITED
d/b/a TRANS NORTH AIR

is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958, as amended, and the orders, rules and regulations of the Board to engage in foreign air transportation of persons, property, and mail, as follows:

1. Between the terminal point Whitehorse, Yukon Territory, Canada and the terminal point Juneau, Alaska.
2. Between the terminal point Whitehorse, Yukon Territory, Canada and the terminal point Fairbanks, Alaska.

This permit and the exercise of the privileges granted in it shall be subject to the terms, conditions and limitations attached, and to the following:

1. This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period the permit remains in effect, to which the United States and Canada shall be parties.

2. Except as otherwise provided in the U.S.-Canada Nonscheduled Air Services Agreement, the holder may not operate charters over these routes.

This permit shall be effective on . Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date any treaty, convention or agreement or amendment, which shall have the effect of eliminating the route or routes authorized by this permit from the routes which may be operated by airlines designated by the Government of Canada, or in the event of one elimination of any part of the authorized service the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Transport Agreement,

between the Government of the United States and the Government of Canada as amended by the exchange of notes signed May 8, 1974 (or in the event of the termination or expiration of any part of the Air Transport Agreement the authority granted by this permit shall cease to the extent of such termination or expiration). However, clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation here authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on July 14, 1983.

PHYLLIS T. KAYLOR

Secretary

(SEAL)

ATTACHMENT

PERMIT TO FOREIGN AIR CARRIER

The holder's authority to conduct operations under the permit to which this is attached shall also be subject to the following terms, conditions, and limitations:

(1) The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(2) The privileges granted by this permit are subject to the condition that the foreign air carrier complies with the requirements for minimum insurance coverage contained in 14 CFR 205.

(3) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

(4) The holder shall not operate any aircraft under the authority granted by this permit, unless the holder complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention.

(5) The holder shall conform to the airworthiness and airman competency requirements prescribed by its home Government for international air service.

(6) Except as specifically authorized by the Board, all flights to/from the United States must originate or terminate in the holder's homeland.

(7) The holder shall not provide the foreign air transportation authorized by this permit unless it holds a currently effective authorization from its Government for such operations and such document is on file with the Board.

(8) The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

* * * *

FOR OFFICIAL USE ONLY

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D.C.

Adopted by the Civil Aeronautics Board
at its office in Washington, D.C.
on the 19th day of July, 1983

In the matter of the revocation of the :
foreign air carrier permits issued to :
: :
CERTAIN FOREIGN AIR CARRIERS : Docket 41538
: :
under section 402 of the Federal :
Aviation Act of 1958, as amended :

ORDER

By Order 83-6-49 , adopted June 16, 1983, we directed all interested persons to show cause why we should not, subject to the disapproval of the President, revoke the foreign air carrier permits issued to the foreign air carriers listed on the Appendix to that order. 1/ We tentatively concluded that these permits should be revoked because the carriers listed failed to maintain a certificate of insurance, which is required under Part 205 of our regulations and by a condition in the permits of all foreign air carriers. 2/

The order directed persons objecting to our tentative findings and conclusions set forth in that order, or to the issuance of the proposed foreign air carrier permit, to file their objections within 28 days. In addition, the order provided that in the event no objections were filed, all further procedural steps would be deemed waived, and the Secretary

1/ We also stated that we would separately dismiss as moot the pending renewal/amendment applications of certain of these carriers after final action has been taken in this proceeding on the revocation of the underlying permit authority of these carriers.

2/ The Government of Colombia has withdrawn the designations of Aerocosta, S.A. and Aerovias Condor de Colombia, S.A. Therefore, in the case of these two Colombian carriers, our revocation action is merely an administrative tool to cancel their permits since they are no longer designated by their government. Some of the other carriers cited may also have had their designations and/or operating licenses revoked by their governments.

would enter an order which (1) would make final our tentative findings and conclusions, 3/ and (2) subject to the disapproval of the President pursuant to section 801(a) of the Act, would revoke the foreign air carrier permits issued to the carriers listed on the Appendix to that order.

No objections to Order 83-6-49 have been filed with regard to the carriers listed on the Appendix to this order.

ACCORDINGLY,

1. We make final our tentative findings and conclusions set forth in Order 83-6-49 ;

2. We are revoking the foreign air carrier permits issued to the carriers listed on the Appendix to this order; and

3. Unless disapproved by the President of the United States under section 801(a) of the Act, this order and the permit attached shall become effective on the 61st day after its submission to the President 4/ or upon the date of receipt of advice from the President that he does not intend to disapprove our order under that section, whichever is earlier.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR

Secretary

(SEAL)

All Members concurred.

3/ We indicated that any objections concerning the carriers listed in the Appendix to Order 83-6-49 would be dealt with individually by separate order, and that we would make final our decision on the remaining carriers together.

4/ This order was submitted to the President on JUL 20 1953
The 61st day is SEP 19 1953

<u>Name of Carrier</u>	<u>Order Issuing Foreign Air Carrier Permit</u>	<u>Homeland</u>
Aero B Venezuela, C.A.	82-10-67	Venezuela
Aerocosta, S.A.	71-6-1	Colombia
Aerotour Dominicano, C. por A.	80-5-186	Dominican Republic
Aerovias Condor de Colombia, S.A.	77-3-24	Colombia
Aerovias "Q" S.A.	E-13551	Cuba
Aerovias Quisqueyana, C. por A.	81-9-104	Dominican Republic
Air Manila, Inc	73-3-23	Philippines
AirWest Airlines Ltd.	80-4-11	Canada
Air Zaire	73-6-54	Zaire
Belize Airways Limited	78-11-40	Belize
Caribbean International Airways Limited d/b/a Caribbean Airways	80-12-30	Barbados
Caribwest Airways Limited	80-3-135	Barbados
Cuba Aeropostal, S.A.	E-7847, E-12945	Cuba
Expreso Aereo Inter-Americano, S.A.	E-5129, E-12945	Cuba
Iscargo, H.F.	77-3-45	Iceland
Laker Airways Limited	80-5-96, 80-12-30, 81-6-13	United Kingdom
Montana Austria Flugbetrieb Gesellschaft m.b.H. d/b/a Montana Austria Airlines	78-5-10	Austria
Ontario Worldair Limited (Canada)	79-5-110	Canada
Redcoat Air Cargo Limited	80-12-84	United Kingdom
Societa' Aerea Mediterranea (SAM) S.p.A.	77-1-66	Italy
Societe Anonyme De Transport Aerien (SATA)	77-12-56	Switzerland
Transmeridan Air Cargo Limited	80-4-119	United Kingdom
Turks Air Limited	80-4-24	United Kingdom

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.



Adopted by the Civil Aeronautics Board
at its office in Washington, D. C.
on the 16th day of June, 1983

In the matter of the revocation of the :
foreign air carrier permits issued to :
: CERTAIN FOREIGN AIR CARRIERS : Docket 41538
: :
under section 402 of the Federal :
Aviation Act of 1958, as amended :

Applications of :
: :
AIR MANILA, INC. : Dockets 37815
BELIZE AIRWAYS LIMITED : 36280
ISCARGO, H.F. : 37745
MONTANA AUSTRIA FLUGBETRIEB : 37834
GESELLSHAFT, m.b.H. :
d/b/a MONTANA AUSTRIA AIRLINES :
:
for renewal and amendment of their :
foreign air carrier permits pursuant :
to section 402 of the Federal Aviation :
Act of 1958, as amended :

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS
AND ORDER TO SHOW CAUSE

Background

On October 13, 1981, we adopted aircraft accident liability insurance rules (Part 205 of our Economic Regulations) which became effective February 23, 1982. 1/ These rules require that, among other things, foreign air carriers holding United States authority file with the Board certificates of insurance (CAB Form 205-A), satisfying the requirements of Part 205, prior to engaging in foreign air transportation. Since our previous insurance requirements for foreign air carriers were imposed in the form of a condition in their section 402 permits, we simultaneously amended all foreign air carrier permits to include the explicit condition that foreign air carriers must comply with the requirements for minimum insurance coverage specified in Part 205. 2/ Thus, any foreign air carrier operations conducted without proper insurance coverage would be in violation of our rules and that carrier's permit.

1/ 46 FR 52572, October 27, 1981 (ER-1253).

2/ See Order 81-12-82, effective February 23, 1982.

public interest to allow these carriers' operating authority to remain extant when they have neither complied with the insurance rule nor acknowledged such a critical obligation to the public. 5/ Furthermore, it now is evident that most of these airlines are no longer operating at all and that none of them are operating to the U.S., and there would be no countervailing public interest in maintaining their permits in effect.

We recognize that some of these carriers are or were principal flag airlines of their homelands, and we emphasize that our action here is entirely without prejudice to any future applications by carriers of the respective homeland countries.

Our insurance rule is, as we explained at length in ER-1253, a proper exercise of our regulatory powers, and none of the subject carriers, nor any of their homeland governments now challenges our imposition of the insurance requirement. The Board has included an insurance condition in foreign air carrier permits for many years. The insurance rule codifies the insurance condition and requires foreign air carriers to show evidence of ability to meet insurance levels.

Applications of Air Manila, Belize Airways, Iscargo and Montana Austria

Air Manila, Inc. (a Philippine charter carrier), Belize Airways Limited (a Belize scheduled carrier), and Iscargo, H.F. (an all-cargo carrier from Iceland) filed applications in 1979 and early 1980 in Dockets 37815, 36280 and 37745, respectively, for renewal and amendment of their foreign air carrier permits. Since the carriers invoked the provisions of the Administrative Procedure Act (5 U.S.C. 558(c)) when they filed their renewal applications, their permits remain effective until final Board action on those applications. Our staff has not processed these applications because the carriers failed to supply all required evidentiary information. These carriers also do not have certificates of insurance on file with the Board.

Montana Austria Flugbetrieb Gesellschaft, m.b.H. d/b/a Montana Austria Airlines (an Austrian charter carrier) applied in March 1980 in Docket 37834 for an amended permit for Vienna-New York scheduled authority. 6/ Montana also has no insurance certificate on file. 7/

5/ The Government of Colombia has withdrawn the designations of Aerocosta, S.A. and Aerovias Condor de Colombia, S.A. Therefore, in the case of these two Colombian carriers, our proposed revocation action is merely an administrative tool to cancel their permits since they are no longer designated by their government. Some of the other carriers cited may also have had their designations and/or operating licenses revoked by their governments.

6/ By Order 81-2-91 we tentatively decided to grant Montana an amended permit for this authority. We, however, have not issued a final order in Docket 37834. This order reverses our tentative decision in Order 81-2-91.

7/ We understand Montana's operating license from its government has been cancelled.

determine that there are no factual issues presented that warrant the holding of an oral evidentiary hearing or further nonoral hearing procedures; 7/

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived with respect to the unopposed permit revocations and application dismissals, and the Secretary shall enter orders which (1) shall make final our tentative findings and conclusions set forth in this order, and subject to the disapproval of the President pursuant to section 801(a) of the Act, shall revoke the foreign air carrier permits held by the carriers listed on the Appendix to this order, and (2) following the President's decision on the revocation order, shall dismiss the applications in Dockets 36280, 37745, 37815 and 37834; and

5. We are serving this order upon each carrier listed on the Appendix to this order, the Ambassador of each carrier's homeland in Washington, D.C., and the Departments of State and Transportation.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR

Secretary

(SEAL)

All Members concurred.

7/ Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

<u>Name of Carrier</u>	<u>Order Issuing Foreign Air Carrier Permit</u>	<u>Homeland</u>
Aero B Venezuela, C.A.	82-10-67	Venezuela
Aerocosta, S.A.	71-6-1	Colombia
Aerotour Dominicano, C. por A.	80-5-186	Dominican Republic
Aerovias Condor de Colombia, S.A.	77-3-24	Colombia
Aerovias "Q" S.A.	E-13551	Cuba
Aerovias Quisqueyana, C. por A.	81-9-104	Dominican Republic
Air Manila, Inc	73-3-23	Philippines
AirWest Airlines Ltd.	80-4-11	Canada
Air Zaire	73-6-54	Zaire
Belize Airways Limited	78-11-40	Belize
Caribbean International Airways Limited d/b/a Caribbean Airways	80-12-30	Barbados
Caribwest Airways Limited	80-3-135	Barbados
Cuba Aeropostal, S.A.	E-7847, E-12945	Cuba
Expreso Aereo Inter-Americano, S.A.	E-5129, E-12945	Cuba
Iscargo, H.F.	77-3-45	Iceland
Laker Airways Limited	80-5-96, 80-12-30, 81-6-13	United Kingdom
Montana Austria Flugbetrieb Gesellschaft m.b.H. d/b/a Montana Austria Airlines	78-5-10	Austria
Ontario Worldair Limited (Canada)	79-5-110	Canada
Redcoat Air Cargo Limited	80-12-84	United Kingdom
Societa' Aerea Mediterranea (SAM) S.p.A.	77-1-66	Italy
Societe Anonyme De Transport Aerien (SATA)	77-12-56	Switzerland
Transmeridan Air Cargo Limited	80-4-119	United Kingdom
Turks Air Limited	80-4-24	United Kingdom

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UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D.C.

Adopted by the Civil Aeronautics Board
at its offices in Washington, D.C.
on the 27th day of June, 1983

In the matter of :
:
CERTAIN INDIRECT FOREIGN AIR CARRIERS : Docket 41455
:
cancellation of foreign air carrier permits :
issued under section 402 of the Federal :
Aviation Act of 1958, as amended :

ORDER CANCELLING FOREIGN AIR CARRIER PERMITS

By Order 83-5-21, adopted May 3, 1983, we directed all interested persons to show cause why we should not, subject to the disapproval of the President, cancel the foreign air carrier permits issued to certain indirect foreign air carriers of passengers (see attached list). We replaced the section 402 permit procedures with a simple registration procedure under new Subpart F of Part 380 of our Special Regulations. Thus, foreign air carrier permit authority is no longer necessary since foreign charter operators need only apply under our registration procedure.

Our order directed persons objecting to our tentative findings and conclusions set forth in that order, to file their objections within 45 days. In addition, the order provided that in the event no objections were filed, all further procedural steps would be considered waived, and the Secretary would enter an order which (1) would make final our tentative findings and conclusions, and (2) subject to the disapproval of the President pursuant to section 801(a) of the Act, would cancel the foreign air carrier permits effective 45 days after the effective date of that order.

No objections to Order 83-5-21 have been filed by the indirect foreign air carriers indicated on the attached list, or by any other person.

ACCORDINGLY,

1. We make final our tentative finding and conclusion set forth in Order 83-5-21 ;

2. We are canceling the foreign air carrier permits issued to the indirect foreign air carriers on the attached list effective 45 days after the effective date of this order; and

3. Unless disapproved by the President of the United States under section 801(a) of the Act, this order shall become effective on the 61st day after its submission to the President 1/, or upon the date of receipt of advice from the President that he does not intend to disapprove the Board's order under that section, whichever is earlier.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR

Secretary

(SEAL)

All Members concurred.

1/ This order was submitted to the President on
The 61st day is AUG 30 1953 .

JUN 30 1953 .

Name and Address of Indirect Air Carrier
(or its Designated Agent) Holding
Section 402 Permit

Holder's Homeland

Order No. and
Effective Date of
Permit

Allair Vacations Canada Limited Anderson & Pendleton 1000 Connecticut Ave., N.W., Suite 707 Washington, DC 20006	Canada	76-1-64 January 15, 1976
* Club Mediterranee S.A. (France) d/b/a Club Med. Inc., (U.S.A.) United States Corporation Company 306 South State Street Dover, Delaware	France	78-8-69 August 14, 1978
* Deutsches Reiseburo GmbH (Germany) d/b/a Der Travel Service Paul Reiber 6714 Whittier Avenue McLean, VA 22101	Federal Republic of Germany	78-8-61 August 11, 1978
* Globus-Gateway Tours, Ltd. (Switzerland) John A. Martinen 69-15 Austin Street Forest Hills, NY 11375	Switzerland	78-5-9 May 2, 1978
Holland Amerika Lijn, N.V. Boros & Garofalo, P.C. 1120 Connecticut Ave., N.W., Suite 460 Washington, DC 20036	Netherlands	80-5-30 May 5, 1980
International Developers, Inc. (JAPAN) d/b/a Toyo World Enterprises of California, Inc. Harry A. Bowen Bowen and Atkin 2020 K Street, N.W., Suite 350 Washington, DC 20006	Japan	79-1-123 January 19, 1979

Name and Address of Indirect Air Carrier
(or its Designated Agent) Holding
Section 402 Permit

Holder's Homeland

Order No. and
Effective Date of
Permit

* Japan Travel Bureau, Inc. d/b/a Japan
Travel Bureau International Inc.
Mr. Carol Lyttle, Jr.
Whitman & Ransom
522 Fifth Avenue
New York, NY 10036

Japan

80-6-174
June 27, 1980

* Jetsave Ltd. (United Kingdom)
Paul Mowforth
17044 Collins Avenue
Miami Beach, FL 33160

United Kingdom

77-3-44
March 5, 1977

Kinki Nippon Tourist Co. (Japan) d/b/a
Kintetsu World Express, Inc. (U.S.A.)
Mr. Robert N. Meiser
910 17th Street, N.W., Suite 828
Washington, DC 20006

Japan

79-8-149
August 27, 1979

Kuoni Travel Limited (Switzerland) d/b/a
Kuoni Travel, Inc.
Mr. Richard J. Kendall
Shaw, Pittman, Potts & Trowbridge
910 17th Street, N.W.
Washington, DC 20006

Switzerland

76-6-135
June 17, 1976

Laker Air Travel Limited 1/
Mr. Robert M. Beckman
1001 Connecticut Ave., N.W., Suite 235
Washington, DC 20036

United Kingdom

80-5-96
May 14, 1980

Name and Address of Indirect Air Carrier
(or its Designated Agent) Holding
Section 402 Permit

Holder's Homeland

Order No. and
Effective Date of
Permit

* Reiseburo Schwaben International GmbH
(Germany) d/b/a Schwaben
Morris R. Garfinkle
Galland, Kharasch, Calkins & Short, P.C.
1054 31st Street, N.W.
Washington, DC 20007

Federal Republic of Germany

78-5-7
May 2, 1978

Sun Tours Limited (Canada)
Mr. Paul M. Ruden
Wilner & Scheiner
1200 New Hampshire Ave., N.W.
Washington, DC 20036

Canada

77-5-55
May 11, 1977

Sytour SC
Robert M. Hausman
Hausman and Rosenthal
2020 K Street, N.W.
Washington, DC 20006

Belgium

78-1-93
January 19, 1978

Thomas Cook Overseas, Ltd. (Great Britain),
d/b/a Thomas Cook, Inc. (U.S.A)
Mr. Charles A. Hobbs
Wilkinson, Cragun & Barker
1735 New York Ave., N.W.
Washington, DC 20006

United Kingdom

77-3-90
March 14, 1977

Top Tours, S.A. (Spain) d/b/a TTI
Travel, Inc. (U.S.A.)
Howard S. Boros
Boros & Garofalo, P.C.
1120 Connecticut Ave., N.W.
Suite 460, Bender Building
Washington, DC 20036

Spain

80-5-184
May 28, 1980

Name and Address of Indirect Air Carrier
(or its Designated Agent) Holding
Section 402 Permit

Holder's Homeland

Order No. and
Effective Date of
Permit

Travac, A.G. (Switzerland) 2/
W. J. Deacon
1270 Broadway
New York, NY 10001

Switzerland

79-8-145
August 27, 1979

* Travelair AG (Switzerland)
530 Fifth Avenue
New York, NY 10036

Switzerland

79-8-146
August 27, 1979

*/ Registered under new Subpart F "Registration of Foreign Charter Operators", to Part 380.

1/ Laker Air Travel Limited (LATL) has not registered under Part 380. However, LATL's former owners have registered under the name Freddie Laker's Skytrain Limited d/b/a Laker Travel d/b/a Laker.

2/ Travac, A.G. (Switzerland) has not registered under Part 380. The sole owner of this entity also is a part owner (45%) of Travac Tours and Charter, Inc. (another Swiss charter operator) which has registered under Part 380.

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.



Adopted by the Civil Aeronautics Board
at its office in Washington, D.C.
on the 3rd day of May, 1983

In the matter of :

CERTAIN INDIRECT FOREIGN AIR CARRIERS :

Docket 41455

cancellation of foreign air carrier :
permits issued under section 402 of the :
Federal Aviation Act of 1958, as amended :

Application of :

DEUTSCHES REISEBURO GMBH (GERMANY) :
d/b/a DER TRAVEL SERVICE :

Docket 38487

for renewal of its indirect foreign air :
carrier permit pursuant to section 402 of :
the Federal Aviation Act of 1958, :
as amended :

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS
AND ORDER TO SHOW CAUSE

Background

In November 1981 we adopted a new Subpart F, "Registration of Foreign Charter Operators," to Part 380 of our Special Regulations, which governs Public Charter programs. This amended regulation exempted indirect foreign air carriers of passengers from the formal licensing procedures under section 402 of the Federal Aviation Act that direct foreign air carriers must follow to obtain operating authority, and established a simple registration procedure in its place. The rule became effective on January 2, 1982 for new foreign charter operators, and on March 18, 1982 for existing foreign charter operators holding either indirect foreign air carrier permits or an exemption under section 416(b) from the permit requirements of section 402. 1/

1/ See SPR-179, 46 FR 56605, November 18, 1981 and SPR-183, 47 FR 5204, February 4, 1982.

In view of the foregoing and pursuant to section 402(f)(1) of the Act, we tentatively find and conclude that cancellation of the foreign air carrier permits held by the indirect air carriers on the attached list would be in the public interest. 5/

ACCORDINGLY,

1. We direct all interested persons to show cause why we should not (1) make final our tentative findings and conclusions; and (2) subject to the disapproval of the President pursuant to section 801(a) of the Act, cancel the foreign air carrier permit issued to each of the indirect foreign air carriers on the attached list;

2. Any interested persons objecting to the issuance of an order making final the Board's tentative findings and conclusions shall, no later than June 24, 1983, file with the Board in Docket 41455 and serve on the persons named in paragraph 6, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data, and concrete evidence expected to be relied upon in support of the objections. If an oral evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he or she would expect to establish through such hearing which cannot be established in written pleadings. If objections are filed, answers may be filed, but no later than July 5, 1983. The filing of objections with respect to one carrier shall affect this order and our tentative findings and conclusions only as it concerns that carrier;

3. If timely and properly supported objections are filed, we will give further consideration to the matters and issues raised by the objections before we take further action: Provided, that we may proceed to enter an order in accordance with our tentative findings and conclusions set forth in this order if we determine that there are no factual issues presented that warrant the holding of an oral evidentiary hearing; 6/

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Secretary shall enter an order which (1) shall make final our tentative findings and conclusions set forth in this order, and (2) subject to the disapproval of the President pursuant to section 801(a) of the Act, shall cancel the foreign air carrier permits held by the indirect air carriers listed on the attachment to this order effective 45 days after the effective date of that order;

7/ Our action revoking the permits is without prejudice to the holders regaining their authority under the simplified registration procedures. Indeed, we encourage those who have not yet done so to register promptly.

8/ Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

Name and Address of Indirect Air Carrier (or its Designated Agent) Holding Section 402 Permit	Holder's Homeland	Order No. and Effective Date of Permit
Allair Vacations Canada Limited Anderson & Pendleton 1000 Connecticut Ave., N.W., Suite 707 Washington, DC 20006	Canada	76-1-64 January 15, 1976
* Club Mediterranee S.A. (France) d/b/a Club Med. Inc., (U.S.A.) United States Corporation Company 306 South State Street Dover, Delaware	France	78-8-69 August 14, 1978
* Deutsches Reiseburo GmbH (Germany) d/b/a Der Travel Service Paul Reiber 6714 Whittier Avenue McLean, VA 22101	Federal Republic of Germany	78-8-61 August 11, 1978
* Globus-Gateway Tours, Ltd. (Switzerland) John A. Martinen 69-15 Austin Street Forest Hills, NY 11375	Switzerland	78-5-9 May 2, 1978
Holland Amerika Lijn, N.V. Boros & Garofalo, P.C. 1120 Connecticut Ave., N.W., Suite 460 Washington, DC 20036	Netherlands	80-5-30 May 5, 1980
International Developers, Inc. (JAPAN) d/b/a Toyo World Enterprises of California, Inc. Harry A. Bowen Bowen and Atkin 2020 K Street, N.W., Suite 350 Washington, DC 20006	Japan	79-1-123 January 19, 1979

Name and Address of Indirect Air Carrier
(or its Designated Agent) Holding
Section 402 Permit

Holder's Homeland

Order No. and
Effective Date of
Permit

* Reiseburo Schwaben International GmbH
(Germany) d/b/a Schwaben
Morris R. Garfinkle
Galland, Kharasch, Calkins & Short, P.C.
1054 31st Street, N.W.
Washington, DC 20007

Federal Republic of Germany

78-5-7
May 2, 1978

Sun Tours Limited (Canada)
Mr. Paul M. Ruden
Wilner & Scheiner
1200 New Hampshire Ave., N.W.
Washington, DC 20036

Canada

77-5-55
May 11, 1977

Sytour SC
Robert M. Hausman
Hausman and Rosenthal
2020 K Street, N.W.
Washington, DC 20006

Belgium

78-1-93
January 19, 1978

Thomas Cook Overseas, Ltd. (Great Britain),
d/b/a Thomas Cook, Inc. (U.S.A)
Mr. Charles A. Hobbs
Wilkinson, Cragun & Barker
1735 New York Ave., N.W.
Washington, DC 20006

United Kingdom

77-3-90
March 14, 1977

Top Tours, S.A. (Spain) d/b/a TTI
Travel, Inc. (U.S.A.)
Howard S. Boros
Boros & Garofalo, P.C.
1120 Connecticut Ave., N.W.
Suite 460, Bender Building
Washington, DC 20036

Spain

80-5-184
May 28, 1980