

whether they need to obtain economic operating authority under 49 U.S.C. 41102.

The Department has long held that economic authority need not be obtained by operators of aircraft owned by or being exclusively operated for government entities so long as those aircraft are not used to engage in common carriage operations.<sup>3</sup> The Department has also held that economic authority is not required in cases where a government aircraft owner or operator receives, on a limited basis, reimbursement for transportation of non-official passengers incidental to official government business.<sup>4</sup> In such cases, the government aircraft owner or operator may not receive more than a pro-rata reimbursement of its expenses, or, if required by law, the commercial equivalent fare. Examples of situations in which such reimbursement would be permitted—or required—include transportation of a spouse of a government employee on official business<sup>5</sup> and transportation of members of the media accompanying the President on government aircraft.

The amendments to 49 U.S.C. 40102 are entirely safety-related and have no effect on the Department's economic licensing requirements, including fitness determinations made under 49 U.S.C. 41102. Imposing an economic licensing requirement where none is needed would impose an unwarranted burden on government aircraft owners and operators.

In order to avoid any confusion over the matter, we have decided that it is in the public interest to grant an exemption from the requirements of 49 U.S.C. 41102 to the extent necessary to allow all government owners and operators of aircraft to provide not-for-hire, cost-reimbursable transportation incidental to official government business.

Accordingly,

1. We grant an exemption from the requirements of 49 U.S.C. 41102 to the extent necessary to allow all owners and operators of government aircraft to provide not-for-hire, cost-reimbursable transportation incidental to official government business.

2. This order may be amended, modified, or revoked at any time, without hearing, in the discretion of the Department.

3. This order will be effective immediately, and the filing of a petition for reconsideration shall not preclude such effectiveness.

4. This order shall be published in the **Federal Register**.

Patrick V. Murphy,

*Acting Assistant Secretary for Aviation and International Affairs.*

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<sup>3</sup> See, e.g., Order 92-2-8 (issued February 7, 1992) and Order 74-2-34 (issued February 11, 1974).

<sup>4</sup> *Id.*

<sup>5</sup> In such cases, at least some federal agencies, including the Department of Transportation, require reimbursement equivalent to the full coach commercial fare.

### Aviation Proceedings; Agreements Filed During the Week Ended April 14, 1995

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C parts 412 and 414. Answers may be filed within 21 days of date of filing.

*Docket Number:* 50277.

*Date filed:* April 10, 1995.

*Parties:* Members of the International Air Transport Association.

*Subject:* CAC/Reso/180 dated April 7, 1995, 18th CAC—Expedited Resolutions: r-1—801z r-2—803 r-3—833a.

*Proposed Effective Date:* Expedited May 1, 1995.

*Docket Number:* 50288.

*Date filed:* April 13, 1995.

*Parties:* Members of the International Air Transport Association.

*Subject:* Telex TC2 Mail Vote 737, Malawi-Zimbabwe fares, r-1—042c r-2—052c r-3—062c r-4—079c.

*Proposed Effective Date:* May 1, 1995.

*Docket Number:* 50293.

*Date filed:* April 13, 1995.

*Parties:* Members of the International Air Transport Association.

*Subject:* Telex TC2 Mail Vote 738, Fares within Africa.

*Proposed Effective Date:* May 1, 1995.

**Paulette V. Twine,**

*Chief, Documentary Services Division.*

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### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended April 14, 1995

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* 50279.

*Date filed:* April 10, 1995.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 8, 1995.

*Description:* Application of Executive Airlines, Inc., Flagship Airlines, Inc., Simmons Airlines, Inc., and Wings West Airlines, Inc. (d/b/a American Eagle), pursuant to 49 U.S.C. 41008 and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing foreign air transportation of persons, property, and mail between any point in the United States and any point in Canada, subject to the two- and three-year phase-in conditions for Vancouver, Montreal, and Toronto set forth in the United States-Canada Air Transport Agreement signed on February 24, 1995.

*Docket Number:* 50291.

*Date filed:* April 13, 1995.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 11, 1995.

*Description:* Application of Khors Air Company, pursuant to 49 U.S.C. Section 41203 and Subpart Q of the Regulations, applies for a foreign air carrier permit authorizing it to provide (1) foreign charter all-cargo air transportation between the United States and Ukraine, and (2) fifth Freedom foreign charter all-cargo air transportation between the United States and third countries pursuant to Part 212 of the Regulations.

*Docket Number:* 48075.

*Date filed:* April 13, 1995.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 11, 1995.

*Description:* Seventh Amendment to Application of Laker Airways (Bahamas) Limited, pursuant to 49 U.S.C. 41302, and Subpart Q of the Regulations, amends its currently pending application to the extent necessary to permit Laker to add the terminal point New Orleans, Louisiana to the points that Laker has applied to serve from Freeport and Nassau, Bahamas.

**Paulette V. Twine,**

*Chief, Documentary Services Division.*

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### Federal Highway Administration

#### Environmental Impact Statement: Chittenden County, Vermont

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a draft Supplemental Environmental Impact Statement will be prepared for a proposed highway project in Chittenden County, Vermont.