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U.S. Department of Transportation
Federal Aviation Administration

Office of the Administrator

DEPT. OF TRANSPORTATION

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800 Independence Ave., SW
Washington, DC 20591

JUL 24 2000

FAA-00-7018-52

Mr. David Payne
Qantas Airways Limited
203 Coward Street
Mascot 2020 Australia

Dear Mr. Payne:

Your requests, contained in the "Preliminary Comments of Qantas Airways Limited," which you presented at the June 29 public meeting on "Fees for FAA Services for Certain Flights," commonly referred to as "overflight fees," have been carefully considered by the Federal Aviation Administration (FAA). After reviewing the transcript of the meeting and the document you submitted, I am denying your requests.

The FAA has complied with all applicable international and U.S. laws, both substantive and procedural, in promulgating the Interim Final Rule. This rulemaking correctly imposes fees to recover from certain users the costs directly related to FAA services provided those users, as required by Section 273 of the 1996 FAA Reauthorization Act (the Act), Public Law 104-264.

This Interim Final Rule process, in accordance with the Act and the Administrative Procedure Act (APA), 5 U.S.C. 553 et. seq., provides users and other members of the public with a consultative process that allows for full involvement of interested parties as well as public review of all facets of this rulemaking prior to the issuance of a Final Rule.

Under the APA, all comments in this rulemaking will be fully considered by the FAA in its issuance of the required Final Rule. Comments received may cause the FAA to change either the Interim Final Rule or the Final Rule. Once the rulemaking is completed, discussions with all users, including Qantas Airways, concerning the basis for future changes in the fees will be welcomed and encouraged by the FAA.

Accordingly, for the reasons stated above, your requests are hereby denied.

Sincerely,


Jane F. Garvey
Administrator