OA-12743

DEPT. OF TRANSPORTATION
DOCKET SECTION

96 OCT 23 AM 9:22

Memorandum

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

Subject: Communication with Qantas Airways Ltd. on Passenger Manifest Information NPRM

Date: OCT 23 1996

From: M. Dennis Marvich, Economist
Office of International Transportation and Trade

Reply to Attn. of:

To: Docket OST-95-950 - 35

The following exchange of messages took place between Mr. Trevor Long (Manager Facilitation, QCC3) of Qantas Airways, Ltd. and me via facsimile on the dates given.

Dear Mr. Marvich, 30 September 1996

The NPRM discusses airlines entering into a Memorandum of Understanding (MOU) with the Department of State in lieu of compliance with the proposed rule, however, no detail of what will be or is in the MOU is provided. The only MOU that I am aware of, is a draft developed between the ATA and the survivors groups. As I understand it, that draft was not accorded official sanction.

In order to make meaningful comment on the proposition, it is essential that the contents of the MOU be disclosed by the appropriate department. There will also need to be adequate time provided for consideration of the MOU before a complete comment can be made on the NPRM. At this stage we are being asked to comment on the NPRM with only half of the information provided.

I look forward to a quick response to this issue.

Yours faithfully,
/s/
Trevor Long

Dear Mr. Long: 10 October 1996

Thank you for your facsimile concerning the passenger manifest information notice of proposed rulemaking. In it you stated that "[i]n order to make meaningful comment on the proposition, it is essential that the contents of the MOU [Memorandum of Understanding] be disclosed by the appropriate department."

The purpose of including the waiver option in § 243.21 in our proposal was to encourage the parties to come to agreement and to provide as much flexibility in our approach as possible. The alternative would have been not to include or ask for comment on this option.

2 pgs.

In any event, you will note that § 243.21 provides that, "[t]he Department may [emphasis added] waive compliance with certain requirements of this part if an air carrier or foreign air carrier has in effect a signed Memorandum of Understanding with the Department of State concerning cooperation and mutual assistance following aviation disasters abroad. . . ." By its very terms, it was not intended, and would not, if adopted as proposed, provide automatic relief from the rule.

I hope this is helpful. We look forward to your comments on the rule. A copy of the substance of your incoming facsimile and this response will be placed in the docket.

Sincerely,

/s/

M. Dennis Marvich