

flights as soon as possible. In our judgment, the discussions proposed by the applicants may achieve the United States' goal—the elimination of smoking—much sooner than independent action by individual airlines.

We also find that the requested approval and grant of antitrust immunity to discuss a voluntary agreement to ban smoking on international commercial flights in transatlantic service is appropriately limited in nature and well-calculated to achieve a result consistent with our objective of eliminating smoking on all international flights. As noted, the Joint Applicants propose to announce a date and place for such discussions, and to invite representatives of all interested domestic and foreign air carriers, as well as representatives of international airports and interested civic groups. We will also require that representatives of airline employee unions or associations and private consumer groups (including the commenters in this proceeding) be invited to attend, although the latter may be limited to observer status.

We have determined to grant the request for discussion authority and antitrust immunity in this order, rather than through a show-cause proceeding. The discussions sought by the applicants seek to carry out an established public policy goal of the United States, the prohibition of smoking on international flights. Implementing that goal as soon as possible will provide important public health benefits. We are willing to grant antitrust immunity in this instance because, unlike most situations where it has been sought, the purpose of the discussions at issue here is fully consistent with the public interest. To the extent that consumer service options would be curtailed by an agreement, such a result is inherent in the public policy decision to eliminate smoking aboard aircraft. Furthermore, any agreement reached by the carriers may not be implemented without our approval, and interested persons will have an opportunity to comment on any application for such approval.

In addition, to minimize any adverse impact on the public interest, we will condition our approval and grant of antitrust immunity upon the following express conditions: (1) The discussion authority is limited to 120 days from the date of publication of this order; (2) advance notice of any meeting shall be given to all identifiable entities and groups noted above, as well as to the Department of Transportation, the Department of Justice, and the Federal Trade Commission; (3) representatives

of the Department of Transportation, the Department of Justice and the Federal Trade Commission shall be permitted to attend the meetings authorized by this order; (4) the Joint Applicants or a representative shall file within 14 days with the Department a report of each meeting held including *inter alia* the date, place, attendance, a copy of any information submitted to the meeting by any participant, and a summary of the discussions and any proposed agreements; (5) any agreement reached must be submitted to the Department for approval and must be approved before its implementation; (6) the attendees at such meetings must not discuss rates, fares or capacity; and (7) the discussions will be held in the metropolitan Washington, D.C. area.

Accordingly,

1. The Department approves the request for discussion authority filed by the Joint Applicants in this docket, subject to the restrictions listed below, under section 41308 of title 49 of the United States Code, for 120 days from the date of publication of this order, for discussions directed toward eliminating smoking on all international flights in transatlantic service;

2. The Department exempts persons participating in the discussions approved by this order from the operation of the antitrust laws under section 41309 of Title 49 of the United States Code;

3. The Department's approval is subject to the following conditions:

(a) Advance notice of any meeting shall be given to all identifiably interested air carriers, foreign air carriers, international airports, airline employee unions or associations, civic groups and consumer groups, as well as to the Department of Transportation, the Department of Justice, and the Federal Trade Commission;

(b) Representatives of the entities and groups listed in subparagraph (a) above shall be permitted to attend all meetings authorized by this order;

(c) The Joint Applicants or a representative shall file within 14 days with the Department a report of each meeting held including *inter alia* the date, place, attendance, a copy of any information submitted to the meeting by any participant, and a summary of the discussions and any proposed agreements;

(d) Any agreement reached must be submitted to the Department for approval and must be approved before its implementation;

(e) Attendees at such meetings must not discuss rates, fares or capacity;

(f) The Department shall retain jurisdiction over the discussions to take

such further action at any time, without a hearing, as it may deem appropriate; and

(g) Any meetings authorized by this order shall be held in the metropolitan Washington, D.C. area.

4. Petitions for reconsideration may be filed pursuant to our rules in response to this order;

5. We will serve a copy of this order on all parties served by the Joint Applicants in this docket, as indicated by the service list attached to their Application, on all parties filing Answers to the Application, and Congressman Richard J. Durbin; and

6. We will publish a copy of this order in the **Federal Register**.

By:

Patrick V. Murphy,

*Acting Assistant Secretary for Aviation and International Affairs.*

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## Coast Guard

[CGD 91-202]

RIN 2115-AE10

### Escort Vessels for Certain Oil Tankers

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of availability.

**SUMMARY:** A two-part study assessing the capability of escort tugs to control disabled tankers in Prince William Sound, Alaska, was commissioned by the Disabled Tanker Towing Study Group. The study specifically reviewed the present equipment, personnel, and procedures aboard the tankers and escort vessels operating in Prince William Sound, as well as the assist capabilities of the vessels presently in service for escorting these tankers. Both parts of the study have now been completed, and the U.S. Coast Guard has been granted permission to make it available to the public through the National Technical Information Service (NTIS).

**ADDRESSES:** The study is published as two separate parts, which may be ordered from the National Technical Information Service, Springfield, VA 22161 (phone orders (703) 487-4650; MasterCard, Visa, and American Express are accepted).

**FOR FURTHER INFORMATION CONTACT:** Thomas Jordan, Project Manager, OPA 90 Staff, at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, or by phone at (202) 267-6751.