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Airline Information, when such a waiver is in the public interest.

(b) Each request for waiver must demonstrate that: Existing peculiarities or unusual circumstances warrant a departure from the prescribed procedure or technique; a specifically defined alternative procedure or technique will result in substantially equivalent or more accurate portrayal of the operations reported; and the application of such alternative procedure will not adversely affect the uniformity in reporting applicable to all air carriers.

[53 FR 46294, Nov. 16, 1988, as amended at 60 FR 66722, Dec. 26, 1995]

§217.10 Instructions.

(a) Reports required by this section shall be submitted to the Bureau of Transportation Statistics in a format specified in accounting and reporting directives issued by the Bureau of Transportation Statistics' Director of Airline Information.

(b) The detailed instructions for preparing Schedule T-100(f) are contained in the appendix to this section.

APPENDIX TO SECTION 217.10 OF 14 CFR PART 217—INSTRUCTIONS TO FOREIGN AIR CARRIERS FOR REPORTING TRAFFIC DATA ON FORM 41 SCHEDULE T-100(F)

(a) General instructions.

(1) Description. Form 41 Schedule T-100(f) provides flight stage data covering both passenger/cargo and all cargo operations in scheduled and nonscheduled services. The schedule is used to report all flights which serve points in the United States or its territories as defined in this part.

(2) Applicability. Each foreign air carrier holding a §41302 permit or exemption authority shall file Schedule T-100(f).

(3) Reports required by this section shall be submitted to the Bureau of Transportation Statistics in a format specified in accounting and reporting directives issued by the Bureau of Transportation Statistics' Director of Airline Information.

(4) Filing period. Form 41 Schedule T-100(f) shall be filed monthly and is due at the Department thirty (30) days following the end of the reporting month to which the data are applicable.

(5) Number of copies. A single set of legible Form 41 Schedule T-100(f) data and certification shall be submitted.

(6) Foreign air carrier certification. Each foreign air carrier shall submit a certifi-

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cation statement (illustrated at the end of this Appendix) as an integral part of each monthly Schedule T-100(f), as prescribed in §217.5 of this part.

(7) [Reserved]

(b) Preparation of Form 41 Schedule T-100(f):

(1) Explanation of nonstop segments and on-flight markets. There are two basic categories of data, one pertaining to nonstop segments and the other pertaining to on-flight markets. For example, the routing (A-B-C-D) consists of three nonstop segment records A-B, B-C, and C-D, and six on-flight market records A-B, A-C, A-D, B-C, B-D, and C-D.

(2) Guidelines for reporting a nonstop segment. A nonstop segment is reported when one or both points are in the United States or its territories. These data shall be merged with that for all of the other reportable nonstop operations over the same segment. Nonstop segment data must be summarized by aircraft type, under paragraph (h)(1), and class of service, paragraph (g)(1)(v).

(3) Rules for determining a reportable on-flight market. On-flight markets are reportable when one or both points are within the U.S., with the following exceptions: (i) Do not report third country to U.S. markets resulting from flight itineraries which serve a third country prior to a homeland point in flights passing through the homeland bound for the U.S.; and (ii) do not report U.S. to third country markets resulting from itineraries serving third country points subsequent to a homeland point in flights outbound from the U.S. and passing through the homeland. In reporting data pertaining to these two exceptions, the traffic moving to or from the U.S. relating to the applicable prior or subsequent third countries (referred to as "behind" or "beyond" traffic) is to be combined with the applicable foreign homeland gateway point, just as though the traffic were actually enplaned or deplaned at the homeland gateway, without disclosure of the actual prior or subsequent points. Applicable flights are illustrated in examples (6) and (7) under paragraph (c).

(c) Examples of flights. Following are some typical flight itineraries that show the reportable nonstop segment and on-flight market entries. The carrier's homeland is the key factor in determining which on-flight markets are reportable.

(1) SQ flight # 11 LAX—NRT—SIN. This is an example of a flight with an intermediate foreign country. It is not necessary to report anything on the NRT—SIN leg.

SQ—Singapore Airlines
LAX—Los Angeles, USA
NRT—Tokyo-Narita, Japan
SIN—Singapore, Singapore

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an X)					By aircraft type—				Sum of all aircraft types—		
		Origin	Destination	F	G	L	P	Q	B-1—Aircraft type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
LAX	NRT	X	....	....	....	....	....	8161	12	2400	4800	400	500
LAX	SIN	X	....	....	....	....	....	.....	.....	.....	.....	2000	4300

(2) SQ flight #15 LAX—HNL—TPE—SIN. This is an example of two U.S. points, an intermediate third country, and a homeland point. Information is reportable on only the on-flight markets and nonstop segments that consist of one or both U.S. points.

SQ—Singapore Airlines
 LAX—Los Angeles, USA
 HNL—Honolulu, USA
 TPE—Taipei, Taiwan
 SIN—Singapore, Singapore

A-3—Airport code	A-4—Airport code	A-5—Service class (Mark an x)					By aircraft type—				Sum of all aircraft types—		
		Origin	Destination	F	G	L	P	Q	B-1—Acft. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
LAX	HNL	X	....	....	....	....	....	8161	12	2700	5300	0	0
LAX	TPE	X	....	....	....	....	....	.....	.....	.....	.....	700	1300
LAX	SIN	X	....	....	....	....	....	.....	.....	.....	.....	2000	4000
HNL	TPE	X	....	....	....	....	....	8161	12	2200	6800	1200	800
HNL	SIN	X	....	....	....	....	....	.....	.....	.....	.....	1000	6000

(3) LB flight # 902 LPB-VVI-MAO-CCS-MIA. This flight serves two homeland points and two different foreign countries before terminating in the U.S. Nonstop segment information is required only for the nonstop segment involving a U.S. point. On-flight market information is required in 4 of the 10 markets, LPB-MIA and VVI-MIA, since these involve homeland and U.S. points; MAO-MIA is necessary to show traffic carried into the U.S., and CCS-MIA for the same reason, and

also because in all cases where a nonstop segment entry is required, a corresponding on-flight market entry must also be reported.
 LB—Lloyd Aero Boliviano
 LPB—La Paz, Bolivia
 VVI—Santa Cruz-Viru Viru, Bolivia
 MAO—Manaus, Brazil
 CCS—Caracas, Venezuela
 MIA—Miami, USA

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)					By aircraft type—				Sum of all aircraft types—		
		Origin	Destination	F	G	L	P	Q	B-1—Acft. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
CCS	MIA	X	....	....	....	....	....	8161	31	6900	71000	0	0
LPB	MIA	X	....	....	....	....	....	.....	.....	.....	.....	1100	20000
VVI	MIA	X	....	....	....	....	....	.....	.....	.....	.....	4000	30000
MAO	MIA	X	....	....	....	....	....	.....	.....	.....	.....	1000	12000

(4) LY flight #005 TLV-AMS-ORD-LAX. This flight serves a single foreign intermediate point and two U.S. points after its

homeland origination. The information on the TLV-AMS leg is not reportable.
 LY—El Al Israel Airlines
 TLV—Tel Aviv, Israel

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AMS—Amsterdam, Netherlands
 ORD—Chicago, USA

LAX—Los Angeles, USA

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)					By aircraft type—				Sum of all aircraft types—	
	Origin	Destination	F	G	L	P	Q	B-1—Acft. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
AMS	ORD	X	....	....	....	....	8161	1	350	10000	50	1500
TLV	ORD	X	....	....	....	....	.....	.....	.....	.....	150	4000
TLV	LAX	X	....	....	....	....	.....	.....	.....	.....	125	3000
ORD	LAX	X	....	....	....	....	8161	1	150	4500	0	0
AMS	LAX	X	....	....	....	....	.....	.....	.....	.....	25	1500

(5) QF flight #25 SYD—BNE—CNS—HNL—YVR. This flight serves three homeland points, a U.S. point, and a subsequent third country. Nonstop segment information is required on the respective legs into and out of the United States. All on-flight market entries involving the U.S. point HNL are also required. Data are not required on the home-

land to homeland markets, or the homeland—third country markets.
 QF—Qantas Airways (Australia)
 SYD—Sydney, Australia
 BNE—Brisbane, Australia
 CNS—Cairns, Australia
 HNL—Honolulu, USA
 YVR—Vancouver, Canada

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)					By aircraft type				Sum of all aircraft types		
	Origin	Destination	F	G	L	P	Q	B-1—Acft. type code	B-2—Revenue aircraft departures	B-3—Revenue freight transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
CNS	HNL	X						8161	5	2200	41000	400	8000
SYD	HNL	X						.....	.....	.....	.....	600	10000
BNE	HNL	X						.....	.....	.....	.....	600	9000
HNL	YVR	X						8161	5	750	15700	150	1700

(6) JL flight #002 HKG—NRT—SFO. This flight originates in a third country prior to the homeland. No data is required on the HKG—NRT leg, but the HKG—SFO passengers and cargo shall be shown as enplanements in the NRT—SFO on-flight market entry. These volumes are included by definition in the

passenger and cargo transported volumes of the NRT—SFO nonstop segment entry.
 JL—Japan Air Lines
 HKG—Hong Kong, Hong Kong
 NRT—Tokyo-Narita, Japan
 SFO—San Francisco, USA

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)					By aircraft type				Sum of all aircraft types		
	Origin	Destination	F	G	L	P	Q	B-1—Acft. type code	B-2—Revenue aircraft departures	B-3—Revenue passengers transported	B-4—Revenue freight transported (kg)	C-1—Total revenue passengers in market	C-2—Total revenue freight in market (kg)
NRT	SFO	X						8161	3	1200	18000	1200	18000

(7) JL flight #001 SFO—NRT—HKG. This flight is the reverse sequence of flight #002 above; it requires a nonstop segment entry covering SFO—NRT, and a single on-flight

market entry also for SFO—NRT. In this case, the on flight traffic enplaned at SFO and destined for HKG, a beyond homeland point,

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shall be included in the SFO-NRT entry; a separate SFO-HKG entry is not required.
 JL—Japan Air Lines

SFO—San Francisco, USA
 NRT—Tokyo-Narita, Japan
 HKG—Hong Kong, Hong Kong

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)						By aircraft type				Sum of all aircraft types	
		Destination	F	G	L	P	Q	B-1—Acft. type code	B-2—Rev- enue aircraft departures	B-3—Rev- enue pas- sengers trans- ported	B-4—Rev- enue freight trans- ported (kg)	C-1— Total revenue pas- sengers in mar- ket	C-2— Total revenue freight in market (kg)
SFO	NRT	X						8161	1	400	20000	400	20000

(8) BA flight #5 LHR-ANC-NRT-OSA. This example contains a single homeland point and a single U.S. point followed by two third country points. It is necessary to report the nonstop segments into and out of the U.S., and all three of the on-flight markets which

have the U.S. point ANC as either an origin or destination.

BA—British Airways
 LHR—London, England
 ANC—Anchorage, USA
 NRT—Tokyo-Narita, Japan
 OSA—Osaka, Japan

A-3—Airport code	A-4—Airport code	A-5—Service class (mark an x)						By aircraft type				Sum of all aircraft types	
		Destination	F	G	L	P	Q	B-1—Acft. type code	B-2—Rev- enue aircraft departures	B-3—Rev- enue pas- sengers trans- ported	B-4—Rev- enue freight trans- ported (kg)	C-1— Total revenue pas- sengers in mar- ket	C-2— Total revenue freight in market (kg)
LHR	ANC	X						8161	10	3000	50000	100	1000
ANC	NRT	X						8161	10	3150	55000	100	2500
ANC	OSA	X						.....	.....	.....	.....	150	1500

(d) Provisions to reduce paperwork:

(1) Nonstop Segment Entries. The flight stage data applicable to nonstop segment entries must be summarized to create totals by aircraft equipment type, within service class, within pairs-of-points.

(2) On-flight Market Entries. The applicable on-flight market entries shall be summarized to create totals by service class within pair-of-points.

(e) Preparation of Schedule T-100 (f):

(1) Section A—Indicative and flight pattern information. A copy of Schedule T-100(f) is shown at the end of this Appendix. Section A defines the origin and destination points and the service class code to which the nonstop segment data in Section B and the on-flight market data in Section C are applicable. Section A information, along with the carrier code and report date, must be included on each schedule.

(2) Section B—Nonstop segment information. Section B of the schedule is used for reporting nonstop segment information by aircraft type. To reduce the number of schedules reported, space is provided for including data on multiple different aircraft types. Similarly, the on-flight market section has been included on a single Schedule T-100(f),

along with the nonstop segment data, rather than on a separate schedule.

(3) Section C—On-flight market information. Section C of the schedule is used for reporting on-flight market data. There will always be an on-flight market that corresponds to the nonstop segment. Because the on-flight market data are reported at the service class level rather than by aircraft type, a specific flight may produce more on-flight markets than nonstop segments, (see examples in paragraph (c) of this Appendix), resulting in data reported in sections A and C only.

(f) [Reserved]

(g) Data element definitions:

(1) Service pattern information.

(i) Line A-1 Carrier code. Use the carrier code established by the Department. This code is provided to each carrier in the initial reporting letter from the Office of Airline Information (OAI). If there are any questions about these codes, contact the OAI Data Administration Division at the address in paragraph (a)(3) of this Appendix.

(ii) Line A-2 Report date. This is the year and month to which the data are applicable. For example, 200009 indicates the year 2000, and the month of September.

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(iii) Line A-3 Origin airport code. This is the departure airport, where an aircraft begins a flight segment, and where the passengers originate in an on-flight market. Use the 3-letter code from the City/Airport Codes section of the *Official Airline Guide Worldwide Edition*. If no 3-letter code is available, OAI will assign one; the address is in paragraph (a)(3) of this Appendix.

(iv) Line A-4 Destination airport code. This is the arrival airport, where an aircraft stops on a flight segment, and where passengers deplane (get off the flight) after reaching their destination in a market. Use the 3-letter code from the source described in paragraph (g)(1)(iii) of this Appendix.

(v) Line A-5 Service class code. Select one of the following single letter codes which describes the type of service being reported on a given flight operation.

F = Scheduled Passenger/cargo Service

G = Scheduled All-cargo Service

L = Nonscheduled Civilian Passenger/Cargo Charter

P = Nonscheduled Civilian All-Cargo Charter

Q = Nonscheduled Services (Other than Charter)

(2) Nonstop segment information:

(i) Line B-1 Aircraft type code. Use the four digit numeric code prescribed in paragraph (h)(1) of this Appendix. If no aircraft type code is available, OAI will assign one. The address is in paragraph (a)(3) of this Appendix.

(ii) Line B-2 Aircraft departures performed. This is the total number of physical departures performed with a given aircraft type, within service class and pair-of-points.

(iii) Line B-3 Revenue passengers transported. This is the total number of revenue passengers transported on a given nonstop segment. It represents the total number of revenue passengers on board over the segment without regard to their actual point of enplanement.

(iv) Line B-4 Revenue freight transported. This item is the total weight in kilograms (kg) of the revenue freight transported on a given nonstop segment without regard to its actual point of enplanement.

(3) On-flight market information:

(i) Line C-1 Total revenue passengers in market. This item represents the total number of revenue passengers, within service class, that were enplaned at the origin airport and deplaned at the destination airport.

(ii) Line C-2 Total revenue freight in market. This item represents the total weight in kilograms (kg) of revenue freight enplaned at the origin and deplaned at the destination airport.

(h) [Reserved]

(i) Joint Service.

(1) The Department may authorize joint service operations between two direct air

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carriers. Examples of these joint service operations are:

Blocked-space agreements;

Part-charter agreements;

Code-sharing agreements;

Wet-lease agreements, and similar arrangements.

(2) Joint-service operations shall be reported on BTS Form 41 Schedules T-100 and T-100(f) by the air carrier in operational control of the flight, i.e., the air carrier that uses its flight crew to perform the operation. If there are questions about reporting a joint-service operation, contact the BTS Assistant Director—Airline Information at the address in paragraph (a)(3) of this appendix.

(j) [Reserved]

[53 FR 46294, Nov. 16, 1988, as amended at 54 FR 7183, Feb. 17, 1989; 60 FR 66722, Dec. 26, 1995; 67 FR 49223, July 30, 2002; 75 FR 41583, July 16, 2010]

§217.11 Reporting compliance.

(a) Failure to file reports required by this part will subject an air carrier to civil penalties prescribed in Title 49 United States Code section 46301.

(b) Title 18 U.S.C. 1001, Crimes and Criminal Procedure, makes it a criminal offense subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years, or both, to knowingly and willfully make, or cause to be made, any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

[53 FR 46294, Nov. 16, 1988, as amended at 67 FR 49223, July 30, 2002]

PART 218—LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Sec.

218.1 Definitions.

218.2 Applicability.

218.3 Prohibition against unauthorized operations employing aircraft leased with crew.

218.4 Condition upon authority of lessee.

218.5 Application for disclaimer of jurisdiction.

218.6 Issuance of order disclaiming jurisdiction.

218.7 Presumption.

AUTHORITY: Secs. 204(a), 402, Pub. L. 85-726, as amended, 72 Stat. 743, 757 (49 U.S.C. 1324, 1372).