



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

Kirkpatrick

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OFFICE OF GENERAL COUNSEL

B-211518

July 8, 1983

Do not make changes in letter readings

Angelo S. Puglise, Director
Division of Accounting and Finance
Office of Resource Management
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Puglise:

By letter of April 13, 1983, you raised a question concerning the scheduling of air travel between New York City and Vienna, Austria, to comply with the Fly America Act, 49 U.S.C. 1517. Because your inquiry does not involve a specific travel voucher, we are not issuing a formal decision. However, the following information is provided for your guidance.

You point out that the usual routing of travelers going to Vienna is through Frankfurt, Germany. The policy is to fly by U.S. air carrier to Frankfurt and from there to complete the trip to Vienna by foreign air carrier. You understand that effective April 24, 1983, Trans World Airlines (TWA) entered into an agreement with Austrian Airlines under which straight through flights from New York City to Vienna are shown on TWA schedules without indicating any portion of the trip by a foreign air carrier. Because TWA passengers must still transfer to Austrian Airlines in Frankfurt, just as do passengers of Pan American World Airways (Pan Am), you ask whether travelers are required to use the TWA rather than the Pan Am flight.

As you indicated, the Official Airline Guide does not currently list the TWA flight from New York under "CONNECTIONS" but shows it as a through flight aboard "TW/OS", i.e., TWA in combination with Austrian Airlines. While this listing may be misleading, it should be sufficient to put travelers on notice that a foreign air carrier will be used for some portion of the travel.

Paragraph 3a of the Comptroller General's "Revised Guidelines for Implementation of the 'Fly America Act'", B-138942, March 31, 1981, requires the use of "U.S. air carrier service available at origin to the furthest practicable interchange point on a usually traveled route." Insofar as the TWA and Pan Am schedules involve travel by

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foreign air carrier from the same interchange point, the guidelines do not give a preference to one U.S. air carrier's schedule over that of a competing U.S. air carrier. Either carrier could be used without penalty unless through service to Vienna is in fact available aboard a certificated U.S. air carrier.

We trust that the information provided will be helpful to you.

Sincerely yours,

for David F. Engstrom
Edwin J. Monsma
Assistant General Counsel