



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

**Order 97-9-20**

**Served: September 25, 1997**

Issued by the Department of Transportation  
on the 19<sup>th</sup> day of September, 1997

**Applications of**

**Air Micronesia, Inc.**

**American Airlines, Inc.**

**Federal Express Corporation**

**Midway Airlines Corporation**

**Northwest Airlines, Inc.**

**Pan American World Airways, Inc.**

**Polar Air Cargo, Inc.**

**Tower Air, Inc.**

**Trans World Airlines, Inc.**

**United Parcel Service Co.**

for exemptions or authorities under 49 U.S.C. section  
40109 and the orders and regulations of the  
Department of Transportation

**Dockets OST-97-2825**

**OST-97-2758**

**OST-97-2685**

**OST-95-332**

**OST-97-2755\***

**OST-97-2679\***

**OST-97-2754**

**OST-97-2752\***

**OST-97-2265**

**OST-97-2656**

**OST-97-2293**

**OST-96-1496\***

\*The referenced Notices contain minor editorial or technical changes from the Notices originally issued. Any changes that we have made are nonsubstantive in nature and do not affect the authority described in the original Notice in question. To the extent that, following the issuance of a confirmation order, parties or other persons have need to rely on the content of a Notice of Action Taken, they should regard the language in the Notice attached to the order, rather than the language of the original Notice, as the language that the Department is in fact confirming.

## ORDER

The captioned U.S. air carriers have applied for various forms of authority or relief from Title 49 of the U.S. Code or regulations or orders of the Department in order to perform the air transportation activities shown in the attached Notices of Action Taken. Except as noted, no answers were filed to these requests. Because of the imminence of these operations, we approved them by telephone, subject to adherence, by each applicant, to the conditions set forth in its certificate(s) of public convenience and necessity, and/or conditions attached.

We carefully considered the information set forth in each application described in the attached Notices of Action Taken, and we found that each of the proposed operations was consistent with the public interest and was consistent with an applicable bilateral aviation agreement and/or the aviation relationship between the United States and the foreign country involved, that each applicant was qualified to perform its proposed operations, and that each application should be approved.

Under authority assigned by the Department in its Regulations, 14 CFR Part 385, we found that for each operation (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption or authority was consistent with the public interest; and (3) grant of this authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.<sup>1</sup>

### ACCORDINGLY,

1. We confirm the actions described in the attached Notices of Action Taken, which granted the referenced U.S. air carriers (1) exemptions from the provisions of Section 41101 and where necessary 41504 or as noted in the attached notices, other sections of Title 49 U.S.C.; or (2) relief or authorizations as provided for under regulations or orders of the Department, to the applicants to perform the operations described in the attached Notices of Action Taken;
2. In the conduct of the service, each applicant was to adhere to the conditions set forth in the Appendix, and to any other conditions as noted in the attached Notices of Action Taken;

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<sup>1</sup> On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found that each U.S. air carrier applicant for an operating exemption is qualified to provide the services authorized.

3. To the extent not granted, or explicitly deferred as noted in the attached Notices of Action Taken, these applications are denied; and
4. We may amend, modify, or revoke this order at any time without hearing.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within ten (10) days after the date of service of this order. The filing of a petition for review of a particular action shall affect this order only as it concerns that action.

These actions were effective when taken, and the filing of a petition for review will not alter their effectiveness.

By:

PAUL L. GRETCH  
Director  
Office of International Aviation

(SEAL)

**U.S. Carrier**  
**Standard Exemption Conditions**

In the conduct of the operations authorized by the attached order, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with the requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted or confirmed by the attached order shall be effective only during the period when the holder is in compliance with the conditions imposed above.

## NEW & RENEW



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

## NOTICE OF ACTION TAKEN

**August 29, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Air Micronesia, Inc.** filed **8/18/97** in Docket **OST-97-2825** for:

**XX** Waiver 14 CFR 377.10(c)

**XX** Exemption from Order 96-9-16; startup deadline

**XX** Renew for two years allocation of 5 weekly U.S.-Thailand all-cargo frequencies to provide the following service:

**Scheduled foreign air transportation of property and mail between the terminal point Guam; and a point or points in Palau; the Philippines; and a point or points in Thailand.**

**By Order 96-9-16 the Department issued Air Micronesia a certificate of public convenience and necessity to provide scheduled all-cargo service between Guam and Thailand via intermediate points in Palau and the Philippines (Route 704), and allocated it five weekly all-cargo frequencies for this service. By its terms, the certificate would expire April 1, 1997, unless Air Micronesia commenced service by that date. On March 28, 1997, Air Micronesia applied for an exemption to extend its April 1 startup date to September 1, 1997. By Notice of Action Taken dated March 28, 1997, the Department granted the extension. (See Order 97-5-6). Air Micronesia seeks extension of the September 1 startup date to November 30, 1997. Air Micronesia states that because of delays in completing operational arrangements and existing market conditions, the optimum date to commence its operations is November 30, 1997.**

Applicant rep.: **Steven A. Mirmina, 202-624-2500** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted (extension of startup deadline)*

*The above action was effective when taken: **August 29, 1997,** through **November 30, 1997***

**XX** *Granted (renewal of frequency allocation) (subject to conditions, see below)*

*The above action was effective when taken: **August 29, 1997,** through **August 29, 1999***

**XX** *Dismissed waiver request*

**XX** *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director*

*Office of International Aviation*

*(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.*

*Filing of a petition shall not stay the effectiveness of  
this action.)*

(See Reverse Side)

**XX Authority granted is consistent with the May 8, 1996 Memorandum of Understanding and the aviation agreement between the United States and Thailand, the aviation agreement between the United States and the Philippines, and the overall state of aviation relations between the United States and Palau.**

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, limitations indicated:*

**XX Holder's certificate of public convenience and necessity**

**XX Standard exemption conditions (attached)**

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**Conditions:** Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. The 90-day dormancy period will begin November 30, 1997, Air Micronesia's proposed new startup date for its Thailand service. Should Air Micronesia begin service before that date, then the 90-day dormancy period, with respect to any operated frequencies, would begin on the date Air Micronesia begins service.

**Remarks:** We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

We dismissed Air Micronesia's request for waiver of the 60-day advance filing requirement since we acted on the carrier's application before expiration of the existing authority (September 1, 1997).

NEW



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

## NOTICE OF ACTION TAKEN

**July 29, 1997**

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This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of AMERICAN AIRLINES, INC. filed 7/22/97 in Docket OST-97-2758 for:

XX Exemption under 49 U.S.C. 40109 to perform the following service:

**Scheduled foreign air transportation of persons, property, and mail between (1) the terminal point San Antonio, Texas, and the terminal point Mexico City, Mexico; and (2) the terminal point Miami, Florida, and the terminal point Monterrey, Mexico. American also requests authority to integrate these services with its U.S.-Mexico certificate authority (Routes 560 and 628). American proposes to begin the San Antonio and Miami services on December 15, 1997.**

Applicant rep: Carl B. Nelson (202) 496-5647 DOT Analyst: Terri Bingham (202) 366-2390

### DISPOSITION

XX **Granted (Subject to Conditions, See Remarks)**

The above action was effective when taken: July 28, 1997 through July 28, 1998 or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

**Paul L. Gretch, Director**  
**Office of International Aviation**  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of this  
action.)

XX **Authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX **Holder's certificate of public convenience and necessity**  
XX **Standard Exemption Conditions (attached)**

**Conditions/Remarks:** The authority granted is subject to the dormancy notice conditions as set forth in Condition #7 of Appendix A of Order 88-10-2. Consistent with our standard practice, the dormancy notice period will begin December 15, 1997, American's proposed start-up date for these services.

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served with the application.

(See Reverse Side)

The San Antonio-Mexico City market is authorized for service by two U.S. carriers. Currently, Continental Airlines and United Air Lines are designated for these services. Continental, however, is not currently serving the market and has not objected to American's application. Continental was served with American's application. Neither Continental nor any other carrier opposed American's request. Under these circumstances, we decided to request that the Department of State withdraw the designation of Continental Airlines for services between San Antonio and Mexico City and to designate American Airlines for services in that market. This notice has been sent to Continental.





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

## RENEW

# NOTICE OF ACTION TAKEN

**August 29, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of Federal Express Corporation filed 7/7/97 in Docket OST-97-2685 for:

XX Renew for two years allocation of six weekly U.S.-Thailand all-cargo frequencies to provide the following service:

**Scheduled foreign air transportation of property and mail between a point or points in the United States and a point or points in Thailand.**

Applicant rep.: Nathaniel P. Breed, Jr. 202-663-8078 DOT analyst: Sylvia Moore, 202-366-6519

### DISPOSITION

XX Granted (Subject to conditions, see below)

The above action was effective when taken: August 29, 1997, through August 29, 1999

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director

Office of International Aviation

(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.

Filing of a petition shall not stay the effectiveness of  
this action.)

XX Authority granted is consistent with the May 8, 1996 Memorandum of Understanding and the aviation agreement between the United States and Thailand.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

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**Conditions:** Consistent with our standard practice, the frequency allocation renewed here is subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. Federal Express currently operates one weekly frequency in the U.S.-Thailand market. It plans to inaugurate service with the additional five weekly frequencies by September 1, 1997. The 90-day dormancy period with respect to the five currently unused frequencies will begin on the date Federal Express inaugurates service, or September 1, 1997, the current authorized extension of the startup date for these frequencies (see Order 97-5-6), which occurs earlier.



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

## RENEW

### NOTICE OF ACTION TAKEN

August 7, 1997

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of Midway Airlines Corporation filed 6/6/97 in Docket OST-95-332 for:

XX Exemption for two years under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between Raleigh/Durham, North Carolina, and St. Maarten, Netherlands Antilles.**

Applicant rep.: Robert E. Cohn 202-663-8060 DOT analyst: Sylvia Moore, 202-366-6519

#### DISPOSITION

XX *Granted*

*The above action was effective when taken: August 7, 1997, through August 7, 1999, (or until 90 days after final Department action on Midway's certificate application in Docket OST-95-331, whichever occurs earlier)*

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

XX **Authority granted is consistent with the aviation agreement between the United States and the Netherlands.**

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**



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

## RENEW

### NOTICE OF ACTION TAKEN

**August 29, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of Northwest Airlines, Inc. filed 7/21/97 in Docket OST-97-2755 for:

**XX** Renew allocation of five weekly U.S.-Thailand all-cargo frequencies to provide the following service:

**Scheduled foreign air transportation of property and mail between a point or points in the United States and a point or points in Thailand.**

Applicant rep.: Megan Rae Poldy (202) 842-3193 DOT analyst: Sylvia Moore, 202-366-6519

#### DISPOSITION

**XX** *Granted*

The above action was effective when taken: August 29, 1997, through August 29, 1998

**XX** Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

**XX** Authority granted is consistent with the May 8, 1996 Memorandum of Understanding and the aviation agreement between the United States and Thailand.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, limitations indicated:*

- XX** Holder's certificate of public convenience and necessity
- XX** Standard exemption conditions (attached)

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**Conditions:** Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. Northwest plans to begin service with four weekly frequencies by September 1, 1997. It has no firm date for inauguration of the fifth frequency. The 90-day dormancy period for all five frequencies will begin on the date Northwest inaugurates service, or September 1, 1997, the current authorized extension of its startup date for its allocated frequencies (see Order 97-5-6), whichever occurs earlier.



NEW



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

## NOTICE OF ACTION TAKEN

**July 18, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of Northwest Airlines, Inc. filed 7/2/97 in Docket OST-97-2679 for:

XX Exemption for two years under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between points in the United States and East Midlands, England, via Amsterdam. Northwest intends to operate this service pursuant to a code-share arrangement with Air U.K. Limited.**

Applicant rep.: Megan Rae Poldy, 202-842-3193 DOT analyst: Sylvia Moore, 202-366-6519

### DISPOSITION

XX *Granted (see conditions below)*

XX *Balance dismissed*

*The above action was effective when taken: July 18, 1997, through July 24, 1998*

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director*

*Office of International Aviation*

*(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.*

*Filing of a petition shall not stay the effectiveness of  
this action.)*

**XX Exemption authority granted is consistent with the June 5, 1995 Memorandum of Consultations between the United States and the United Kingdom.**

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX Holder's certificate of public convenience and necessity**

**XX Standard Exemption Conditions (attached)**

(See Reverse Side)

**Conditions:** The code-sharing operations conducted under this authority must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted, and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere, that the carrier selling such transportation accept all obligations established in its contract of carriage with the passenger (*i.e.*, the ticket), and that the operator shall not permit the code of its U.S. carrier code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.

Consistent with our normal practice the authority granted is coextensive with the duration of the amended statement of authorization granted Air U.K. on July 18, 1997. We dismissed Northwest's request for longer-term authority (*i.e.*, for the second year) without prejudice to refile for renewal.

NEW



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

## NOTICE OF ACTION TAKEN

August 8, 1997

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Pan American World Airways, Inc.** filed **7/21/97** in Docket **OST-97-2754** for:

**XX** Exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between Miami, Florida, and Santo Domingo, Dominican Republic. Pan Am intends to operate this service pursuant to a code-share arrangement with Carnival Air Lines.**

Applicant rep.: **William C. Evans, 202-371-6030** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted (Subject to conditions, see below)*

*The above action was effective when taken: **August 7, 1997,** through **August 7, 1998***

**XX** *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)*

**XX** **Exemption authority granted is consistent with the aviation agreement between the United States and the Dominican Republic.**

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** **Holder's certificate of public convenience and necessity**

**XX** **Standard Exemption Conditions (attached)**

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**Conditions:** The code-share operations conducted under this authority must comply with the provisions of 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted, and the further condition that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservations systems and elsewhere, and that the carrier selling such transportation accept all obligations established in its contract of carriage with the passenger, (*i.e.*, the ticket).

(See Reverse Side)

**Remarks:** Pan American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled interstate air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. (See Orders 96-9-25 and 96-10-33). The foreign air transportation services authorized here are not markedly different in terms of aircraft size or stage length from the carrier's current scheduled interstate operations under its existing certificate authority. We, therefore, found that Pan American is qualified to provide the proposed air transportation services for the one-year period covered by the exemption.





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

## RENEW

### NOTICE OF ACTION TAKEN

**August 29, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Polar Air Cargo, Inc.** filed **7/18/97** in Docket **OST-97-2752** for:

**XX** Renew allocation of two weekly U.S.-Thailand all-cargo frequencies to provide the following service:

**Scheduled foreign air transportation of property and mail between a point or points in the United States and a point or points in Thailand.**

Applicant rep.: **Alfred J. Eichenlaub (202) 637-9034** DOT analyst: **Sylvia Moore, 202-366-6519**

#### DISPOSITION

**XX** *Granted (Subject to conditions, see below)*

The above action was effective when taken: **August 29, 1997,** through **August 29, 1998**

**XX** Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

**XX** **The authority granted is consistent with the May 8, 1996 Memorandum of Understanding and the aviation agreement between the United States and Thailand.**

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, limitations indicated:*

**XX** **Holder's certificate of public convenience and necessity**

**XX** **Standard exemption conditions (attached)**

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**Conditions:** Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. Polar currently operates one weekly flight, and, thus, the dormancy condition is already in effect for that frequency. The 90-day dormancy period with respect to the second frequency will begin on the date Polar institutes the second frequency or September 1, 1997, the current authorized extension of its startup for that service (see Order 97-5-6), whichever occurs earlier.

**CORRECTED COPY\***

**NEW**



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

**NOTICE OF ACTION TAKEN**

**July 25, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Polar Air Cargo, Inc.** filed **7/18/97** in Docket **OST-97-2265** for:

**XX** Exemption from Order 97-1-17; startup deadline:

**By Order 97-1-17 the Department granted Polar Air Cargo exemption authority to provide scheduled all-cargo service in the U.S.-Philippine market. That authority was subject to the condition that Polar Air inaugurate service within 90 days from the issue date of the order (January 24, 1997) or the authority would expire. On March 25 and May 13, 1997, Polar applied for an exemption to extend its April 24, 1997, startup date to June 8 and July 23, 1997, respectively. By Notices of Action Taken dated April 21 and May 30, 1997, the Department granted the extensions (Order 97-6-16). Polar seeks extension of the July 23 startup date to August 23, 1997. Polar believes that grant of the necessary approvals by the Philippine authorities is imminent and the appropriate authority should be secured by August 23, 1997.**

Applicant rep.: **Alfred J. Eichenlaub (202) 637-9034** DOT analyst: **Sylvia Moore, 202-366-6519**

*DISPOSITION*

**XX** *Granted*

*The above action was effective when taken: **July 21, 1997,** through **August 23, 1997***

**XX** *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

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**Remarks:** We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

\*Corrects Notice of Action Taken dated July 21, 1997, to reflect filing date of July 18, 1997.

NEW



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**August 29, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Polar Air Cargo, Inc.** filed **8/15/97** in Docket **OST-97-2265** for:

**XX** *Exemption from Order 97-1-17; startup deadline:*

**By Order 97-1-17 the Department granted Polar Air Cargo exemption authority to provide scheduled all-cargo service in the U.S.-Philippine market. That authority was subject to the condition that Polar Air inaugurate service within 90 days from the issue date of the order (January 24, 1997) or the authority would expire. On March 25, May 13, and July 18, 1997, Polar applied for an exemption to extend its April 24, 1997, startup date to June 8, July 23, and August 23, 1997, respectively. By Notices of Action Taken dated April 21, May 30, and July 25, 1997, the Department granted the extensions. Polar seeks extension of the August 23 startup date to September 22, 1997. Polar believes that grant of the necessary approvals by the Philippine authorities is imminent and the appropriate authority should be secured by September 22, 1997.**

Applicant rep.: **Alfred J. Eichenlaub (202) 637-9034** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted*

*The above action was effective when taken: **August 22, 1997,** through **September 22, 1997***

**XX** *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director*

*Office of International Aviation*

*(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.*

*Filing of a petition shall not stay the effectiveness of  
this action.)*

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**Remarks:** We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served. In this regard Polar had notified the Department that it polled all parties served and obtained no objections from all except DHL, which Polar could not reach before expiration of its current startup exemption. We granted Polar interim authority on August 22 through August 29, 1997, pending expiration of the normal answer period. On August 25 Polar informed the Department that DHL had "no comments." On August 26, we extended approval of the startup exemption through September 22, 1997.

NEW



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

## NOTICE OF ACTION TAKEN

**August 7, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of Tower Air, Inc. filed 6/27/97 in Docket OST-97-2656 for:

XX Allocation of three U.S.-Ukraine combination frequencies

XX Exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between New York, New York and Kiev, Ukraine.**

Applicant rep.: Stephen L. Gelband, 202-337-6200 DOT analyst: Sylvia Moore, 202-366-6519

### DISPOSITION

XX *Granted (subject to conditions, see below)*

The above action was effective when taken: August 7, 1997, through August 7, 1998

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director

Office of International Aviation

*(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.*

*Filing of a petition shall not stay the effectiveness of  
this action.)*

XX Authority granted is consistent with the 1995 Protocol between the United States and the Ukraine.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

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**Conditions:** Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. The 90-day dormancy period will begin October 1, 1997, Tower's proposed start-up date.

(See Reverse Side)

**Remarks:** By Notice served July 21, 1997, the Department informed all U.S. certificated air carriers that grant of this application would use the last designation available for U.S.-Ukraine combination services and invited all U.S. carriers interested in serving the market to apply for the available designation and frequencies. The Notice stated that should no other applications be filed by July 31, 1997, we intended to act affirmatively on Tower's application. No additional applications were received.

**RENEW**



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

**NOTICE OF ACTION TAKEN**

**August 7, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of Trans World Airlines, Inc. filed 4/1/97 in Docket OST-97-2293 for:

**XX** Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between New York, New York, and Santo Domingo, Dominican Republic.**

Applicant rep.: Richard J. Fahy, Jr. 202-457-4764 DOT analyst: Sylvia Moore, 202-366-6519

*DISPOSITION*

**XX** *Granted*

The above action was effective when taken: August 7, 1997, through August 7, 1999

**XX** Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)

**XX** Authority granted is consistent with the aviation agreement between the United States and the Dominican Republic.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

- XX** Holder's certificate of public convenience and necessity
- XX** Standard Exemption Conditions (attached)



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

## RENEW

### NOTICE OF ACTION TAKEN

**August 29, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of United Parcel Service Co. filed 7/17/97 in Docket OST-96-1496 for:

XX Renew for two years allocation of six weekly U.S.-Thailand all-cargo frequencies to provide the following service:

**Scheduled foreign air transportation of property and mail between a point or points in the United States and a point or point in Thailand.**

Applicant rep.: David L. Vaughan (202) 955-9600 DOT analyst: Sylvia Moore, 202-366-6519

#### DISPOSITION

XX *Granted (Subject to conditions, see below)*

The above action was effective when taken: August 29, 1997, through August 29, 1999

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director  
Office of International Aviation  
*(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

XX Authority granted is consistent with the May 8, 1996 Memorandum of Understanding and the aviation agreement between the United States and Thailand.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, limitations indicated:*

- XX Holder's certificate of public convenience and necessity
- XX Standard exemption conditions (attached)

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**Conditions:** Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. UPS currently operates one frequency in the U.S.-Thailand market and plans to inaugurate its additional five weekly flights on or before September 1, 1997, the current authorized extension of its startup for these services (see Order 97-5-6). The 90-day dormancy period for the one currently operated frequency is already in effect. The dormancy period for the remaining five frequencies will begin on the date UPS inaugurates such service or September 1, 1997, whichever occurs earlier.