

Order 96-9-17



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

Served September 19, 1996

Issued by the Department of Transportation  
on the 6th day of September, 1996

Applications of

**ALLEGHENY AIRLINES, INC.  
d/b/a USAIR EXPRESS**

**DHL AIRWAYS, INC.**

**HORIZON AIR INDUSTRIES, INC.  
d/b/a HORIZON AIR**

**MIDWEST EXPRESS AIRLINES, INC.**

**NORTHWEST AIRLINES, INC.**

**RENO AIR, INC.**

for certificate authority pursuant to 49 U.S.C.  
41102 (U.S.-Canada)

**Dockets OST-95-822**

**OST-96-1168  
(47680)**

**OST-95-634**

**50057**

**43754**

**OST-95-861**

**ORDER ISSUING CERTIFICATES**

On February 24, 1995, the United States and Canada signed a new air transport agreement (Agreement). Under this new Agreement restrictions on many of the services, both combination and all-cargo, were eliminated immediately. Restrictions on U.S. carrier combination services at Vancouver, Montreal, and Toronto will be removed on a phased-out basis with all restrictions removed at Montreal and Vancouver on February 27, 1997, and at Toronto on February 24, 1998.

Consistent with these provisions, Allegheny and Reno Air have applied for broad U.S.-Canada certificate authority to provide scheduled combination air services subject to the Agreement restrictions on Montreal, Vancouver, and Toronto service; and DHL seeks broad U.S.-Canada all-cargo certificate authority.<sup>1</sup> No answers to these applications have been filed.<sup>2</sup>

The Agreement also provides that existing coterminal route authorities may be split into separate routes and redesignated to the same or different airlines. In this regard, Midwest Express requests a split of Route B.7 to authorize Midwest Express to serve the Milwaukee-Toronto market while permitting Northwest to retain the Detroit-Toronto portion of the route.<sup>3</sup>

We find that approval of these applications is consistent with the public convenience and necessity. All of the proposed services will contribute to the variety of price and service options available to travelers and shippers.<sup>4 5</sup> Moreover, all of the authority requested is consistent with the provisions of the U.S.-Canada Air Transport Agreement signed on February 24, 1995. We also find that each of the applicants has previously been found to be a citizen of the United States and fit to provide scheduled foreign air transportation;<sup>6</sup>

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<sup>1</sup> The applicants have filed and perfected each application as required by 14 CFR 201 and served it as required by 14 CFR 302.1705. Allegheny, Docket OST-95-822, 60 FR (58717), 11/28/95; Reno, Docket OST-95-861, 60 FR (62131), 12/4/95; and DHL Docket OST-96-1168(47680), 56 FR (41155), 8/19/91.

<sup>2</sup> In its initial application which was filed prior to the 1995 Agreement, DHL had sought authority to serve the Cincinnati/Cleveland-Toronto markets only. Federal Express and ABX had filed answers to that application citing problems related to their own U.S.-Canada all-cargo operations. Those concerns were resolved upon the signing of the 1995 Agreement which provides for a liberalized all-cargo regime. On March 29, 1996, DHL amended its certificate application to seek broad U.S.-Canada authority under the provisions of the 1995 Agreement. No answers to DHL's amended application were filed.

<sup>3</sup> Docket 50057, 60 FR (5955), 1/31/95. Midwest Express holds exemption authority to serve the Milwaukee-Toronto market pending action on its certificate application. See Order 96-6-28.

<sup>4</sup> In addition, we will reissue the broad U.S.-Canada certificate issued Horizon Air by Order 96-5-9. In that order we inadvertently subjected the certificate to a five-year term. We will, therefore, reissue the certificate for an indefinite period.

<sup>5</sup> In conjunction with our award to Midwest Express, we will also amend Northwest's certificate authority on segment 2 of Route 86-F to delete its authority to serve Milwaukee. Northwest was served with Midwest Express' application and filed no objection to Midwest Express' request. Therefore, we find that no further notice is required in order to delete Northwest's Milwaukee-Toronto authority from Route 86-F.

<sup>6</sup> See Order 95-6-26 for Allegheny, Order 96-5-9 for DHL and Horizon, and Order 95-9-16 for Reno Air. Midwest Express has previously been found to be a citizen of the United States and fit, willing and able to provide scheduled domestic air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. Order 83-11-15. The services authorized here are not markedly different in terms of aircraft size or stage length from Midwest Express' existing service. Thus, we find that the foreign air transportation authorized here does not constitute a

and that grant of these applications will not constitute a “major regulatory action” under the Energy, Policy and Conservation Act of 1975, as defined by section 313.4(a)(1) of the Department’s regulations.<sup>7</sup> Finally, we find that the public interest does not require an oral evidentiary hearing or a show-cause proceeding on any of these applications. There are no material, determinative issues of fact requiring such procedures for their resolution.

### Terms, Conditions and Limitations

We will issue each of the captioned applicants a new or amended certificate to authorize the services requested.<sup>8</sup> All of the certificates granted will be subject to the standard terms, conditions and limitations applicable to U.S. carrier certificates.<sup>9</sup> In addition, consistent with the terms of the new U.S.-Canada Agreement, the combination service certificates awarded here will include specific conditions precluding new services at Montreal, Toronto, and Vancouver until expiration of the transitional service limitations on those services.<sup>10</sup> In addition, the certificates will include a condition precluding certain coterminalization on all-cargo services within Canada, as provided in the new Agreement.

### ACCORDINGLY,

1. We grant, amend, and/or reissue in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;
2. To the extent not granted, deferred, or dismissed, we deny all motions and requests in these dockets;
3. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order and the attached certificates shall become effective upon the 61st day

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substantial change in operations under Part 204 of the Department’s regulations. Moreover, no information has come to our attention which would lead us to question Midwest Express’ fitness to conduct the air transportation operations authorized here.

<sup>7</sup> Our findings are based on the fact that grant of each application would not result in a near-term increase in annual fuel consumption in excess of 10 million gallons.

<sup>8</sup> For those services operated under current exemptions, those exemptions will expire in accordance with their own terms 90 days after we submit this order for review under 49 U.S.C. 41307.

<sup>9</sup> Consistent with our standard practice, in limited entry markets, the certificate awarded to Midwest Express for Milwaukee-Toronto authority will be for a five-year term. See, e.g. Orders 96-5-9 and 96-7-18.

<sup>10</sup> Restrictions on combination services at Montreal and Vancouver will expire on February 24, 1997, and at Toronto on February 24, 1998.

after its submission for section 41308 review, or upon the date of receipt of advice from the

President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier;<sup>11</sup> and

4. We will serve this order on the parties to the captioned dockets of this order, the Ambassador of Canada in Washington, DC, the U.S. Department of State (Office of Aviation Negotiations), and the Federal Aviation Administration.

By:

CHARLES A. HUNNICUTT  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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<sup>11</sup> This order was submitted for section 41307 review on September 6, 1996. On September 6, 1996, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.



**Certificate of Public Convenience and Necessity  
for  
Route  
706**

**This Certifies That**

**Allegheny Airlines, Inc. d/b/a USAir Express**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 96-9-17**

**On September 6, 1996**

**Aviation Effective on September 13, 1996**

**Affairs**

**Charles A. Hunnicutt**

**Assistant Secretary for**

**and International**



Terms, Conditions and Limitations

Allegheny Airlines, Inc. d/b/a USAir Express for **Route 706**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between any point in the United States and any point in Canada.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial change in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) Except for rights and authorities available or existing prior to February 24, 1995, and operations separately authorized by the Department pursuant to the U.S.-Canada Air Transport Agreement signed February 24, 1995, the holder may not commence new combination air services to Montreal and Vancouver until February 24, 1997, or to Toronto until February 24, 1998.

(10) Any all-cargo services operated under this certificate shall be subject to the following condition:

Points in the territory of Canada shall not be combined on any same plane scheduled or nonscheduled all-cargo courier service operated with aircraft having a maximum takeoff weight greater than 35,000 pounds.

(11) In addition to the authority granted on this certificate, the holder may also conduct operations beyond points in Canada to points in third countries that it holds authority to serve, without local traffic rights between points in Canada and such other points in third countries (i.e., on a blind sector basis).

This certificate shall become effective September 13, 1996.

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\*This certificate is issued to reflect new authority to serve the U.S.-Canada market. It also incorporates new standard terms and conditions applicable to U.S. carrier certificates and specific conditions applicable to U.S.-Canada operations.



**Certificate of Public Convenience and Necessity  
for  
Route  
707**

**This Certifies That**

**DHL Airways, Inc.**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of property and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 96-9-17**

**On September 6, 1996**

**Aviation**

**Effective on September 13, 1996**

**Charles A. Hunnicutt**

**Assistant Secretary for**

**and International Affairs**

Terms, Conditions and Limitations

DHL Airways, Inc. for **Route 707**

is authorized to engage in scheduled foreign air transportation of property and mail:

Between any point in the United States and any point in Canada.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).
- (3) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (4) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S. C. 40102(a)(15).
- (7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

- (8) Should the holder propose any substantial change in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n), it must first comply with the requirements of 14 CFR 204.5.
- (9) In the event that the holder commences operations for which it was found “fit, willing, and able” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.
- (10) Points in the territory of Canada shall not be combined on any same plane scheduled or nonscheduled all-cargo courier service operated with aircraft having a maximum certificated takeoff weight greater than 35,000 pounds.
- (11) In addition to the authority granted on this certificate, the holder may also conduct operations beyond points in Canada to points in third-countries that it holds authority to serve, without local traffic rights between points in Canada and such other points in third countries (i.e., on a blind sector basis).

This certificate shall become effective September 13, 1996.

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\*This certificate is issued to reflect new authority to serve the U.S.-Canada market. It also incorporates new standard terms and conditions applicable to U.S. carrier certificates and specific conditions applicable to U.S.-Canada operations.



**Certificate of Public Convenience and Necessity  
for  
Route 693  
(as reissued)  
This Certifies That**

**Horizon Air Industries, Inc. d/b/a Horizon Air**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 96-9-17**

**On September 6, 1996**

**Aviation**

**Effective on September 13, 1996**

**Charles A. Hunnicutt**

**Assistant Secretary for**

**and International Affairs**



Terms, Conditions and Limitations

Horizon Air Industries, Inc. d/b/a Horizon Air for **Route 693**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between any point in the United States and any point in Canada.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial change in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) Except for rights and authorities available or existing prior to February 24, 1995, and operations separately authorized by the Department pursuant to the U.S.-Canada Air Transport Agreement signed February 24, 1995, the holder may not commence new combination air services to Montreal and Vancouver until February 24, 1997, or to Toronto until February 24, 1998.

(10) Any all-cargo services operated under this certificate shall be subject to the following condition:

Points in the territory of Canada shall not be combined on any same plane scheduled or nonscheduled all-cargo courier service operated with aircraft having a maximum takeoff weight greater than 35,000 pounds.

(11) In addition to the authority granted on this certificate, the holder may also conduct operations beyond points in Canada to points in third countries that it holds authority to serve, without local traffic rights between points in Canada and such other points in third countries (i.e., on a blind sector basis).

This certificate shall become effective September 13, 1996.

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\*This certificate last issued by Order 96-5-9, is reissued *sua sponte* to reflect that the duration of authority is indefinite, rather than for five years.



**Experimental Certificate  
of Public Convenience and Necessity  
for  
Route  
708  
This Certifies That**

**Midwest Express Airlines, Inc.**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 96-9-17**

**On September 6, 1996**

**Aviation**

**Charles A. Hunnicutt**

**Assistant Secretary for**

**Effective on** September 13, 1996

**and International Affairs**

Terms, Conditions and Limitations

Midwest Express Airlines, Inc. for **Route 708**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between the terminal point Milwaukee, Wisconsin, and the terminal point Toronto, Canada.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial change in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) Any all-cargo services operated under this certificate shall be subject to the following condition:

Points in the territory of Canada shall not be combined on any same plane scheduled or nonscheduled all-cargo courier service operated with aircraft having a maximum takeoff weight greater than 35,000 pounds.

(10) In addition to the authority granted on this certificate, the holder may also conduct operations beyond points in Canada to points in third countries that it holds authority to serve, without local traffic rights between points in Canada and such other points in third countries (i.e., on a blind sector basis).

This certificate shall become effective September 13, 1996. It shall expire five years thereafter, unless the Department earlier suspends, modifies, or deletes the authority.

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\*This certificate is issued to reflect new authority to serve the Milwaukee-Toronto market. It also incorporates standard terms and conditions applicable to U.S. carrier certificates and specific conditions applicable to U.S.-Canada operations.

Northwest Airlines, Inc.

Certificate Amendment for **Route 86-F**

Amend segment 2 to read as follows:

2. Between the terminal point Detroit, Michigan, and the terminal point Toronto, Canada.

This amendment shall become effective September 13, 1996.

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\*This certificate issued by Order 86-9-20 and amended by Order 92-3-41, is further amended *sua sponte* to reflect deletion of authority to serve Milwaukee-Toronto on segment 2 pursuant to the route splitting provisions of the 1995 U.S.-Canada Aviation Agreement. The Milwaukee-Toronto route authority has been awarded to Midwest Express by this same order.



**Certificate of Public Convenience and Necessity  
for  
Route  
709**

**This Certifies That**

**Reno Air, Inc.**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 96-9-17**

**On September 6, 1996**

**Aviation Effective on September 13, 1996**

**Affairs**

**Charles A. Hunnicutt**

**Assistant Secretary for**

**and International**

Terms, Conditions and Limitations

Reno Air, Inc. for **Route 709**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between any point in the United States and any point in Canada.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (7) Should the holder propose any substantial change in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found “fit, willing, and able” and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) Except for rights and authorities available or existing prior to February 24, 1995, and operations separately authorized by the Department pursuant to the U.S.-Canada Air Transport Agreement signed February 24, 1995, the holder may not commence new combination air services to Montreal and Vancouver until February 24, 1997, or to Toronto until February 24, 1998.

(10) Any all-cargo services operated under this certificate shall be subject to the following condition:

Points in the territory of Canada shall not be combined on any same plane scheduled or nonscheduled all-cargo courier service operated with aircraft having a maximum takeoff weight greater than 35,000 pounds.

(11) In addition to the authority granted on this certificate, the holder may also conduct operations beyond points in Canada to points in third countries that it holds authority to serve, without local traffic rights between points in Canada and such other points in third countries (i.e., on a blind sector basis).

This certificate shall become effective September 13, 1996.

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\*This certificate is issued to reflect new authority to serve the U.S.-Canada market. It also incorporates new standard terms and conditions applicable to U.S. carrier certificates and specific conditions applicable to U.S.-Canada operations.

**Action:** Applications of Various U.S. Carriers  
Requesting Certificate Authority

Paul L. Gretch, Director  
Office of International Aviation

Sylvia Moore  
X-44, X66519

Charles A. Hunnicutt  
Assistant Secretary for Aviation  
and International Affairs

We recommend that you approve the attached order which will issue and/or amend certificates of public convenience and necessity authorizing the carrier applicants to operate scheduled combination and all-cargo service between the United States and Canada.

The applications are noncontroversial. The attached order is subject to Presidential review under Section 41307 Title 49 of the United States Code.

Attachments

**Action:** Applications of Various U.S. Carriers  
for Certificate Authority under Section 41102  
of the Act

Charles A. Hunnicutt  
Assistant Secretary for Aviation  
and International Affairs

Paulette Twine, Chief  
Documentary Services Division, C-55

Please process the attached White House order expeditiously. After White House review is completed and order is ready for issuance, post the order immediately and serve through the printing facility on parties to the captioned dockets, and on the U.S. Department of State (Office of Aviation Negotiations), the Federal Aviation Administration (AFS-200), and the Ambassador of Canada in Washington, D.C.

Attachments

Transmittal of Decision for  
Section 41307 Review

Charles A. Hunnicutt  
Assistant Secretary for Aviation  
and International Affairs

Coordinating Departments and Agencies  
under Executive Order 12597

I transmit the Department's proposed order on the following applications for your consideration under 49 U.S.C. 41307 and Executive Order 12597.

Allegheny Airlines, Inc. d/b/a USAir Express	Docket OST-95-822
DHL Airways, Inc.	Docket OST-96-1168 (47680)
Horizon Air Industries, Inc. d/b/a Horizon Air	Docket OST-95-634
Midwest Express Airlines, Inc.	Docket 50057
Northwest Airlines, Inc.	Docket 43754
Reno Air, Inc.	Docket OST-95-861

The Order will, unless the President disapproves it within 60 days of its submission, issue or amend the applicants' certificates of public convenience and necessity with respect to certain U.S.-Canada services under 49 U.S.C. Section 41102.

We are submitting the proposed decision to you before publication under the provisions of Section 3 of Executive Order 12597. In accordance with that section, we plan to release all unclassified portions of the decision on or after the sixth day following this transmittal unless otherwise notified by the Assistant to the President for National Security Affairs.

Please submit any recommendations you may have to the General Counsel, Department of Transportation. If you have no recommendations with respect to this order, please advise Carol Kelly (366-9327), to that effect.

Attachments

**ACTION:** Presidential Review  
Under Section 41307

Nancy E. McFadden  
General Counsel

Paulette Twine, Chief  
Documentary Services Division

Acting under the authority of Executive Order 12597 and the Department's implementing regulations, I have determined not to disapprove the Department's proposed order in the following cases:

Allegheny Airlines, Inc. d/b/a USAir Express	Docket OST-95-822
DHL Airways, Inc.	Docket OST-96-1168 (47680)
Horizon Air Industries, Inc. d/b/a Horizon Air	Docket OST-95-634
Midwest Express Airlines, Inc.	Docket 50057
Northwest Airlines, Inc.	Docket 43754
Reno Air, Inc.	Docket OST-95-861