

Served Aug. 27, 1998



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Issued by the Department of Transportation
on the 21st day of August, 1998

Applications/Motions of	Dockets
American Airlines, Inc.	OST-97-2891
Carnival Air Lines, Inc.	OST-96-1424 OST-96-1425
China Airlines, Ltd.	OST-95-426 (42334)
Delta Air Lines, Inc.	OST-95-926
EVA Airways Corporation	OST-95-727
Federal Express Corporation	OST-98-3856
Gemini Air Cargo LLC	OST-95-704
Northwest Airlines, Inc.	OST-96-1089 OST-97-3152
Tower Air, Inc.	48074
Trans World Airlines, Inc.	OST-96-1475
United Air Lines, Inc.	OST-96-1717 OST-98-3732

for certificates, exemptions or other authorities or relief
under 49 U.S.C. sections 41102 or 40109 and regulations
of the Department of Transportation.

ORDER DISMISSING APPLICATIONS

The captioned carriers have applied or petitioned for various forms of authority or relief under 49 U.S.C. sections 41102 or 40109 or regulations or orders of the Department, relating to the air transportation activities shown in the Appendix to this order. Each application or motion has been withdrawn or has otherwise become moot.

Accordingly, acting under authority assigned by the Department in its regulations, 14 CFR 385.13, we dismiss the applications and petitions shown in the Appendix to this order.

Persons entitled to petition for review of this order under the Department's regulations, 14 CFR 385.30, may file their petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Department of Transportation upon expiration of the above period unless within such period a petition for Department review is filed or the Department gives notice that it will review this order on its own motion.

The filing of a petition for review with respect to one of the dismissed items will not alter the effectiveness of this order with respect to the others.

By:

PAUL L. GRETCH
Director
Office of International Aviation

(SEAL)

*An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov/general/orders/aviation.html>*

APPENDIX

- OST-97-2891 American Airlines, Inc.**, filed September 10, 1997. Exemption to provide scheduled foreign air transportation of persons, property, and mail between Dallas/Ft. Worth, Texas, and Puebla, Mexico, and to integrate this authority with its existing certificate and exemption authority to serve Mexico. On September 30, 1997, American withdrew the application.
- OST-96-1424 Carnival Air Lines, Inc.**, filed May 31, 1996. Exemption to provide scheduled foreign air transportation of persons, property, and mail between San Juan, Puerto Rico, and Buenos Aires, Argentina. On January 14, 1998, counsel for Carnival Air Lines orally notified the Department that Carnival no longer wishes to prosecute the application.
- OST-96-1425 Carnival Air Lines, Inc.**, filed May 31, 1996. Exemption to provide scheduled foreign air transportation of persons, property, and mail between San Juan, Puerto Rico, and Santiago, Chile. On January 14, 1998, counsel for Carnival Air Lines orally notified the Department that Carnival no longer wishes to prosecute the application.
- OST-95-426 (42334) China Airlines, Ltd.**, filed December 14, 1994. (1) Renew exemption to conduct intermodal cargo services between its authorized U.S. gateways and other U.S. destinations, and (2) amend the exemption to add 12 new city-pair markets. By Order 98-3-23 the Department granted China Airlines intermodal cargo authority between all points named in its foreign air carrier permit issued by the Department and any other U.S. cities. Since the above-requested authority is encompassed by its authority granted in Order 98-3-23, China Airlines' renewal application in Docket 42334 is moot.
- OST-95-926 Delta Air Lines, Inc.**, filed December 16, 1997. Exemption to provide scheduled foreign air transportation of mail between New York, NY; Boston, MA; Orlando, FL; San Francisco and Los Angeles, CA, on the one hand, and London, on the other, pursuant to a code-share arrangement with Virgin Atlantic Airways. Continental Airlines, Trans World Airlines, and Northwest Airlines filed answers to Delta's application. On January 14, 1998, Delta filed to withdraw its application in Docket OST-95-926.

- OST-95-727 EVA Airways Corporation**, filed October 10, 1995. (1) Renew exemption to conduct intermodal cargo services between certain authorized U.S. city-pairs and (2) amend the exemption to add 10 new city-pairs markets. By a Statement of Authorization dated April 2, 1998, the Department granted EVA Airways intermodal cargo authority between any points in the United States. Since the above-requested authority is encompassed by its authority granted in the April 2 Statement of Authorization, EVA Airways' application in Docket OST-95-727 is moot.
- OST-98-3856 Federal Express Corporation**, filed May 15, 1998. Exemption to provide scheduled foreign air transportation of property and mail between points in the United States and points in Costa Rica. On May 29, 1998, Federal Express filed a motion to dismiss its application in Docket OST-98-3856. We will grant the motion.
- OST-95-704 Gemini Air Cargo LLC**, filed November 26, 1996. Renew exemption from the requirements of 49 U.S.C. 41101 to act as an indirect air carrier to enable Gemini to resell to Swissair air transportation procured from Sun Country Airlines. On May 27, 1998, counsel for Gemini orally notified the Department that Gemini no longer wishes to prosecute the application.
- OST-96-1089 Northwest Airlines, Inc.**, filed January 28, 1998. Renew exemption to provide scheduled foreign air transportation of persons, property, and mail between Detroit, Michigan, and Paris, France, on a nonstop basis and via Frankfurt, Federal Republic of Germany, as an intermediate and/or beyond point, without local traffic rights. By Order 98-6-5 the Department granted Northwest exemption authority in Docket OST-98-3760 encompassing the Detroit-Paris authority, and on May 14, 1998, counsel for Northwest orally advised the Department that Northwest did not object to dismissal of its renewal application in Docket OST-96-1089.
- OST-97-3152 Northwest Airlines, Inc.**, filed November 21, 1997. Renew certificate to provide scheduled foreign air transportation of persons, property, and mail between the coterminal points Saipan, Northern Mariana Islands, and Guam, and the terminal point Tokyo, Japan. By Order 98-6-22 the Department granted Northwest Airlines certificate authority in Docket OST-98-3441 to provide scheduled foreign air transportation between any point or points in the United States, via any intermediate point or points, and any point or points in Japan, and any point or points beyond (Route 129). Since the authority to serve the Saipan/Guam-Tokyo market is encompassed by its new authority on Route 129, Northwest Airlines' certificate application in Docket OST-97-3152 is moot.

- 48074** **Tower Air, Inc.**, filed March 27, 1992. Exemption to integrate its exemption authority to provide scheduled foreign air transportation of persons, property, and mail between New York and Paris with its certificate authority on Route 401 between New York and Tel Aviv. By Notice of Action Taken dated April 10, 1998, the Department granted Tower integration of its authority to serve the New York-Paris and New York Tel Aviv markets in Docket OST-98-3720. Since integration of its New York-Paris and New York-Tel Aviv authority is encompassed by the authority granted in Docket OST-98-3720, Tower's application in Docket 48074 is moot.
- OST-96-1475** **Trans World Airlines, Inc.**, filed June 21, 1996. (1) Exemption to provide scheduled foreign air transportation between New York, NY, and Miami, FL, on the one hand, and Rio de Janeiro, Sao Paulo, Brasilia, and Porto Alegre, Brazil, on the other; and (2) Statement of Authorization to display Transbrasil's code on TWA's flights operating between New York/Chicago/Washington, DC/Boston/Los Angeles/Detroit and Miami/New York/Washington. Continental filed an answer to TWA's application. By letter dated October 1, 1997, counsel for TWA advised the Department that TWA no longer wishes to pursue the code-share alliance.
- OST-96-1717** **United Air Lines, Inc.**, filed September 18, 1996. Exemption to provide scheduled foreign air transportation of persons, property, and mail between a point or points in the United States and Katmandu, Nepal, via points in Germany, and to integrate this authority with its existing certificate authority on Route 57. On November 7, 1997, counsel for United orally notified the Department that United no longer wishes to prosecute the application in Docket OST-96-1717.
- OST-98-3732** **United Air Lines, Inc.**, filed April 17, 1998. Amend exemption application to provide scheduled foreign air transportation of persons, property and mail between any points in the United States directly and via intermediate points and any point or points in France and beyond France to any point or points in third countries to include exemption and designation to operate all-cargo service between the United States and

France, including Paris. On May 18, 1998, United filed a motion for partial dismissal of its amended exemption in Docket OST-98-3732.¹ We will dismiss that portion of Docket OST-98-3732 for an exemption and designation to operate all-cargo service in the U.S.-France market. With this action there are no remaining requests in that docket.

¹ United's amended application also sought authority for allocation of seven U.S.-France combination service frequencies and allocation of U.S.-France third-country code-share opportunities. By Order 98-5-8 the Department granted United allocation of seven U.S.-France combination frequencies. United was also granted allocation of U.S.-France third-country code-share opportunities by Order 98-6-5.