



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

Issued by the Department of Transportation on November 10, 1999

**NOTICE OF ACTION TAKEN -- DOCKET OST-97-3261**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of Federal Express Corporation filed 10/18/99 for:

**XX** Exemption from dormancy condition:

By Order 96-9-16 the Department allocated Federal Express five weekly frequencies to expand its U.S.-Thailand all-cargo operations, in addition to one frequency previously allocated to Federal Express. That award was subject to the condition that it will expire automatically and the frequencies will automatically revert to the Department for reallocation if they are not used for a period of 90 days. Under the terms of the order Federal Express' frequency allocation would expire April 1, 1997, if Federal Express did not begin service by that date. Since then, the Department has granted waivers of the dormancy condition for the sixth frequency through December 31, 1999. (See Orders 97-5-6 and 98-3-1 and Notices of Action Taken dated June 15 and November 2, 1998.) Federal Express is currently operating five frequencies.

Federal Express seeks a further exemption from the 90-day dormancy condition so as to delay startup of its sixth frequency until July 1, 2000. Federal Express states that because of the continuing economic difficulties impacting the level of demand for its U.S.-Thailand cargo service, the optimum date to commence its operations for the sixth frequency is July 1, 2000. Federal Express indicated that it would commence utilization of the sixth frequency as soon as traffic conditions warrant.

Applicant rep.: Nathaniel Breed (202) 663-8078 DOT analyst: Sylvia Moore (202) 366-6519

**DISPOSITION**

**XX** Granted

The above action was effective when taken: November 10, 1999, through July 1, 2000<sup>1</sup>

**XX** Action taken by: **Paul L. Gretch, Director**  
**Office of International Aviation**

(See Reverse Side)

<sup>1</sup> Federal Express' waiver from the dormancy condition is effective until July 1, 2000, or until the date on which Federal Express resumes service with its sixth frequency, whichever occurs earlier. Once the waiver ceases to be effective, the 90-day dormancy condition applies from that point forward.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the exemption was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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