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

Issued by the Department of Transportation on March 22, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST-01-8879 - 5

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 **Evergreen International Airlines, Inc.** filed 2/22/2002

**XX** Waiver of 90-day dormancy condition:

Evergreen has applied for a waiver of the 90-day dormancy condition with respect to its allocation of one weekly all-cargo frequency for services between the U.S. and Thailand. Evergreen requests the waiver for a period of one year, from April 1, 2002 through March 31, 2003. Evergreen states that the adverse effects of events of September 11, 2001, continue to be felt in the U.S.-Thailand all-cargo market, making it uneconomic for Evergreen to enter the market in the foreseeable future. Evergreen states that it intends to reenter this market and anticipates that day will come well before the expiration of the additional period of waiver it requests here. Evergreen states that the waiver will afford it the needed flexibility to resume service as economic conditions warrant.

No answers to the application were filed.

Applicant rep: **David H. Coburn (202) 429-8063** DOT Analyst: **Linda W. Senese (202) 366-2367**

**DISPOSITION**

**XX** Granted. (See Remarks below.)

The above action was effective when taken: March 22, 2002, through March 31, 2003.<sup>1</sup>

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

**Remarks:** By Order 2001-11-15, following the events of September 11, 2001, the Department granted all U.S. carriers a blanket waiver from the dormancy conditions related to their international route authorities through March 31, 2002. The Department stated that it would entertain applications to extend the dormancy waiver beyond March 31 for specific city-pair, limited-entry services where carriers can demonstrate that circumstances warrant. While we have granted Evergreen's request here, as in the public interest, based on the circumstances stated in the request, there should be no expectation that an additional request will similarly be granted. Any future requests to extend the dormancy waiver for the frequencies at issue here will have to be considered in light of the specific arguments offered in support of the request and any comments that might be filed in response, and in the context of the circumstances present at that time. Furthermore, should another carrier seek to use the frequencies at issue here, we reserve the right to reexamine whether the waiver granted here continues to be in the public interest.

**(See Reverse Side)**

<sup>1</sup> Evergreen's waiver from the dormancy condition is effective through March 31, 2003, or until the date on which Evergreen begins service with these frequencies, whichever occurs earlier. The 90-day dormancy period will begin on the date Evergreen begins service. If Evergreen does not begin service by March 31, 2003, its frequency allocation expires automatically.

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Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the waiver 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 seven (7) 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.

*An electronic version of this order is available on the World Wide Web at  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*