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

Issued by the Department of Transportation on May 4, 2001

**NOTICE OF ACTION TAKEN DISMISSING APPLICATIONS—VARIOUS
DOCKETS**

This serves as notice to the public of the actions described below, taken on the date shown above by the Department official indicated (no additional confirming order will be issued in these matters).

The carriers listed below have applied for various forms of authority or relief under Title 49 of the United States Code in order to perform the air transportation activities described. Each application has either been withdrawn by the applicant or otherwise become moot. Therefore, we find that these applications should be dismissed, under authority assigned by the Department in its Regulations, 14 CFR § 385.3 and 385.13.

Docket

Description of Application

OST-97-2374 - 8
OST-98-3382 - 9

Trans World Airlines, Inc., filed February 4, 1999. Renew exemption authority to provide combination service between New York, New York, and Amsterdam, the Netherlands; and Amman, Jordan; and beyond to Delhi, Calcutta, and Bombay, India; Karachi, Pakistan; Aqaba, Jordan; Doha, Qatar; and Bahrain. TWA proposed to operate this service in conjunction with Royal Jordanian Airlines under a code-share arrangement. Continental Airlines filed an answer and TWA filed a reply. On April 3, 2001, TWA notified the Department that its code-share agreement with Royal Jordanian had been terminated. The Department recently transferred most of TWA's operating authority to American Airlines and its subsidiary, TWA Airlines LLC. (Orders 2001-4-7 and 2001-4-14) The exemption authority at issue here was not requested to be and was not transferred.

OST-99-5216 - 3

Trans World Airlines, Inc., and Royal Jordanian Airlines. filed March 9, 1999. Renew Statement of Authorization to permit the carriers to engage in the following reciprocal code-share services: place Royal Jordanian's designator code on flights operated by TWA between New York, New York; and several U.S. cities and place TWA's designator code on flights operated by Royal Jordanian between New York and several foreign cities in the Middle East, India and Pakistan. Continental Airlines filed an answer. On April 3, 2001, TWA notified the Department that its code-share agreement with Royal Jordanian had been terminated. The Department recently transferred most of TWA's operating authority to American Airlines and its subsidiary, TWA Airlines LLC. (Orders 2001-4-7 and 2001-4-14) The code-share authority at issue here was not requested to be and was not transferred.

- OST-99-5066 - 11** **Continental Airlines, Inc.**, filed February 22, 1999. Petition for Reconsideration and request for the Department to reverse its award of route integration authority to Trans World Airlines, Inc., in the subject docket. By letter dated April 20, 2001, Continental withdrew its Petition for Reconsideration.
- OST-2000-7464 - 10** **Atlas Air, Inc.**, filed May 31, 2000. Exemption pursuant to 49 USC § 40109 to permit Atlas to engage in scheduled foreign air transportation of property and mail between a point or points in the United States and Brazil; request for designation to provide scheduled all-cargo services in the U.S.-Brazil market; and allocation of 4.5 weekly frequencies for scheduled all-cargo services. By Order 2000-9-24, the Department instituted the **2000-U.S.-Brazil All-Cargo Service Case**, Docket OST-2000-7559, and required all applicants for the available authority to file certificate applications by October 12, 2000. The order further provided that all carriers could withdraw their previously filed exemption applications without prejudice and should file the required certificate application in order to participate in the case. By letter dated October 12, 2000, Atlas withdrew the exemption application in Docket OST-2000-7464 and submitted a certificate application in Docket OST-2000-7559.
- OST-2000-7515 - 3** **Arrow Air, Inc.**, filed June 13, 2000. Exemption pursuant to 49 USC § 40109 to engage in foreign air transportation of property and mail between a point or points in the United States and Belem, Manaus, Rio de Janeiro, and Sao Paulo, Brazil and an allocation of 4.5 weekly scheduled all-cargo frequencies. By Order 2000-9-24, the Department instituted the **2000 U.S.-Brazil All-Cargo Service Case**, Docket OST-2000-7559, and required all applicants for the available authority to file certificate applications by October 12, 2000. The order further provided that all carriers could withdraw their previously filed exemption applications without prejudice and should file the required certificate application in order to participate in the case. Arrow neither withdrew its exemption application nor submitted a certificate application for the available authority. By Order 2001-4-32, the Department issued a final order in Docket OST-2000-7559 and selected Atlas Air to serve the U.S.-Brazil market. As Arrow did not prosecute a request in that proceeding, and no route authorities for U.S.-Brazil scheduled cargo services are now available, Arrow's exemption request is now moot.
- OST-2001-9312 - 6** **Atlas Air, Inc.** filed March 30, 2001. Emergency *pendente lite* exemption from 49 USC § 41101 and related relief to authorize Atlas to provide scheduled all-cargo service in the U.S.-Brazil market pending issuance of a final order in the **2000 U.S.-Brazil All-Cargo Service Case**, Docket OST-2000-7559. By Order 2001-4-32, the Department issued a final decision in the **U.S.-Brazil All-Cargo Case** awarding Atlas certificate authority for scheduled U.S.-Brazil all-cargo services. The exemption request is therefore moot.

DISPOSITION

Action: We dismiss the applications described above.

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

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.

The actions set forth in this Notice shall be effective and become the actions 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 one or more actions 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 Notice with respect to the others.

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