



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

Issued by the Department of Transportation on January 26, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-99-4982

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).

Applicant: **Japan TransOcean Air Co., Ltd.**

Date Filed: January 8, 1999

Relief requested: Exemption from 49 U.S.C. § 41301 to engage in scheduled foreign air transportation of persons, property and mail between any point or points in Japan, and any point or points in the United States. Japan TransOcean states that its service under the exemption would be provided on a code-share only basis on flights operated by Japan Airlines Co., Ltd.

If renewal, date and citation of last action: New authority

Applicant representative: William Karas (202) 429-6223

Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: January 26, 1999

Effective dates of authority granted: January 26, 1999-January 26, 2000¹

Basis for approval (bilateral agreement/reciprocity): 1998 Memorandum of Understanding between the United States and Japan (1998 MOU).

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

X Standard exemption conditions (attached)

Special conditions/Partial grant/Denial basis/Remarks: Based on the record in this case, we found that Japan TransOcean is financially and operationally qualified to perform the services authorized above. In addition, we found that Japan TransOcean is substantially owned and effectively controlled by Japanese citizens. Japan TransOcean is properly licensed by the Government of Japan to perform the proposed services.

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

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) the applicant was qualified to perform the proposed operations; (2) immediate action was required and was consistent with Department policy; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, 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.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*

¹ We have concurrently approved the undocketed request by Japan Airlines Co., Ltd. to code-share, for the carriage of passengers only, with Japan TransOcean in the Tokyo-Guam market. That authority is coextensive with the authority we have granted here to Japan TransOcean.