



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

Issued by the Department of Transportation on November 8, 2000

**NOTICE OF ACTION TAKEN -- DOCKETS OST-96-2025**

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 **10/06/2000** to:

**XX** Renew for two years exemption from 49 U.S.C. §41101 to:

**(a) Provide scheduled foreign air transportation of property and mail between Anchorage, Alaska, on the one hand, and Khabarovsk, Petropavlovsk, Vladivostok, and Yuzhno-Sakhalinsk, Russia, on the other, and beyond to Hong Kong, without local traffic rights between Russia and Hong Kong, and (b) integrate this exemption authority with Evergreen's other exemption and certificate authorities granted by the Department, to the extent permitted by international agreements.**

**XX** Renew allocation of three (3) weekly all-cargo frequencies to operate the services described above.

No answers to the application were filed.

Applicant rep: **David H. Coburn (202) 429-8063** DOT Analyst: **Michael D. Bodman (202) 366-9667**

**DISPOSITION**

**XX** Granted, in part (*i.e.* request for exemption authority)

**XX** Balance (*i.e.* frequency allocation renewal) dismissed as moot (see remarks below)

The above action with respect to Evergreen's exemption authority was effective when taken: **November 8, 2000**, through **November 8, 2002**.

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

**XX** The authority granted is consistent with the aviation agreements between the United States and the Russian Federation and between the United States and Hong Kong.

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

**XX** Holder's certificate of public convenience and necessity

**XX** Standard Exemption Conditions (attached)

**Remarks:** We dismissed, as moot, the application to the extent that Evergreen sought renewal of its allocation of three weekly frequencies. By Notice dated December 10, 1998, in this Docket, the Department renewed Evergreen's three weekly frequencies for an indefinite duration, subject to our standard 90-day dormancy condition. In this connection, Evergreen states that it has been using its three weekly frequencies on a continuous basis during the past two years. Thus, Evergreen's frequency allocation remains in effect and there is no need for Evergreen to renew its frequencies here.

**Conditions:** The route integration authority granted is subject to the condition that such operations are consistent with the applicable bilateral aviation agreements; and *provided further*, that (a) nothing in the award of the route integration authority requested should be construed as conferring upon Evergreen additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Evergreen first notifies the Department of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in Evergreen's authority by virtue of the route integration authority granted here, but not being used, the holding of such authority by route integration will not be considered as providing any preference for Evergreen in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

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On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

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; (2) grant of the exemption was consistent with the public interest; and (3) 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 or 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 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)*

**U.S. CARRIER**  
**Standard Exemption Conditions**

In the conduct of operations authorized by the attached notice, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations, including all FAA requirements concerning security; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.