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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 18, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-98-3419- 251

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 Delta Air Lines, Inc. filed 5/1/2001 for:

XX Waiver from the dormancy condition:

By Order 98-5-17, the Department granted certificate authority to Delta to provide service between Portland, Oregon, on the one hand, and Osaka and Fukuoka, Japan, on the other, and allocated Delta 14 weekly frequencies to operate these services. The frequencies are subject to the condition that they will expire automatically and revert to the Department for reallocation if they are not used for a period of 90 days. Delta is currently not using 13 of the frequencies.¹ The Department has previously granted Delta waivers of the dormancy condition for its Portland-Osaka and Portland-Fukuoka services.² Under the terms of the latest waiver, the frequency allocations for the 13 frequencies would expire June 30, 2001. Delta seeks a further waiver of the 90-day dormancy condition until December 31, 2001. Delta states that economic conditions in Asia make it unfeasible to begin Portland-Osaka/Fukuoka service and that it has plans to move these frequencies to other U.S. cities.³

Applicant rep.: Robert E. Cohn, (202) 663-8060 DOT analyst: Gerald Caolo, 202-366-2406

DISPOSITION

XX Granted

The above action was effective when taken: May 18, 2001, through December 31, 2001.⁴

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

(See Reverse Side)

¹ The Department granted Delta's request to move one of its Portland-Osaka/Fukuoka frequencies to provide New York-Tokyo service. Notice of Action Taken dated September 28, 2000, in Docket 2000-7904. Delta began that service on April 1, 2001.

² See, e.g., most recent Notice of Action Taken dated December 4, 2000, in Docket 98-3419.

³ Delta states that it plans to move the Osaka frequencies to Atlanta and the Fukuoka frequencies to Los Angeles, but that it has not determined a start-up date for these services. Delta further states that it will file a notice of its intentions regarding these services as soon as its plans have been finalized.

⁴ Delta's waiver from the dormancy condition for each market is effective until December 31, 2001. If Delta does not begin service by December 31, 2001, its frequency allocation expires automatically. The 90-day dormancy period will begin on the date Delta begins service.

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 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.*