



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

Issued by the Department of Transportation on October 28, 2004

NOTICE OF ACTION TAKEN -- DOCKETS OST-2004-19441 and OST-2004-19450

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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).

Applications of American Airlines, Inc. filed 10/19/04 for:

**DOCKET OST-04-19441**

XX Exemption pursuant to 49 U.S.C. §40109 to provide the following services:

**Scheduled foreign air transportation of persons, property and mail between Chicago and Nagoya, Japan.**

XX Allocation of seven-weekly U.S.-Japan combination frequencies to provide scheduled service between Chicago and Nagoya, Japan.

**DOCKET OST-04-19450**

XX Allocation of seven-weekly U.S.-Japan combination frequencies to provide scheduled service between Dallas/Ft. Worth and Osaka, Japan.<sup>1</sup>

Applicant rep: Carl B. Nelson (202) 496-5647 DOT Analyst: Gerald Caolo (202) 366-2406

**DISPOSITION**

XX **Granted** (subject to conditions, see below)

The above action granting the exemption was effective when taken: October 28, 2004, through October 28, 2006

The frequency allocations were granted: October 28, 2004, and will remain in effect indefinitely, provided that American continues to hold the necessary underlying authority to serve the Chicago-Nagoya and Dallas/Ft. Worth-Osaka markets.

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

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<sup>1</sup> American holds certificate authority to serve the Dallas/Ft. Worth-Osaka market. See Order 98-5-17, May 7, 1998. This authority has been kept in force under 14 CFR Part 377 since American filed a timely renewal application in Docket OST-98-3419.

**XX The authority granted here is consistent with the 1998 Memorandum of Understanding between the United States and Japan.**

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

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

**XX Standard Exemption Conditions (attached)**

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**Conditions:** Consistent with our standard practice, the frequency allocations granted are subject to the condition that if the frequency is not used for a period of 90 days, the allocation will expire automatically and the frequency will revert to the Department for reallocation. The respective 90-day dormancy periods will begin on April 3, 2005 for the Chicago-Nagoya market, and November 1, 2005, for the Dallas/Ft. Worth-Osaka, market, the dates American proposes to inaugurate operations with these frequencies.

**Remarks:** We acted on these applications without awaiting expiration of the 15-day answer period with the consent of all parties served.

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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; (2) grant of the authority 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, 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)

**U.S. Carrier Exemption Conditions**

In the conduct of the operations authorized, the U.S. carrier 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 all applicable requirements of the Federal Aviation Administration and with all applicable U.S. Government requirements concerning security, including, but not limited to, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its International Principal Security Inspector (IPSI) to advise the IPSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served; 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.