



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

#98-042

400 Seventh St. S.W.
Washington, D.C. 20590

MAR 5 1998

Mr. Frederick S. Hird, Jr.
Attorney for LTU
Law Offices
Suite 800
1850 M Street, N.W.
Washington, D.C. 20036

Dear Mr. Hird:

By letter dated January 22, 1998, LTU Lufttransport-Unternehmen GmbH. & Co. KG. (LTU), a carrier of Germany, requests a statement of authorization under 14 CFR Part 212 to conduct one weekly, round-trip, passenger charter flight between Zurich and Miami, during the period May 7 through October 29, 1998, on behalf of the charterer ITV Reisen AG. In support of its application, LTU asserts that it is qualified to conduct the proposed operations and that its request, although not encompassed by the U.S.-Germany Agreement, is supported by adequate reciprocity with its homeland.

By letter dated February 2, 1998, Northwest Airlines opposed the application. Northwest notes that LTU proposed to conduct the subject flights with regularity, long duration, and without nexus to its homeland. Under those circumstances, Northwest urges us to view the operation as being akin to a Seventh Freedom scheduled passenger service, and, thus, lying outside the scope of authority that we likely would be prepared to grant. (In this connection, Northwest notes that, on January 16, 1998, the Department dismissed the request of Icelandair in Docket OST-95-804 to provide extra-bilateral Luxembourg-U.S. scheduled service, as not being within the scope of authority that we then were prepared to grant that carrier.)

By letter dated February 5, 1998, LTU responded to Northwest's letter.

We have decided to grant LTU's request to conduct this operation.

Under 14 CFR §212.6, we will grant a statement of authorization if we find that the proposed operation meets the requirements of Part 212 and is in the public interest. In determining the public interest, a primary factor that we consider is the extent of reciprocity on the part of the applicant's homeland. In taking our action, we find that reciprocity on the part of Germany supports the grant of this application, as we have no reason to believe that Germany would not grant comparable Fifth Freedom charter requests by U.S. carriers.

We have given full consideration to Northwest's position in this case, but are not persuaded that it warrants withholding this authority. There is nothing in the record here that would

indicate that LTU's proposed operations have been arranged as individually-ticketed scheduled services, or are otherwise not *bona fide* charter flights within the meaning of the Department's charter rules.

In view of the above, and acting under assigned authority (14 CFR Part 385), we grant the request of LTU for the statement of authorization described above.

Persons entitled to petition the Department for review of this action under the Department's Regulations, 14 CFR §385.30, may file their petitions within ten days after the date of this letter. Our action, however, is effective on the date of this letter, and the filing of a petition for review will not alter its effectiveness.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that ends in a small flourish.

Paul L. Gretch
Director
Office of International Aviation

cc: Ms. Megan Rae Poldy
Associate General Counsel
Northwest Airlines, Inc.
Suite 310
901 Fifteenth Street, N.W.
Washington, D.C. 20005