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BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

DEPARTMENT OF TRANSPORTATION

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Application of	)	
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KUWAIT AIRWAYS CORPORATION	)	OST-99-5589
	)	
under 49 U.S.C. Section 40109 for an exemption	)	
to continue engaging in code-share service	)	
until renewal of foreign air carrier permit.	)	

**APPLICATION OF KUWAIT AIRWAYS CORPORATION  
FOR AN EXEMPTION**

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February 7, 2001

NOTICE: Under Rule 406 of the Department's Rules of Practice (14 C.F.R. § 302.406), any person may support or oppose this application by filing an answer and serving a copy of the answer upon the applicant and all persons served with the application on or before February 28, 2001.

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**APPLICATION OF KUWAIT AIRWAYS CORPORATION  
FOR AN EXEMPTION**

Pursuant to 49 U.S.C. Section 40109, Kuwait Airways Corporation (“Kuwait Airways”) hereby applies for an exemption authorizing it to continue engaging in foreign air transportation of persons, property, and mail between Kuwait and New York and Chicago. The purpose for this exemption is to allow Kuwait Airways and Trans World Airlines, Inc. (“TWA”) to continue providing service under a previously approved Code-Share Agreement<sup>1</sup> until the Department has the opportunity to review and approve Kuwait Airways’ application to renew its foreign air carrier permit. The application to renew Kuwait Airways’ foreign air carrier permit, which expired in November, 2000, is being filed separately.

1. Kuwait Airways is the flag carrier of Kuwait and has conducted operations to and from the United States since 1980 and has held a foreign air carrier permit since

1989.<sup>2</sup> Kuwait Airways' permit authorizes Kuwait Airways to serve the coterminal points of New York and Chicago via London and Frankfurt.<sup>3</sup>

2. Under the code-share agreement between Kuwait Airways and TWA, Kuwait Airways displays its designator code "KU" on flights operated by TWA (a) between New York, on the one hand, and Los Angeles, St. Louis, San Francisco, Washington, D.C., and Orlando<sup>4</sup> on the other hand, and (b) between St. Louis and Chicago, for the carriage of Kuwait Airways' international traffic between Kuwait and the United States. In addition, TWA displays its designator code on flights operated by Kuwait Airways (a) between New York and Chicago, on the one hand, and Kuwait City and (b) between Kuwait City, on the one hand, and Abu Dhabi, Dubai, and Muscat, on the other hand, for the carriage of TWA's international traffic to and from the United States and United Arab Emirates and Oman. In this application, Kuwait Airways seeks an exemption to prevent interruption of these services for services for Kuwait Airways' and TWA's international passengers.

3. Aviation relations between the United States and Kuwait are harmonious and fully justify, on the basis of comity and reciprocity, grant of the requested authority. Further, the requested exemption authority is consistent with the liberal aviation policies of the Government of Kuwait and with the public interest. U.S. carriers are permitted by Kuwait to schedule, price and operate services virtually without restriction.

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<sup>1</sup> See Dockets OST-99-5588 and OST-99-5590; NOAT issued June 21, 1999.

<sup>2</sup> See Order 89-1-9.

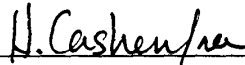
<sup>3</sup> See Orders 95-2-33 and 95-11-17.

<sup>4</sup> See Docket OST-99-5589; NOAT issued March 24, 2000.

4. Because Kuwait Airways' foreign air carrier permit has already expired, and because Kuwait Airways and TWA would like to provide seamless service to passengers, Kuwait Airways requests expedited approval of this application.

**WHEREFORE**, Kuwait Airways hereby respectfully petitions the Department to grant by exemption authority to continue to provide service in the United States until the Department has the opportunity to review and approve Kuwait Airways' application for renewal of its foreign air carrier permit.

Respectfully submitted,



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