



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**Docket OST-98-3858**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Alitalia-Linee Aeree Italiane-S.p.A.**

Date Filed: May 18, 1998

Relief requested: Exemption from 49 U.S.C. 41301 to conduct scheduled foreign air transportation of property and mail between Italy and Atlanta, GA.

Applicant representative: Richard Mathias 202-298-8660

Responsive pleadings: The International Association of Machinists and Aerospace Workers (IAM) filed an answer opposing this application for the same reasons, having to do with labor concerns, that it opposed previous Alitalia applications (*see* Order 96-2-38, Docket OST 95-789, and Order 98-3-23, Docket 98-3331). Alitalia filed a reply citing the Department's findings in the above-referenced orders.

### DISPOSITION

Action: Approved in part; Remainder dismissed <sup>1</sup>

Action date: June 3, 1998

Effective dates of authority granted: June 3, 1998 - June 3, 1999

Basis for approval/Remarks: The authority is provided for in the U.S.-Italy Air Transport Agreement, as amended. With respect to the labor concerns expressed by the IAM, we continue to believe, as we said in Orders 96-2-38 and 98-3-23, that labor issues such as those raised by the IAM are beyond the scope of foreign carrier licensing proceedings, and that the labor statutes provide the appropriate mechanism for addressing these matters:

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

Foreign air carrier permit conditions (Order 71-4-1)

Action taken by: Paul L. Gretch, Director  
Office of International Aviation  
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)

<sup>1</sup> The applicant requested that the authority be effective for a period of two years. We dismissed that portion of the carrier's application to conduct the operations beyond June 3, 1999, without prejudice to refile at a later date. The duration of this authority is consistent with our usual policy of granting interim authority in cases such as that presented here.