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10:55 a.m.

Order 99-2-11



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

SERVED FEB 17 1999

Issued by the Department of Transportation  
on the 12th day of February, 1999

Complaint of

FEDERAL EXPRESS CORPORATION

against

THE GOVERNMENT OF JAPAN

under 49 U.S.C. section 41310 (Japan)

Docket OST-96-1129

Complaint of

NORTHWEST AIRLINES, INC.

against

THE GOVERNMENT OF JAPAN

under 49 U.S.C. section 41310 (Japan)

Docket OST-96-1500

**ORDER DISMISSING COMPLAINTS AND TERMINATING PROCEEDINGS**

**Summary**

By this order, the Department dismisses the captioned complaints and terminates the respective proceedings in these matters.

**Background**

The captioned carriers filed separate complaints under 49 U.S.C. section 41310, regarding international air transportation fair competitive practices, against the Government of Japan.

By Orders 93-10-36 and 97-2-10, respectively, the Department approved Federal Express' and Northwest's complaints; we deferred on the issue of sanctions in both cases.

### **Subsequent Events**

During the course of 1998, the United States and Japan concluded a new aviation agreement.

On December 11, 1998, Northwest withdrew its complaint in Docket OST-96-1500 and, on December 22, 1998, Federal Express withdrew its complaint in Docket OST-96-1129. Both carriers maintain that the issues raised in the respective complaints have been addressed under the new aviation agreement.

### **Decision**

Under these circumstances, we have determined that the Department's objectives under the statute have been met and that it is consistent with the public interest to grant the requests of Federal Express and Northwest to withdraw their complaints, and to terminate the proceedings in Dockets OST-96-1129 and OST-96-1500, respectively.

### **ACCORDINGLY,**

1. We dismiss, without prejudice, the complaint of Federal Express Corporation against the Government of Japan, in Docket OST-96-1129;
2. We dismiss, without prejudice, the complaint of Northwest Airlines, Inc., against the Government of Japan, in Docket OST-96-1500;
3. We terminate the proceedings in Dockets OST-96-1129 and OST-96-1500; and
4. We serve this order on all parties listed in the captioned Dockets in this matter.

By:

CHARLES A. HUNNICUTT  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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)*