



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

Issued by the Department of Transportation on July 2, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST 97-3289

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).

Application of **Delta Air Lines, Inc.** filed 6/15/98 for:

XX Waiver from dormancy condition applicable to its U.S.-Mexico exemption authority

Delta seeks a waiver from the 90-day dormancy condition for certain of the authorities granted March 20, 1998, and confirmed by Order 98-6-2.¹ The 90-day dormancy period runs through June 18, 1998. Delta specifically requested that, under this waiver, the dormancy condition with respect to its U.S.-Mexico exemption authority be modified to begin on August 15, 1998. Delta states that it has firm plans to commence service on the affected routes by that date. On June 18, 1998, the Department temporarily granted to Delta a waiver of the dormancy provisions through July 2, 1998, to provide time for interested parties to file comments on Delta's application and for the Department to consider those comments. On June 24, 1998, American Airlines, Inc., (American), filed an answer to Delta's waiver request, urging the Department to dismiss Delta's request as unnecessary. On July 1, 1998, Delta filed a reply to American's answer.

Applicant rep.: **Robert E. Cohn 202-663-8060** DOT analyst: **Terri Bingham, 202-366-2390**

DISPOSITION

XX Granted in part, for procedural reasons (See below)

XX Balance deferred.

The above action was effective when taken: July 1, 1998, through July 17, 1998.

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

(See Reverse)

¹ The specific city pairs for which a waiver is requested are: Atlanta-Los Cabos; Atlanta-Mazatlan; Atlanta-Ixtapa/Zihuatanejo; Atlanta-La Paz; Atlanta-Oaxaca; Atlanta-Culiacan; Atlanta-Chihuahua; Atlanta-Hermosillo; Atlanta-Durango; Atlanta-Veracruz; Dallas/Ft. Worth-Ixtapa/Zihuatanejo; Dallas/Ft. Worth-La Paz; Dallas/Ft. Worth-Oaxaca; Dallas/Ft. Worth-Culiacan; Dallas/Ft. Worth-Veracruz; Los Angeles-Oaxaca; Los Angeles-Culiacan; Los Angeles-Chihuahua; Los Angeles-Veracruz; New York-La Paz; New York-Oaxaca; New York-Culiacan; New York-Chihuahua; New York-Veracruz.

Remarks: Given the imminent expiration of the current extension of Delta's dormancy period, we determined that the public interest required us to grant an additional interim extension in order to afford the Department sufficient time to consider this matter and the comments received before taking final action on Delta's waiver request. Therefore, we granted an additional temporary, two-week extension of the dormancy period.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the authority was in the public interest. To the extent not granted, we deferred action on all requests in the application for waiver. We may amend, modify, or revoke the authority granted in the 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 ten (10) days after the 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 document is available on the World Wide Web at:
<http://dms.dot.gov/general/orders/aviation.html>*