

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

QA-29434

Application of )  
ALL NIPPON AIRWAYS CO., LTD. )  
for renewal of exemptions from )  
49 U.S.C. § 41301; )  
(Tokyo - Washington, D.C. - Orlando) )  
(Nagoya - Honolulu) )  
(Tokyo - New York) )

Dockets: OST-95-818-7  
OST-95-819-9  
OST-95-820-7

APPLICATION OF  
ALL NIPPON AIRWAYS CO., LTD.  
FOR RENEWAL OF EXEMPTIONS

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DATED: December 5, 1997

NOTICE: Interested parties may file answers in response to this  
application with the Department of Transportation on or  
before December 22, 1997.

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DEPARTMENT OF TRANSPORTATION  
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Application of	)	
	)	
ALL NIPPON AIRWAYS CO., LTD.	)	Dockets: OST-95-818
	)	OST-95-819
for renewal of exemptions from	)	OST-95-820
49 U.S.C. § 41301;	)	
(Tokyo - Washington, D.C. - Orlando)	)	
(Nagoya - Honolulu)	)	
(Tokyo - New York)	)	

Dated: December 5, 1997

APPLICATION OF  
ALL NIPPON AIRWAYS CO., LTD.  
FOR RENEWAL OF AN EXEMPTION

Pursuant to 49 U.S.C. § 40109 and Subpart D of the Procedural Regulations of the Department of Transportation ("Department"), All Nippon Airways Co., Ltd. ("ANA") hereby requests renewal of its existing exemption authority which authorizes ANA to engage in foreign scheduled air transportation of persons, property and mail between:

1. Tokyo, Japan and Orlando, Florida via Washington, D.C.;
2. Nagoya, Japan and Honolulu, Hawaii; and
3. Tokyo, Japan and New York, New York.

ANA requests that its exemption authority for the Tokyo, Japan - Orlando, Florida route be renewed for one year. ANA also requests that its exemption authority for the Nagoya, Japan - Honolulu, Hawaii and Tokyo, Japan - New York, New York routes be renewed for one year or until the Department takes action on

ANA's applications for amendment of its foreign air carrier permit pending in Docket 47718 (Nagoya - Honolulu) and Docket 47404 (Tokyo - New York), whichever occurs later.

In support of this application, ANA respectfully states as follows:

1. The Department, by Order 87-11-27, issued a foreign air carrier permit to ANA on November 6, 1987, effective December 11, 1987. The Department authorized ANA to engage in scheduled foreign air transportation of persons, property and mail as follows:

- (a) Between the terminal point Tokyo, Japan, and the terminal point Los Angeles, California;
- (b) Between the terminal point Tokyo, Japan, and the terminal point Washington, D.C.; and
- (c) Between the terminal point Tokyo, Japan and the co-terminal points Guam and Saipan.

2. On November 6, 1989, the Governments of Japan and the United States signed a Memorandum of Understanding, which, among other things, authorized the services for which authority is requested in this exemption renewal application.

3. By Order 91-1-64, the Department issued an exemption to ANA to engage in scheduled foreign air transportation of persons, property and mail between Tokyo, Japan and Orlando, Florida, via Washington, D.C. The Department found that the proposed service would provide new service options to the travelling and shipping

public. Since that time, the Department has renewed ANA's authority on six separate occasions: Order 92-3-19 and Order 94-12-45 (Notices of Action Taken, April 7, 1993, March 11, 1994, June 6, 1994, and December 1, 1994); Order 95-12-13 (Notice of Action Taken, December 6, 1995); and Order 96-12-37 (Notice of Action Taken, December 9, 1996). The current exemption will expire on December 9, 1997.

4. By Order 92-5-29, the Department issued an exemption to ANA to engage in foreign scheduled air transportation of persons, property and mail between Nagoya, Japan and Honolulu, Hawaii. The Department found that such services were consistent with the public interest. Since that time, the Department has renewed ANA's authority on five separate occasions: Order 93-2-14 (Notice of Action Taken, August 7, 1992); Order 94-12-45 (Notice of Action Taken, July 30, 1993 and December 1, 1994); Order 95-12-13 (Notice of Action Taken, December 6, 1995); and Order 96-12-37 (Notice of Action Taken, December 9, 1996). The current exemption will expire on December 9, 1997.

5. By Order 91-3-1, the Department authorized ANA to perform scheduled combination services between Tokyo, Japan and New York, New York through October 18, 1991. The Department found that such services were consistent with the public interest. Since that time, the Department has renewed ANA's authority on seven separate occasions: Order 92-9-5 (Notice of

Action Taken, November 20, 1991); Order 93-10-29 (Notice of Action Taken, November 19, 1992); Order 94-12-45 (Notice of Action Taken, December 13, 1993, June 6, 1994, and December 1, 1994); Order 95-12-13 (Notice of Action Taken, December 6, 1995); and Order 96-12-37 (Notice of Action Taken, December 9, 1996). The current exemption will expire on December 9, 1997.

6. The considerations which prompted the Department to issue the original exemption authority to ANA, and the renewal of that authority, now again support renewal of that authority. The 1989 Memorandum of Understanding authorizes the proposed service and ANA has been authorized to provide this service by the Government of Japan.

7. ANA is a corporate citizen of Japan and is owned and controlled by citizens of Japan. ANA is fit, willing and able to perform the services contemplated by this application, as evidenced by the Department's decisions in the above-referenced orders and in the exhibits included with ANA's foreign air carrier permit amendment applications pending in Dockets 47718 and 47404, discussed below.

8. As was the case with its original exemption application, ANA will operate the Tokyo-Orlando service in conjunction with its existing Tokyo-Washington, D.C. service,

with the Washington, D.C.-Orlando segment being operated by US Airways. ANA requests that its existing exemption authority be renewed and remain effective for a period of at least one year.

9. ANA has pending with the Department a permit amendment application (Docket 47718, filed August 26, 1991) to add the Nagoya-Honolulu route to ANA's foreign air carrier permit. The Department has taken no action on ANA's permit amendment application in Docket 47718. (On November 21, 1994, ANA filed a motion for expedited treatment of this application, but the Department also has taken no action in response to that motion). Thus, ANA is now compelled to file this application for renewal of its exemption authority to perform scheduled combination services between Nagoya, Japan and Honolulu, Hawaii. ANA requests that its existing exemption authority be renewed and remain effective for one year or until the Department takes action on ANA's application for amendment of its foreign air carrier permit pending in Docket No. 47718, whichever occur later.

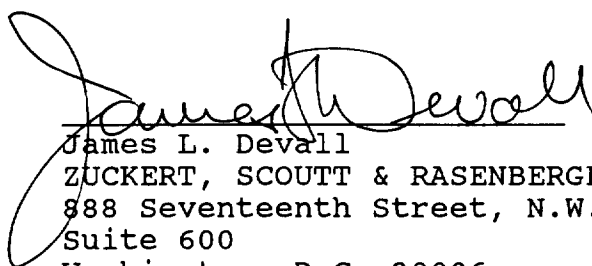
10. ANA has pending with the Department a permit amendment application (Docket 47404, filed February 11, 1991) to add the Tokyo-New York route to ANA's foreign air carrier permit. The Department has taken no action on ANA's permit amendment application in Docket 47404. (ANA filed a motion for expedited

treatment of this application on November 21, 1994, but the Department also has taken no action in response to that motion.) Thus, ANA is now compelled to file this application for renewal of its exemption authority to perform scheduled combination services between Tokyo, Japan and New York, New York. ANA requests that its existing exemption authority be renewed and remain effective for one year or until the Department takes action on ANA's application for amendment of its foreign air carrier permit pending in Docket 47404, whichever occurs later.

11. Pursuant to Section 337.10(a) of the Department's regulations, 14 C.F.R. § 377.10(a), ANA states its intention to rely on 5 U.S.C. § 558(c), as implemented by Part 377, to continue in effect its current authorization, as detailed above, to operate scheduled foreign air transportation of persons, property and mail pending a final determination of this renewal application.

WHEREFORE, All Nippon Airways, Co., Ltd. respectfully requests that the Department renew ANA's exemption authority to engage in scheduled foreign air transportation of persons, property and mail between 1) Tokyo, Japan and Orlando, Florida via Washington, D.C. for one year; 2) Nagoya, Japan and Honolulu, Hawaii for one year or until the Department takes action on ANA's application for amendment of its foreign air carrier permit pending in Docket 47718, whichever is later; and 3) Tokyo, Japan

and New York, New York for one year or until the Department takes action on ANA's application for amendment of its foreign air carrier permit pending in Docket 47404, whichever is later; and that the Department grant such further and additional relief as the Department may deem appropriate.

A handwritten signature in cursive script, appearing to read "James L. Devall", is written over a horizontal line. The signature is fluid and extends above and below the line.

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Dated: December 5, 1997

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 1997, I served a copy of the foregoing application by first class mail, postage prepaid, on the following:

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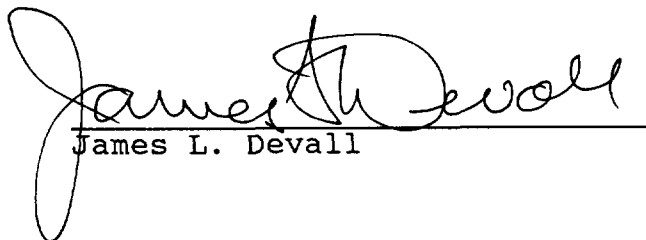
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