June 7,2000

Gregory Troxell
V.P. Flight Operations
Evergreen International Airlines, Inc.
3850 Three Mile Lane
McMinnville, OR 97128-9495

Dear Mr. Troxell:

This is in response to your letter of May 16, 2000, to Robert Januzzi, in which you requested the opinion from the Federal Aviation Administration (FAA) regarding a series of flights being proposed by your company. You requested our opinion as to whether the proposed operation could be conducted under your current supplemental operations specifications.

In our opinion, the proposed operation must be conducted under flag operations specifications.

It is our understanding, from your correspondence and from discussions with Mr. Januzzi that Evergreen International Airlines, Inc. (Evergreen) intends to enter into a contract with Classic Air, a tour operator with offices in Israel. Evergreen will conduct three round-trip flights per week between Tel Aviv, Israel, and JFK International Airport, New York, New York. It is also our understanding that Classic Air will hold out to the public to make these flights available on a scheduled basis.

In pertinent part, Section 119.9 of the Regulations defines Flag Operation as follows:

> *"Flag Operation"* means any scheduled operation conducted by any person operating any airplane described in paragraph (1) of this definition at the locations described in paragraph (2) of this definition.
> (1) Airplanes
> (i) Turbojet-powered airplanes;
> (ii) .....
> (iii) .....
> (2)
> Locations.
> (i) .....
>
> (ii) Between any point within the 48 contiguous States of the United States or the District of Columbia and any point outside the 48 contiguous States of the United States and the District of Columbia.
> (iii) .....

Based on the assumption that the proposed flights will constitute

scheduled passenger-carrying operations, it is our opinion that those flights must be conducted in accordance with the rules relating to flag operations.

Additionally, it is our opinion that Evergreen may continue to conduct its all cargo flight under the rules relating to supplemental operations.

Please contact us if you require any additional information.

Sincerely,

John J. Callahan
Deputy Regional Counsel