



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

Issued by the Department of Transportation on January 28, 2000

**NOTICE OF ACTION TAKEN -- DOCKET OST-97-2610**

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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 **United Air Lines, Inc.** filed **01/07/2000** for:

**XX** Waiver from 90-day dormancy condition:

By Notice of Action Taken dated May 25, 1999, in Docket OST-97-2610, the Department renewed United's allocation of 14 weekly one-way Russia overflight frequencies (7 in each direction) for United's services between the United States and India, subject to our standard 90-day dormancy condition.<sup>1</sup> Under the terms of the May 25 award, the frequencies would revert automatically to the Department on January 29, 2000, unless United began service by that date (United had proposed to start service on October 31, 1999). United seeks a waiver of the 90-day dormancy condition until the Federal Aviation Administration (FAA) has lifted its prohibition on U.S. carrier flights through Afghanistan airspace. United states that it has determined that it cannot efficiently use its frequency allocation without overflying Afghanistan territory and that due to FAA restrictions that remain in effect on such Afghanistan overflights, United has been unable to use its Russia overflight frequencies.

United further states that award of its waiver request would be consistent with the Department's past actions concerning two other U.S. carriers (Polar Air Cargo and Northwest Airlines) that face the same operating constraints as United with respect to utilizing Russian overflight frequencies.<sup>2</sup>

No answers to the application were filed.

Applicant reps: **Jeffrey A. Manley (202) 879-5161** DOT Analyst: **Michael D. Bodman (202) 366-9667**

**DISPOSITION**

**XX** Granted (see below).

The above action was effective when taken: **January 28, 2000**.<sup>3</sup>

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

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<sup>1</sup>The Department had earlier allocated nine of United's 14 Russia overflight frequencies to Delta on an interim basis. See Notice of Action Taken on May 3, 1999, in Docket OST-99-5286. Per the terms of that Notice, the temporary allocation expired on October 30, 1999, after which the frequencies reverted to United.

<sup>2</sup>See Notices of Action Taken dated May 25, 1999, October 22, 1998 and September 17, 1998 in this Docket (OST-97-2610).

<sup>3</sup>The waiver is effective until the date on which the FAA lifts its ban on Afghanistan overflights or the date on which United begins using the frequencies, whichever occurs earlier. The 90-day dormancy period will be applicable from that date forward.

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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 consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this 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 date of 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 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)*