



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

Issued by the Department of Transportation on August 28, 2000

NOTICE OF ACTION TAKEN -- DOCKETS OST-98-3846 & OST-98-4296

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 6/27/00 to:

XX Renew for two years exemptions under 49 U.S.C. 40109 to provide the following service:

(1) Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States and Cotonou, Benin, and to integrate this authority with its existing certificate and exemption authority. Delta plans to operate this service pursuant to a third-country code-share arrangement with Sabena Belgian World Airlines (Docket OST-98-4296). (2) Scheduled foreign air transportation of persons property, and mail between a point or points in the United States, on the one hand, and Luanda, Angola; Yaounde, Cameroon; Ndjamena, Chad; Libreville, Gabon; Nouakchott, Mauritania; Agadir, Marrakech, and Rabat, Morocco; Niamey, Niger; Seychelles; and Sfax, Tunisia, on the other, and to integrate this authority with its existing certificate and exemption authority. Delta plans to operate this service pursuant to a third-country code-share arrangement with Air France (Docket OST-98-3846).

Applicant rep: Robert E. Cohn (703) 663-8060 DOT Analyst: Sylvia Moore (202) 366-6519

DISPOSITION

XX **Granted** (subject to conditions, see below)

The above action was effective when taken: August 28, 2000, through August 28, 2002, or until 90 days after final action on Delta's corresponding certificate application in Docket OST-99-6246, whichever occurs earlier.

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

XX The authority granted is consistent with the overall state of aviation relations between the United States and the foreign countries involved. The authority granted to serve Rabat, Morocco is consistent with the aviation agreement between the United States and Morocco.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** Holder's certificates of public convenience and necessity

XX Standard exemption conditions (attached)

XX Statements of authorization approving Delta/Air France code-share operations dated August 6, 1998, and Delta/Sabena code-share operations dated April 30, 1997, and conditions therein

Conditions: The route integration authority granted is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Delta rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Delta notifies the Department of

(See Reverse Side)

its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in Delta's authority by virtue of the route integration exemption granted here, but that are not then being used by Delta, the holding of such authority by route integration will not be considered as providing any preference for Delta in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

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; (2) grant of the exemption authority was consistent with the public interest; and (3) grant of the authority would not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975. 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.

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http://dms.dot.gov/reports/reports_aviation.asp*