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

Issued by the Department of Transportation on July 30, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-97-2610 - 60

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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 6/18/01 and supplemented 7/18/01

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

United has applied for a waiver of the 90-day dormancy condition with respect to its allocation of 14 one-way Russia overflight frequencies. The frequencies are for services between the United States and India via Europe.

In its application United seeks a waiver of the dormancy condition, stating that the FAA's prohibition on Afghanistan overflights has expired and United plans to resume its round-the-world service to India with flights operated over Afghanistan. To facilitate implementation of this service United has requested that we extend the dormancy waiver until the FAA amends United's operation specifications to permit overflights through Afghanistan airspace, with the 90-day dormancy period beginning to run on the day United's operation specifications are amended. By letter dated July 18, 2001, United notified the Department that on July 10, 2001, FAA amended United's operations specifications to permit overflights through Afghanistan airspace.<sup>1</sup>

Applicant rep: **Jeffrey A. Manley, (202) 663-6670** DOT Analyst: **Sylvia Moore, (202) 366-6519**

**DISPOSITION**

**XX** **Granted** (see remarks, below)

The above action was effective when taken: July 30, 2001, through October 8, 2001

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

**Remarks:** United's waiver from the dormancy condition is effective through October 8, 2001, or until the date on which United begins service with these frequencies, whichever occurs earlier. The 90-day dormancy period will begin on the date United begins service. If United does not begin service by October 8, 2001, its frequency allocation expires automatically.

(See Reverse Side)

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<sup>1</sup> The ninetieth day from July 10 would be October 8, 2001.

Northwest had filed an answer opposing United's application, as well as a motion for expedited treatment on Northwest's pending application for six weekly frequencies previously held by Delta and Polar that had reverted to the Department. Alternatively, Northwest sought temporary allocation of United's frequencies until United could use them. United's frequencies were to revert automatically to the Department on June 30 if we did not act on its June 18 application. In light of Northwest's comments and other responsive pleadings relevant to Northwest's application, by Notices of Action Taken dated June 29 and July 20, 2001, we extended United's dormancy waiver through August 6, 2001, to afford us sufficient time to consider the comments filed. Subsequent to our July 20 Notice of Action Taken, on July 24 Northwest stated that it would not press its request for temporary allocation of United's frequencies. United filed a response to Northwest's July 24, 2001 pleading stating that in light of Northwest's clarification of its position, there is no longer any need to adjudicate any issues relating to the unopposed dormancy waiver applicable to United's frequencies. In the circumstances presented, we decided to proceed on United's application.

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Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action 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)*