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

Issued by the Department of Transportation on June 15, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-96-1402 -- 8

**\*CORRECTED COPY**

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 6/30/98 and amended 3/31/00 to:

**XX** Renew allocation of six weekly U.S.-Ukraine combination frequencies to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States and Kiev and Odessa, Ukraine via Vienna, Austria, under a code-share arrangement with Austrian Airlines.**

**XX** Amend application:

To seek renewal of only 2.5 weekly U.S.-Ukraine combination frequencies. Delta states that since the original award it has changed code-share partners for its Ukraine service from Austrian to Air France.<sup>1</sup> Delta states that Air France does not serve Odessa and that it operates 5 weekly flights in the Paris-Kiev market. As a result, Delta states that it now requires renewal of only 2.5 weekly frequencies for this service.<sup>2</sup>

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

**DISPOSITION**

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

The above action was effective when taken: June 14, 2001, and will remain in effect, provided that Delta continues to hold the necessary underlying authority to serve the U.S.-Kiev market.

**\*Corrects Notice of Action Taken dated June 14, 2001, to revise footnote 1.**

<sup>1</sup> Delta and Air France hold a blanket statement of authorization to conduct code-share services, subject to the requirement that they cannot expand their services into limited-entry markets without further Department action. (See August 6, 1998 statement of authorization.) Delta and Air France notified the Department on February 17, 2000, of their plans to begin code-share service between Paris, France and Kiev, Ukraine, a limited-entry market, pursuant to their blanket statement of authorization. The Department approved Delta's and Air France's request on March 23, 2000.

<sup>2</sup> Under the U.S.-Ukraine aviation agreement, up to four U.S. carriers may be designated for combination or code-share service in the U.S.-Ukraine market, and collectively may operate up to 18 weekly frequencies. Frequencies operated under code-share arrangements with third-country carriers count as one-half frequency.

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

**XX The authority granted is consistent with the aviation agreements between the United States and the Ukraine, and the United States and France.**

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 Statement of authorization approving Delta/Air France code-share operations dated August 6, 1998, and conditions therein**

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**Conditions:** Consistent with our standard practice, the frequency allocation granted is subject to the condition that if any frequencies are not used for a period of 90 days, the allocation as to those frequencies will expire automatically and the unused frequencies will revert automatically to the Department for reallocation.

**Remarks:** The authority for which Delta requested renewal expired August 29, 1998, but had been kept in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on Delta's timely filed renewal 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.

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