



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on March 14, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-7154

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).

Applicant: **Turkish Airlines (Turk Hava Yollari, A.O.) (THY)**

Date Filed: February 23, 2001

Relief requested: **Amend** exemption from 49 U.S.C. 41301, last granted by Notice of Action Taken dated December 7, 2000, to add authority to conduct scheduled foreign air transportation of persons, property and mail between Turkey and Cleveland/Denver/Detroit/Minneapolis and Philadelphia, on a codeshare basis only, pursuant to its codeshare agreement with American Airlines/American Eagle Airlines, Inc.

Applicant representative: Charles Simpson 202-298-8660

Responsive pleadings: United Air Lines, Inc., filed an answer stating that the Department should not take favorable action on this request until the Department takes final action on pending applications in the U.S.-Turkey third-country code-share proceeding in Docket OST-2001-8781. THY and American filed a joint reply stating that the requested authority is provided for under the U.S.-Turkey agreement and in a similar case involving Israel services, the Department declined to withhold the bilateral authority pending the outcome of a third-country code-share selection case. (*see* Notice of Action Taken dated March 2, 2001, Docket 2001-8772).¹

DISPOSITION

Action: Approved

Action date: March 14, 2001

Effective dates of authority granted: March 14, 2001 - March 14, 2003

Remarks: The authority is encompassed in the U.S.-Turkey Air Transport Agreement. With respect to the concerns raised by United, we are actively processing the U.S.-Turkey third-country codeshare proceeding (Docket OST-2001-8781) to authorize selected U.S. carriers (and their code-share partners) to conduct code-share services in the U.S.-Turkey market. In the meantime, however, we find that it would not be consistent with the public interest to withhold the bilaterally-agreed authority sought here, and for which the record is otherwise complete, pending disposition of that proceeding.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

Foreign air carrier permit conditions (Order 98-6-23) Statement of Authorization for American and Turkish Airlines code-share operations dated December 7, 2000, and March 14, 2001, and conditions therein (Docket OST-2000-7151).

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

We found that the applicant was qualified to perform its proposed operations.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the 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/deferred/dismissed, 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 document is available on the World Wide Web at: http://dms.dot.gov/reports/reports_aviation.asp

¹ Their reply was accompanied by a motion for leave to file an otherwise unauthorized document. We grant the motion.