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

Issued by the Department of Transportation on March 1, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST-99-6720 -10

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 1/23/02 and supplemented 2/27/02 to:

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

Scheduled foreign air transportation of persons, property, and mail between points in the United States, on the one hand, and Accra, Ghana, and Lagos, Nigeria, on the other, via intermediate points, without local traffic rights between the intermediate points and Accra and Lagos.

XX Amend exemption to:

Permit United to integrate this service with United's existing certificate and exemption authority.

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

DISPOSITION

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

The above action was effective when taken: March 1, 2002, through March 1, 2004, or until 90 days after final action on United's corresponding certificate application in Docket OST-95-6385, whichever occurs earlier.¹

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

XX **The exemption authority granted is consistent with the aviation agreements between the United States and Nigeria and the United States and Ghana.**²

(See Reverse Side)

¹ As part of the same application, United also simultaneously sought renewal of exemptions in Dockets OST-96-1348, OST-96-1560, OST-98-3476, OST-98-3732, OST-99-5097, OST-99-6600, OST-95-369, and OST-00-7628 and requested that, in the interest of administrative efficiency, a common expiration date be made for the awards. We will grant United's request, and any approvals of the requests in the named dockets will carry a common expiration date to that issued here. United also requested that we consolidate all of the renewal requests into one docket. Here, however, we believe administrative efficiency in our consideration of these applications is better achieved by maintaining the authorities in separate dockets.

² The agreement between the United States and Ghana is being provisionally applied on the basis of comity and reciprocity, pending entry into force of the agreement.

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 United/foreign carrier code-share operations, 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 United rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless United notifies the Department of 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 United's authority by virtue of the route integration exemption granted here, but that are not then being used by United, the holding of such authority by route integration will not be considered as providing any preference for United in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

The authority granted to serve intermediate points is limited to countries with which the United States has signed open-skies agreements and/or countries for which United holds authority to serve under certificates and exemptions issued by the Department, and for which it holds route integration authority by virtue of either the present action or other action of the Department.

The code-share operations involving Ghana must be operated within the frequencies allocated United for U.S.-Ghana third-country code-share services. (See Notice of Action Taken dated July 13, 2000, Docket OST-2000-7149.)

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) our action 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 seven (7) 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*