



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

Issued by the Department of Transportation on May 3, 2001

NOTICE OF ACTION TAKEN – DOCKET OST-96-1672– 18

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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 Delta Air Lines, Inc. filed 04/11/2001 for:

- XX Allocation of seven U.S.-Russia scheduled combination service frequencies; and
- XX Waiver from 90-day dormancy condition.

**Delta intends to use seven frequencies to provide scheduled combination service between the United States and Moscow and St. Petersburg, Russia, on a third-country code-share basis with Air France.**

**Delta states that it previously provided third-country code-share service to Russia in conjunction with Swissair, and that it had planned to switch its code-share carrier to Air France on October 29, 2000, consistent with Department Order 2000-1-9, which authorized Delta to operate with either Swissair or Air France. However, Delta indicates that it was unable to implement its plans because the Government of the Russian Federation has not yet authorized Delta's services. Delta further states that it inadvertently did not request a waiver of the dormancy condition applicable to the seven code-share frequencies it had planned to use. Thus, Delta seeks an allocation of seven code-share frequencies and, consistent with Department precedent, an indefinite waiver of the 90-day dormancy condition, until the Russian Federation authorizes its third-country code-share services.**

Applicant rep: Robert E. Cohn (202) 663-8060

DOT Analyst: Michael D. Bodman (202) 366-9667

**DISPOSITION**

XX Granted, subject to conditions (see below).

The above action with respect to Delta's request for seven frequencies was effective when taken: May 3, 2001.

The above action with respect to Delta's request for a waiver of the 90-day dormancy condition was effective when taken: May 3, 2001, and will remain in effect until the Government of the Russian Federation allows the code-share services to begin.<sup>1</sup>

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

XX **The authority granted is consistent with the aviation agreement between the United States and the Russian Federation.<sup>2</sup>**

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<sup>1</sup>See Order 96-10-1 and Notice of Action Taken dated April 5, 2000, in Docket OST-99-5286.

<sup>2</sup>The Annexes to the agreement expired on January 22, 2001. However, representatives from the United States and Russia have agreed, *ad referendum*, to exchange diplomatic notes extending the Annexes until September 30, 2001, in light of the need to continue negotiations.

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 Statements of Authorization dated August 6, 1998, authorizing Delta/Air France code-share operations, and conditions therein.**

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**Conditions:** The frequency allocation will expire and the frequencies will revert automatically to the Department for reallocation if they are not used for a period of 90 days.<sup>3</sup>

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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 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.

*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)*

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<sup>3</sup>Based on the waiver granted by this notice, the 90-day dormancy period will begin on the date that the Government of the Russian Federation permits the services to begin.