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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-95-369 · 88

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** 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 a point or points in the United States, and Nairobi, Kenya, via any points in other countries which United is authorized to serve, and integrate this authority with its existing exemption and certificate authority. United intends to operate this service pursuant to code-share arrangements with its foreign code-share partners.**

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 Department action on United's corresponding certificate application in Docket OST-95-625, whichever occurs earlier.[1]

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

XX **The exemption authority granted to serve Kenya is consistent with the overall state of aviation relations between the United States and Kenya.**

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**

(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-99-6720, 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.

**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.

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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 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*