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

Issued by the Department of Transportation on November 1, 2001

NOTICE OF ACTION TAKEN DISMISSING APPLICATIONS—VARIOUS DOCKETS

This serves as notice to the public of the actions described below, taken on the date shown above by the Department official indicated (no additional confirming order will be issued in these matters).

The carriers listed below have applied for various forms of authority or relief under Title 49 of the United States Code in order to perform the air transportation activities described. Each application has either been withdrawn by the applicant or otherwise become moot. Therefore, we find that these applications should be dismissed, under authority assigned by the Department in its Regulations, 14 CFR §385.3 and 385.13.

Docket	Description of Application
OST-97-2081 - 12	**American Airlines, Inc.,** filed January 17, 1997. Exemption authority to operate scheduled combination services between the United States and several cities in Colombia under a code-sharing arrangement with Aerovias Nacionales de Colombia (AVIANCA). By letter dated March 2, 2001, American withdrew the exemption application.
OST-01-9950 - 5	**Continental Airlines, Inc.,** filed June 18, 2001. Exemption authority to operate scheduled combination services between the United States and several cities in Brazil, Argentina, and Canada under a code-sharing arrangement with Transbrasil S/A Linhas Aereas and Interbrasil Star. The City of Houston and the Greater Houston Partnership and United Air Lines filed pleadings. By letter dated August 17, 2001, Continental withdrew the exemption application.
OST-96-1648 - 5	**Continental Airlines, Inc.,** filed October 18, 2001. Renew for five years certificate authority (Route 733) authorizing scheduled combination services between the United States and the United Kingdom, excluding London's Heathrow and Gatwick airports. On October 23, 2001, Continental withdrew the application because its certificate authority for Route 733 had in fact been granted for an indefinite duration.
OST-01-10705 - 3	**Continental Airlines, Inc. and Hawaiian Airlines, Inc.** filed September 25, 2001. Allocation of U.S.-France same-country code-share opportunity to display Continental's designator code on Hawaiian's flights between Honolulu and Papeete, Tahiti. On September 27, 2001, Continental and Hawaiian withdrew their joint application.

OST-97-2965- 29
OST-98-3626- 17
OST-98-3640- 13

United Air Lines, Inc., filed May 20, 1998. Petition for review of staff action and request that the Department reverse the award of code-share authority to American Airlines and Iberia Lineas Aereas de Espana to the extent that it permitted code-share service between Madrid and Rome (*See* Notice of Action dated April 30, 1998, in Dockets OST-97-2965 and 98-3626, and Order 98-12-6). United stated that American's proposed service in this market was not consistent with the aviation agreement between the United States and Italy. American and Iberia filed a response. Subsequent to the petition, the United States and Italy signed an open-skies agreement, and U.S. carrier service, including American's service at issue here, is now covered by this more liberal arrangement. United's petition, therefore, is now moot.

OST-2000-7633 - 3

United Parcel Service Co., filed July 12, 2000. Allocation of five (5) one-way weekly Russia overflight frequencies transiting Tashkent in order to operate freighter service over a Cologne, Germany – Mumbai, India – Singapore – Taipei, Taiwan routing. On July 21, 2000, UPS withdrew the application.

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OST-2000-8355/6-10

United Air Lines, Inc.; US Airways, Inc.; and Allegheny Airlines, Inc., filed November 17, 2000. Joint application for (a) approval of a transfer of the international certificate authority held by US Airways and Allegheny to United; and (b) an interim exemption to facilitate the transfer, pending final consummation of the merger of United, US Airways and Allegheny. Continental Airlines, Delta Air Lines, America West Airlines, American Airlines, the Communications Workers of America/AFL-CIO/CLC, and the US Airways Master Executive Council of the Air Line Pilots Association filed answers. On July 27, 2001, the Joint Applicants announced the termination of their merger agreement, and on July 30, 2001, the Joint Applicants filed a joint motion to withdraw the applications. We grant the motion.

OST-2000-7880[1]- 2

America West Airlines, Inc., filed August 31, 2000. Renew statement of authorization to code share with Eva Airways Corporation. On October 30, 1998, the Department granted the application of America West to display EVA's designator code on America West's domestic flights for the carriage of EVA's transpacific traffic (undocketed). The Department granted the application for an indefinite duration, subject to attached conditions. In these circumstances, the renewal application is moot.

OST-97-2803- 8

Delta Air Lines, Inc., filed July 21, 1999. Renew authorization to provide third-country code-share service to Egypt. By Order 2000-10-14, the Department determined that Delta's authorization was available for allocation since Delta proposed to change its code-share partner from Swissair to Air France. Subsequently, by Order 2000-11-2, we selected Delta and Air France for the available authorization (Docket OST-2000-6982). Against this background, Delta's application to renew its authorization in Docket OST-97-2803 is now moot.

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[1]Originally undocketed case number 98-41.

DISPOSITION

Action: We dismiss the applications described above.

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

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.

The actions set forth in this Notice shall be effective and become the actions of the Department of Transportation upon expiration of the above period unless within such period a petition for Department review is filed or the Department gives notice that it will review one or more actions on its own motion. The filing of a petition for review with respect to one of the dismissed items will not alter the effectiveness of this Notice with respect to the others.

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