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

Issued by the Department of Transportation on September 10, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-7784 -- / 3

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 American Airlines, Inc. filed 8/23/02 to:

XX Renew 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 and Kiev, Ukraine, and to integrate this authority with its existing certificate and exemption authority. American intends to operate this service pursuant to a code-share arrangement with Swiss International Air Lines, Ltd. d/b/a Swiss, via Zurich.¹ American has requested the authority for an indefinite duration.

Applicant rep: Carl B. Nelson, Jr. (202) 496-5647 DOT Analyst: Sylvia Moore (202) 366-6519

DISPOSITION

XX Granted in part (see Remarks)

XX Balance dismissed (i.e., for longer-term exemption authority)

The above action was effective when taken: September 10, 2002, through September 10, 2004

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

XX The exemption authority granted is consistent with the aviation agreement between the United States and Ukraine.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)

XX Statement of authorization approving American/Swiss code-share operations dated April 23, 2002

Remarks: Consistent with our standard practice for this type of application, we granted American's exemption for a period of two years, and dismissed its request for longer-term authority.

(See Reverse Side)

¹ Originally American operated this service pursuant to a code-share arrangement with Swissair, but that arrangement has been discontinued.

Conditions: The route integration authority granted is subject to the condition that any service provided under the 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 American rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless American notifies us of its intent to serve such a market and unless and until the Department has completed any necessary 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 American's authority by virtue of the route integration exemption granted here, but that are not then being used by American, the holding of such authority by route integration will not be considered as providing any preference for American in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

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 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*