

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

---

**Application of**

**SOUTH AFRICAN AIRWAYS**

**for an emergency exemption pursuant to 49  
U.S.C. §40109 (Lagos, Nigeria intermediate  
authority).**

---

**Docket OST-2000-**

**APPLICATION OF SOUTH AFRICAN AIRWAYS  
FOR AN EMERGENCY EXEMPTION**

Communications with respect to this document should be sent to:

Frank J. Costello  
Craig M. Cibak  
ZUCKERT, SCOUTT &  
RASENBERGER, L.L.P.  
888 17<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20006-3309  
(202) 298-8660  
(202) 342-0683 (fax)  
fjcostello@zsrlaw.com  
cmcibak@zsrlaw.com

Counsel for  
South African Airways (Pty) Ltd., d/b/a  
South African Airways

Dated: August 7, 2000

Note: Pursuant to Rule 311(a) of the Department's Rules of Practice, South African Airways has filed a Motion to Shorten Time for Answers in support of or in opposition to this application to August 9, 2000. SAA will poll persons served with this application to determine whether any person intends to submit an answer.

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

Application of

**SOUTH AFRICAN AIRWAYS**

**for an emergency exemption pursuant to 49  
U.S.C. §40109 (Lagos, Nigeria intermediate  
authority).**

**Docket OST-2000-**

**APPLICATION OF SOUTH AFRICAN AIRWAYS  
FOR AN EMERGENCY EXEMPTION**

Pursuant to 49 U.S.C. § 40109 and Rule 311 of the Department's Rules of Practice, South African Airways (Pty) Ltd. d/b/a South African Airways ("SAA") requests an emergency exemption to add Lagos, Nigeria as an intermediate point on its route between the Republic of South Africa ("RSA") and the United States. In support of this application, SAA states as follows:

1. SAA initially proposes to serve Lagos as an intermediate point on its service between New York and Johannesburg. The first promotional flight will operate on August 15, 2000. The next promotional flight may operate on or about August 22, 2000 in conjunction with the visit of President Clinton to Nigeria. Up to three additional promotional flights will be operated in September and October. The promotional flights will carry revenue passengers in the Lagos -

New York market but will not carry the code of Nigeria Airways. All flights initially will be operated with Boeing 747-200 or 747-300 aircraft.<sup>1</sup>

2. The U.S.-RSA Air Transport Agreement permits the RSA to designate Cape Verde and three other points in Africa as intermediates. To date, only Cape Verde has been so designated. The RSA will inform the Department directly of its designation of Lagos as an intermediate point.

3. South African Airways further requests route integration authority to permit it to combine services authorized by this exemption with all other South African Airways services authorized by existing exemptions granted by the Department, to the extent permitted by applicable international agreements.

4. South African Airways asks that the Department grant the authority requested herein for a period of at least two years.

**WHEREFORE**, for the foregoing reasons, South African Airways respectfully urges the Department promptly to issue the requested exemption so that South African Airways can implement the services described herein. South African Airways further requests that the Department grant such other relief as it deems appropriate.

Respectfully submitted,

---

Frank J. Costello

---

<sup>1</sup> SAA and Nigeria Airways have agreed to a joint venture in the Lagos - U.S. market, thus permitting the reinstitution of nonstop combination air service between the U.S. and the largest nation in Africa. The full service will begin on or about October 29, 2000, with an initial pattern of three nonstop roundtrips per week serving Lagos on an intermediate, Fifth Freedom basis and bearing the code of both SAA and Nigeria Airways. SAA will file at a later date for the code-share authority.

Application of South African Airways  
August 7, 2000

Craig M. Cibak  
ZUCKERT, SCOUTT &  
    RASENBERGER, L.L.P.  
888 17<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20006-3309  
(202) 298-8660  
(202) 342-0683 (fax)  
fjcostello@zsrlaw.com  
cmcibak@zsrlaw.com

Counsel for  
South African Airways (Pty) Ltd.

Dated: August 7, 2000

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of August, 2000, a copy of the foregoing Application of South African Airways was served by facsimile or by electronic mail on the persons identified below, and that when service was made, no indication was received that any transmission had failed.

Nathaniel P. Breed, Jr.  
Counsel for Federal Express  
nathaniel.breed@shawpittman.com

Jeffrey A. Manley  
Counsel for United Air Lines and  
Polar Air Cargo  
jmanley@wilmer.com

Robert E. Cohn  
Counsel for Delta Air Lines  
robert.cohn@shawpittman.com

R. Bruce Keiner, Jr.  
Counsel for Continental Airlines  
rbkeiner@cromor.com

John L. Richardson  
Counsel for Amerijet International  
Fax: (202) 828-0158

Carl B. Nelson, Jr.  
Associate General Counsel  
American Airlines, Inc.  
carl\_nelson@amrcorp.com

Julie S. Sande  
Manager, Contracts and  
Regulatory Affairs  
World Airways, Inc.  
Fax: (703) 834-9360

Lorraine B. Halloway  
Counsel for Emery Worldwide Airlines  
lbhalloway@cromor.com

R. Tenney Johnson  
Counsel for DHL Airways  
Fax: (202) 261-3511

David L. Vaughan  
Counsel for United Parcel Service  
dvaughan@kelleydrye.com

William C. Evans  
Counsel for Atlas Air  
Fax: (202) 371-6279

Charles G. Seliga  
General Manager  
John F. Kennedy International Airport  
Fax: (718) 244-3505

Thomas White  
Acting Deputy Assistant Secretary  
for Transportation Affairs  
Department of State  
Fax: (202) 647-4324

Nicholas Lacey  
Director, Flight Standards Service  
Federal Aviation Administration  
Fax: (202) 267-5230

Megan Rae Rosia  
Managing Director, International Affairs  
and Associate General Counsel  
Northwest Airlines, Inc.  
megan.poldy@nwa.com

---

Craig M. Cibak