



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

Issued by the Department of Transportation on June 8, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST 95-733

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).

Applicant: **Volga-Dnepr J.S. Cargo Airline**

Date Filed: June 2, 1998

Relief requested: Exemption from § 41301 of Title 49 of the U.S. Code to permit it to conduct scheduled foreign air transportation of property and mail between the Russian Federation and New York, via intermediate points, for a period of one year.

If renewal, date and citation of last action: Order 98-3-13, issued March 12, 1998

Applicant representative: Glenn P. Wicks (202) 637-5683

Responsive pleadings: Evergreen International Airlines, Inc. filed in support. No other responsive pleadings were filed.

DISPOSITION

Action: Approved in part/Dismissed in part

Action date: June 8, 1998

Effective dates of authority granted: June 8, 1998-September 6, 1998¹ (we dismissed Volga-Dnepr's request to the extent that it seeks authority beyond September 6, 1998)

Basis for approval (bilateral agreement/reciprocity): Air Transport Agreement between the United States and the Russian Federation, entered into force January 14, 1994. Although the Annexes to the Agreement have formally expired, they continue to be invoked by both parties as the operative source of the route rights governing the relationship.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Standard exemption conditions

Special conditions/Partial grant/Denial basis/Remarks: Volga-Dnepr must adhere to (1) the conditions set forth in Order 94-10-13,² (2) FAA-approved flight routings for its operations, and (3) the provisions of the bilateral aviation agreement between the United States and the Russian Federation..

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

We found that the applicant was qualified to perform the proposed operations.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption 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, or dismissed, 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 document is available on the World Wide Web at:

<http://dms.dot.gov/general/orders/aviation.html>

¹ Bilateral aviation talks are scheduled to begin at the end of June in Moscow, and we have decided that in the circumstances presented it is in the public interest to extend Volga-Dnepr's New York authority for an additional 90 days. Since the duration of Volga-Dnepr's authority is for a period of fewer than 180 days, it is not a license with reference to an activity of a continuing nature within the meaning 5 USC 558(c). See 14 CFR Part 377.

² Order 94-10-13 was our original grant of exemption authority to Volga-Dnepr. See Order 98-3-13 at 1, n 1.