



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

Issued by the Department of Transportation on October 21, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST-98-3329

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: **Transaero Airlines**

Date Filed: January 14, 1998

Relief requested: Exemption from 49 U.S.C. § 41301 to engage in scheduled foreign air transportation of persons, property and mail between the Russian Federation and New York, New York, via intermediate points.

If renewal, date and citation of last action: New authority

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

Responsive pleadings: On January 29, 1998, United Air Lines, Inc. filed an answer in response to Transaero's request, stating that we should deny, or in the alternative, defer action of Transaero's request. On June 5, 1998, Transaero filed a motion seeking expeditious action on its pending application. On June 15, 1998, United filed an answer opposing Transaero's motion. On October 19, 1998, United withdrew its answers dated January 29 and June 15, 1998.

DISPOSITION

Action: Approved

Action date: October 21, 1998

Effective dates of authority granted: October 21, 1998-October 21, 1999

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:

Standard exemption conditions

Special conditions/Partial grant/Denial basis/Remarks: Transaero must adhere to (1) the conditions set forth in Order 95-2-17,¹ (2) FAA-approved flight routings for its operations, and (3) the provisions of the bilateral aviation agreement between the United States and Russian Federation.

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

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) the applicant was qualified to perform the proposed operations; (2) immediate action was required and was consistent with Department policy; (3) grant of the authority was consistent with the public interest; and (4) 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/deferred/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.asp>*

¹ Order 95-2-17 was our original grant of exemption authority to Transaero.