



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

Issued by the Department of Transportation on September 1, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST 96-1035

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: DHL AERO EXPRESO, S.A.

Date Filed: May 27, 1999

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct, for a period of two years: A) scheduled, all-cargo services from points behind Panama via Panama and intermediate points to a point or points in the United States and beyond; and scheduled, all-cargo services between the United States and any point or points; and B) all-cargo charter operations to and from the United States.

If renewal, date and citation of last action: On June 4, 1997, we granted the carrier authority to conduct scheduled, all-cargo services from points behind Panama via Panama and intermediate points to a point or points in the United States and beyond, and extended its authority to conduct U.S. charter operations (confirmed by Order 97-6-32, in this Docket). The authority to conduct scheduled, all-cargo services between the United States and any point or points (without a homeland nexus), is new authority.

Applicant representative(s): R. Tenney Johnson, 202-261-3510

Responsive pleadings: None.

DISPOSITION

Action: Approved.

Action date: September 1, 1999

Effective dates of authority granted: September 1, 1999, through September 1, 2001.

Basis for approval (bilateral agreement/reciprocity): The authority is encompassed by the United States-Panama Air Transport Agreement, as amended (Agreement).

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

Standard exemption conditions

Foreign air carrier permit conditions

Special conditions/Partial grant/Denial basis/Remarks: The authority granted continues to be subject to the terms, conditions and limitations of the Department's regulations governing charters; however, we determined, taking into account the terms of the U.S.-Panama Agreement (under which DHL Aero Expreso is designated), that it is in the public interest to grant (sua sponte) DHL Aero Expreso a waiver under 14 CFR 212.12 from the requirement of 14 CFR 212.9(b)(1) that the carrier obtain our prior approval before operating Fifth-Freedom cargo charters that are encompassed under the Agreement, for the duration of this exemption authority. (In this regard, see Application of Translux International Airlines, Docket OST-98-4329, Notice of Action Taken issued November 25, 1998.)

**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) immediate action was required and was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (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.

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