



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

Issued by the Department of Transportation on November 30, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST 98-4329

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: TRANSLUX INTERNATIONAL AIRLINES SA d/b/a CARGO LION Date Filed: October 14, 1999

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to continue to conduct all-cargo charter operations between the United States and any point or points.

If renewal, date and citation of last action: November 25, 1998; in this Docket.

Applicant representative(s): Allan I. Mendelsohn, 202-778-1233

Responsive pleadings: None.

DISPOSITION

Action: Approved.

Action date: November 30, 1999

Effective dates of authority granted: November 30, 1999, through November 30, 2001.

Basis for approval (bilateral agreement/reciprocity): United States-Luxembourg 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 is 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.-Luxembourg Agreement, that it continues to be in the public interest to grant (sua sponte) Translux 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 charters that are encompassed under the Agreement, for the duration of this exemption authority. (In that regard, see Application of Pacific International Airlines, Docket OST-98-4264, Notice of Action Taken issued August 27, 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.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports_aviation.asp*