



U.S. Department of
Transportation
Office of the Secretary
of Transportation

137430

NOTICE OF ACTION TAKEN

DOCKET OST-2001-10504-2

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date: August 27, 2001

Relief requested: Exemption from 49 U.S.C. 40109(g) to operate one one-way emergency cabotage cargo flight between Newark, NJ, and Houston, TX, on or about August 27/28, 2001, using AN-124 aircraft, on behalf of Continental Airlines, Inc., to transport one outsized Boeing 777 engine plus ancillary equipment. The applicant stated that the transportation is urgently required to enable Continental to replace a damaged engine on one of Continental's B-777 aircraft which is currently in Houston, and to enable the carrier to return the aircraft to scheduled service as soon as possible, and that because of the size of the units transportation on U.S. carrier aircraft was not possible.

Applicant representative: Robert E. Cohn 202-663-8060

Responsive pleadings: The applicant served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority.

DISPOSITION

Action: Approved

Action date: August 27, 2001

Effective dates of authority granted: August 27-31, 2001

Basis for approval: We found that our action was consistent with all the relevant criteria of 49 U.S.C. 40109(g) for the grant of an exemption of this type, and that the grant of this authority was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of this authority would prevent unreasonable hardship to Continental Airlines.

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

Special conditions/Remarks: The applicant shall comply with an FAA-approved flight routing for the authorized flight.

Action taken by: Susan E. McDermott
Deputy Assistant Secretary for Aviation
and International Affairs