



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

NOTICE OF ACTION TAKEN

DOCKET OST-2001-9249

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

Date Filed: March 23, 2001

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate (1) one one-way cargo charter flight between San Bernardino, CA, and Denver, CO; and (2) one one-way cargo charter flight between Denver, CO, and Cape Canaveral, FL, during the period March 31-April 4, 2001, using its AN-124 aircraft, to transport oversized cargo on behalf of Lockheed Martin Astronautics.

The applicant stated that Lockheed Martin required urgent delivery of an Atlas V Booster Simulator and associated equipment to Denver by March 31 for a fit check, and further delivery of an Atlas/Centaur IIA Launch Vehicle payload and associated equipment to Cape Canaveral by April 4 in order to meet schedule constraints that include final integration activities and preparation for subsequent launch processing; that the cargo is too large for transportation on U.S. carrier aircraft; and that surface transportation is not feasible because of the time involved, the adverse effect a long road trip could have on the cargo, and the cargo's size.

Applicant representative: Glenn Wicks 202-457-7790

Responsive pleadings: Volga-Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. On March 27, 2001, Volga-Dnepr informed us that it had polled the carriers served with its application, and that 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 to Volga-Dnepr.

DISPOSITION

Action: Approved

Action date: March 28, 2001

Effective dates of authority granted: March 31 - April 7, 2001

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant 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 Volga-Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga-Dnepr comply with an FAA-approved flight routing for the authorized flight, and any requisite Department of Defense authorizations.

Action taken by: **SUSAN E. McDERMOTT**
Deputy Assistant Secretary for Aviation
and International Affairs