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ORDER 2001-5-23

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

Issued by the Department of Transportation  
on the 16<sup>th</sup> day of May, 2001

SERVED: May 21, 2001

Applications of

VOLGA-DNEPR J.S. CARGO AIRLINE

for exemptions under 49 U.S.C. section 40109(g)

Dockets OST-98-4512-3 OST-00-7709-3  
OST-99-6059-3 OST-00-8353-3  
OST-00-7041-3 OST-00-8573-2  
OST-00-7190-4 OST-01-9249-3  
OST-00-7195-3 OST-01-9569-4  
OST-00-7207-3

ORDER CONFIRMING EXEMPTIONS

Summary

This order confirms our oral actions granting the applications of Volga-Dnepr J.S. Cargo Airline (Volga-Dnepr) for exemption authority pursuant to 49 U.S.C. section 40109(g) to operate cargo charter flights carrying emergency cabotage traffic.

Applications

As described in attachments to this order, Volga-Dnepr requested exemption authority pursuant to 49 U.S.C. section 40109(g) to operate cargo charter flights using its Antonov 124 aircraft to transport oversized cargo for various shippers. In support of its applications, Volga-Dnepr stated that, because of certain emergency situations and other unforeseen delays, air shipment of the cargo was essential in order to meet delivery, operational and/or production schedules. Volga-Dnepr stated, in each case, that because of the size of the cargo, transportation on U.S.-carrier aircraft was not possible. It also attached to its applications statements from the shippers confirming Volga-Dnepr's characterizations of the shippers' situations and supporting Volga-Dnepr's requests.

**Answers**

Volga-Dnepr served its applications on those U.S. carriers operating large all-cargo aircraft. Each U.S. carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

**Statutory Standards**

Under 49 U.S.C. section 40109(g), we may authorize a foreign air carrier to carry commercial traffic between U.S. points (*i.e.*, cabotage traffic) under limited circumstances. Specifically, we must find that the authority is required in the public interest; that because of an emergency created by unusual circumstances not arising in the normal course of business the traffic cannot be accommodated by U.S. carriers holding certificates under 49 U.S.C. section 41102; that all possible efforts have been made to place the traffic on U.S. carriers; and that the transportation is necessary to avoid unreasonable hardship to the traffic involved (an additional required finding, concerning emergency transportation during labor disputes, was not relevant here).<sup>1</sup>

**Disposition**

As shown in the attached Notices of Action Taken, we orally granted the requests of Volga-Dnepr for exemption authority to conduct its proposed emergency cabotage flights. We confirm our actions here. We found that each application met all of the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that grant of this authority was required in the public interest.<sup>2</sup>

In view of the above, we found that immediate action on these applications was required; that our actions met the relevant criteria of 49 U.S.C. 40109(g) and were required in the public interest; and that our actions did not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.

**ACCORDINGLY,**

1. We confirm the actions described in the attached Notices of Action Taken which granted Volga-Dnepr J.S. Cargo Airline exemption authority pursuant to 49 U.S.C. section 40109(g) to perform its proposed emergency cabotage flights;
2. In the conduct of the authorized operations, we required Volga-Dnepr to comply with the conditions of Attachment A and FAA-approved flight routings, and to obtain any requisite Department of Defense authorizations; and

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<sup>1</sup> For examples of earlier grants of authority of this type, *see* Order 99-7-12.

<sup>2</sup> We further found the applicant qualified to perform the operations at issue here (*see, e.g.*, Order 94-10-13).

3. We will serve this order on Volga-Dnepr J.S. Cargo Airline, the Department of State (Office of Aviation), and the Federal Aviation Administration (AFS-200).

By:

**Susan E. McDermott**  
Deputy Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

**FOREIGN AIR CARRIER CONDITIONS OF AUTHORITY**

In the conduct of the operations authorized, the holder shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
  - (2) Comply with all applicable requirements of the Federal Aviation Administration, including, but not limited to, 14 CFR Parts 129, 91, and 36;
  - (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Federal Aviation Administration's Program Management Branch (AFS-260), Flight Standards Service (any changes to, or termination of, insurance also shall be filed with that office);
  - (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
  - (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
  - (6) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
  - (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are:
    - (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or
    - (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States.
- In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;
- (8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;
  - (9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;
  - (10) If charter operations are authorized, except as otherwise provided in the applicable bilateral agreement, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and
  - (11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code (formerly the Federal Aviation Act of 1958, as amended).





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

## NOTICE OF ACTION TAKEN

**DOCKET OST-98-4512**

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: September 29, 1998**

**Relief requested:** Exemption pursuant to 49 U.S.C. section 40109(g) to operate two one-way emergency cabotage charter flights from (1) Charleston, SC, to San Juan, PR; and (2) Chicago, IL, to San Juan, on or about September 29-30, 1998, using its AN-124 aircraft, on behalf of C.F.A. Frankfort, Cargo City Sued Spedition Zentrum, and Merck, Inc., to transport cargo consisting of outsized trailer mobile generators to assist in hurricane relief activities following Hurricane Georges.

**Applicant representative:** Glenn Wicks 202-637-5683

**Responsive pleadings:** Volga-Dnepr 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: September 29, 1998**

**Effective dates of authority granted:** September 29 - October 3, 1998

**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 Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on emergency relief efforts by facilitating restoration of critical services.

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

Standard exemption conditions (attached)     Foreign air carrier permit conditions (Order - - )

**Special conditions:** Volga-Dnepr shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

**Action taken by:** Charles A. Hunnicutt  
Assistant Secretary for Aviation  
and International Affairs



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

## **NOTICE OF ACTION TAKEN**

**DOCKET OST-99-6059**

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: August 4, 1999**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way emergency cabotage cargo charter flight between Wichita, KN, and Boeing Field, Seattle, WA, on August 9, 1999, using its AN-124 aircraft, to transport outsized B777 aircraft parts on behalf of Boeing Commercial Airplane Group. The applicant stated that previously-shipped parts had suffered damage, and that air shipment of replacement parts was urgently required in order to meet aircraft production schedules and delivery commitments.

**Applicant representative: Lester Bridgeman (334) 432-1414**

Responsive pleadings: Volga Dnepr 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 to Volga Dnepr.

### **DISPOSITION**

**Action: Approved**

**Action date: August 6, 1999**

**Effective dates of authority granted: August 9-12, 1999**

**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 operations at issue here. We also found that grant of Volga Dnepr's request would prevent undue hardship to Boeing.**

**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**

**Action taken by: A. Bradley Mims  
Acting Assistant Secretary for Aviation  
and International Affairs**



**U.S. Department of  
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## **NOTICE OF ACTION TAKEN**

**DOCKET OST-2000-7041**

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 7, 2000**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between North Island Naval Air Station, CA, and Denver, CO on or about March 29, 2000, using its AN-124 aircraft, to transport an oversized Atlas launch vehicle and associated support equipment on behalf of Lockheed Martin Astronautics. The applicant stated that Lockheed Martin required urgent delivery to complete final assembly, integration and preparation for the scheduled launch date, 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 vehicle, and the vehicle's size.

**Applicant representative: Lester Bridgeman, (334) 432-1414**

Responsive pleadings: Volga-Dnepr 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 to Volga-Dnepr.

### **DISPOSITION**

**Action: Approved**

**Action date: March 24, 2000**

**Effective dates of authority granted: March 29 - April 1, 2000**

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 and any requisite Department of Defense authorizations for the authorized flight.

**Action taken by: A. Bradley Mims  
Deputy Assistant Secretary for Aviation  
and International Affairs**



**U.S. Department of  
Transportation**  
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## NOTICE OF ACTION TAKEN

**DOCKET OST-2000-7190**

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: April 5, 2000,  
as amended May 3, 2000**

**Relief requested:** Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Denver, CO, and Cape Canaveral, FL, on or about May 16, 2000, using its AN-124 aircraft, to transport an oversized launch vehicle on behalf of Lockheed Martin Astronautics. The applicant stated that Lockheed Martin required urgent delivery to meet the scheduled date for mating the vehicle with a satellite, in order to meet launch constraints, 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 vehicles, and the vehicle's size.

**Applicant representative:** Lester Bridgeman, (334) 432-1414

**Responsive pleadings:** Volga-Dnepr 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 to Volga-Dnepr.

### DISPOSITION

**Action: Approved**

**Action date: May 11, 2000**

**Effective dates of authority granted: May 16-19, 2000**

**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.

**Action taken by:** A. Bradley Mims  
Deputy Assistant Secretary for Aviation  
and International Affairs



**U.S. Department of  
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## **NOTICE OF ACTION TAKEN**

### **DOCKET OST 2000-7195**

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: April 5, 2000**

**Relief requested:** Exemption from 49 U.S.C. 40109(g) to operate one one-way emergency cabotage cargo flight between Dallas, Texas, and San Francisco, California, on April 5, 2000, using AN-124 aircraft, on behalf of American Airlines, Inc., to transport an outsized Trent 800 aircraft engine. The applicant stated that the transportation is necessary to enable American to replace a damaged engine on one of American's B-777 aircraft which is currently in San Francisco, and enable the carrier to return the aircraft to service as soon as possible.

**Applicant representative:** Lester Bridgeman, (334) 439-7536

**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:** April 5, 2000

**Effective dates of authority granted:** April 5-6, 2000

**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 American Airlines.

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

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

**Action taken by:** A. Bradley Mims  
Acting Assistant Secretary for  
Aviation and International Affairs



**U.S. Department of  
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## NOTICE OF ACTION TAKEN

### DOCKET OST 2000-7207

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: April 7, 2000**

**Relief requested:** Exemption from 49 U.S.C. 40109(g) to operate one one-way emergency cabotage cargo flight between San Francisco, California, and Alliance Airport, Ft. Worth, Texas, on April 8, 2000, using AN-124 aircraft, on behalf of American Airlines, Inc., to transport an outsized Trent 800 aircraft engine and related equipment. The applicant stated that the transportation is necessary to enable American and Rolls Royce engineers to determine as expeditiously as possible the cause of the anomaly which required the engine's removal from American's B-777 in San Francisco.

**Applicant representative:** Lester Bridgeman, (334) 439-7536

**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:** April 7, 2000

**Effective dates of authority granted:** April 8-9, 2000

**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 American Airlines.

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

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

**Action taken by:** A. Bradley Mims  
Acting Assistant Secretary for  
Aviation and International Affairs



**U.S. Department of  
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## **NOTICE OF ACTION TAKEN**

### **DOCKET OST 2000-7709**

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: July 28, 2000**

**Relief requested:** Exemption from 49 U.S.C. 40109(g) to operate one one-way emergency cabotage cargo flight between Oakland, California and Honolulu, Hawaii, on or about July 29, 2000, using AN-124 aircraft, on behalf of Air Charter Services International, to transport two outsized sailboats on trailers. The applicant stated that the transportation is necessary to enable the boats to compete in the Kenwood Cup 2000 international offshore sailboat race, due to commence July 30, 2000, and that alternate surface or air transportation is not available.

**Applicant representative:** Glenn Wicks, (202) 457-7790

**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:** July 28, 2000

**Effective dates of authority granted:** July 28-30, 2000

**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 the charterer.

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

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

**Action taken by:** A. Bradley Mims  
Acting Assistant Secretary for  
Aviation and International Affairs



**U.S. Department of  
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Office of the Secretary  
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## NOTICE OF ACTION TAKEN

**DOCKET OST-2000-8353**

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: November 17, 2000**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Tulsa, OK, and Philadelphia, PA, on or about November 21, 2000, using its AN-124 aircraft, to transport an oversized cylindrical pressure vessel on behalf of Sunoco, Inc. The applicant stated that the vessel has been specially fabricated for Sunoco and is a crucial part of its refining process, and that timely delivery and installation will help to avoid possible heating oil shortages. It further stated that surface transportation was not feasible because of the time involved, the adverse effect a long road trip could have on the vessel, and the vessel's size; that transportation by air was the only viable option; and that because of the size of the vessel transportation on U.S.-carrier aircraft was not possible.

**Applicant representative: Glenn Wicks 202-457-7790**

**Responsive pleadings:** Volga-Dnepr 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 to Volga-Dnepr.

### DISPOSITION

**Action: Approved**

**Action date: November 20, 2000**

**Effective dates of authority granted: November 21-24, 2000**

**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 Sunoco.

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.

**Action taken by:** Francisco J. Sanchez  
Assistant Secretary for Aviation  
and International Affairs



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

## **NOTICE OF ACTION TAKEN**

**DOCKET OST-2000-8573**

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: December 21, 2000**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between North Island N.A.S., CA, and Denver, CO, on or about January 5, 2001,<sup>3</sup> using its AN-124 aircraft, to transport an oversized launch vehicle and associated equipment on behalf of Lockheed Martin. The applicant stated that Lockheed Martin required urgent delivery 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 vehicle, and the vehicle'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 January 2, 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: January 4, 2001**

**Effective dates of authority granted: January 11-15, 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: Francisco J. Sanchez  
Assistant Secretary for Aviation  
and International Affairs**

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<sup>3</sup> On January 2, 2001, the applicant informed us that the flight had been rescheduled from January 5 to January 11, 2001.



**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



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

## **NOTICE OF ACTION TAKEN**

**DOCKET OST-2001-9569**

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: April 26, 2001**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Denver, CO; and and Cape Canaveral, FL; on or about May 3, 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 Centaur Launch Vehicle payload and associated equipment in order to meet schedule constraints that include first time 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. 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: May 1, 2001**

**Effective dates of authority granted: May 3-6, 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.**

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