



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

Issued by the Department of Transportation on May 9, 2001

**NOTICE OF ACTION TAKEN -- DOCKET OST 01-9521-2**

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: WESTERN EXPRESS AIR LINES, INC.

Date Filed: Filed verbally on April 20, 2001, and confirmed by written application on April 23, 2001.

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct, using small equipment (see below), all-cargo charter operations between Canada and the United States, and other all-cargo charters in accordance with 14 CFR Part 212.

Applicant representative(s): Robert E. Cohn and Sheryl R. Israel, 202-663-8060

Responsive pleadings: None.

**DISPOSITION**

Action: On April 20, 2001, we granted the applicant authority to conduct the subject operations through May 11, 2001, and deferred action on the remainder of the request (that is, to continue the operations beyond May 11, 2001), pending completion of the period for filing answers. On May 9, 2001, we granted the applicant authority to continue the operations for a period of one year, that is, through April 20, 2002.

Basis for approval (bilateral agreement/reciprocity): United States-Canada Air Transport Agreement

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

Special conditions/Partial grant/Denial basis/Remarks: In the conduct of these operations, the applicant may only use aircraft designed to have a maximum payload capacity of not more than 18,000 pounds.

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