



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

Issued by the Department of Transportation on January 13, 2000

**NOTICE OF ACTION TAKEN -- DOCKET OST-98-4606 & OST-98-4944**

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: **Cargolux Airlines International, S.A.**

Date Filed: January 10, 2000

Relief requested: Renew exemptions from 49 U.S.C. 41301 to conduct (1) scheduled all-cargo operations between any point or points in the United States and any third-country point or points [OST-98-4606]; and (2) charter all-cargo operations between the United States and any point or points, and waiver from the requirement of 14 CFR 212.9(b)(1) that the carrier obtain prior Department approval before operating Fifth-Freedom cargo charters that are encompassed under the U.S.-Luxembourg Air Transport Agreement [OST-98-4944].

If renewal, date and citation of last action: Notices of Action Taken dated October 30, 1998 [OST-98-4606] and January 28, 1999 [OST-98-4944]

Applicant representative: Stephen Lachter 202-862-4321

Responsive pleadings: On January 12, 2000, the applicant informed us that it had polled the parties served with its application and that none objected to our acting in advance of the normal answer date (January 25) or to the merits of the application itself.

**DISPOSITION**

Action: Approved

Action date: January 13, 2000

Effective dates of authority granted: January 13, 2000 - January 13, 2002

Basis for approval (bilateral agreement/reciprocity): U.S.-Luxembourg Air Transport Agreement

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 97-3-10)

Special conditions/Partial grant/Denial basis/Remarks:

**Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

We found that the applicant was qualified to perform its proposed operations.

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) grant of the authority was consistent with the public interest; and (3) 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.

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