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

Issued by the Department of Transportation on August 26, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST-96-1454 - 12

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: **Antonov Design Bureau**

Date Filed: August 1, 2002

Relief requested: Renew exemption from 49 U.S.C. § 41301 to engage in charter foreign air transportation of property and mail between Ukraine and the United States; and to perform other all-cargo charters in accordance with Part 212 of our rules.

If renewal, date and citation of last action: August 7, 2001, in this docket

Applicant representative: Robert E. Cohn/Sheryl R. Israel (202) 663-8312

Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: August 26, 2002

Effective dates of authority granted: August 26, 2002-August 26, 2003

Basis for approval (bilateral agreement/reciprocity): Reciprocity with Ukraine ¹

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

X Standard exemption conditions

Special conditions/Partial grant/Denial basis/Remarks: Under the authority granted above, charter operations will be subject to the prior approval requirements for such operations set forth in Order 93-5-37. The authority is also subject to the Agreement.

**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) the applicant was qualified to perform the proposed operations; (2) our action was consistent with Department policy; (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 seven (7) 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*

¹ Aviation relations between the United States and Ukraine are governed by a bilateral aviation agreement. However, the Annexes to the Agreement, which serve as the basis for the authority sought by Antonov Design Bureau, expired on December 31, 2001. While the Annexes have yet to be formally extended, both parties have been continuing to observe their provisions on a comity and reciprocity basis. Therefore, we believe that sufficient reciprocity exists with Ukraine to warrant grant of the requested authority.