



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

Issued by the Department of Transportation on January 21, 2004
NOTICE OF ACTION TAKEN -- DOCKET OST 2004-16935

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).

Application of **Kalitta Air, L.L.C.**, filed **January 20, 2004**¹

Relief requested: Emergency exemption from the provisions of Department Order 86-2-23, which, pursuant to Executive Order 12543,² prohibits transactions involving air transportation to and from Libya. Kalitta Air sought this exemption to permit it to operate one round-trip flight between Washington, D.C., and Tripoli, Libya, during the period January 19-20, 2004, under a contract with the Department of State.

Kalitta Air accompanied its application with a copy of a January 13, 2004, license issued by the Office of Foreign Assets Control (OFAC), Department of the Treasury, granting the requisite Treasury authorization for the proposed operation.³ Kalitta Air also attached a copy of a January 16, 2004, letter from the Assistant Secretary of State for Nonproliferation, stating that "The Department of State requires the services of Kalitta Air in furtherance of national security objectives. The use of Kalitta Air will help support the Libyan commitment to eliminate its WMD program"⁴

Based on the advice of the Department of State, and the license issued by OFAC, we found that the exemption from the provisions of Order 86-2-23 sought by Kalitta Air was consistent with the public interest, and we orally granted the carrier the requested relief on January 16, 2004. We confirm that action here.

Applicant rep: **Mark W. Atwood (202) 463-2513** DOT Analyst: **George Wellington (202) 366-2391**

DISPOSITION

XX Granted, subject to conditions (See below).

The action above was effective when taken: **January 16, 2004**, through **January 20, 2004**

Action taken by: **SUSAN MCDERMOTT**
Deputy Assistant Secretary for Aviation
and International Affairs

Remarks: We found, in the circumstances presented and based on the information before us, that the requested limited exemption from Order 86-2-23, subject to the conditions we were imposing, was consistent with the public interest.

¹ This application confirmed Kalitta Air's oral request of January 16, 2004, for the authority at issue here.

² 51 Fed. Reg. 875, January 9, 1986. See also 69 Fed. Reg. 847, January 5, 2004.

³ We received confirmation from an OFAC licensing official that the license OFAC had issued would cover this proposed transportation.

⁴ Copies of these documents are attached to Kalitta Air's application in this Docket.

Conditions: In orally granting this emergency exemption, we reminded Kalitta Air that this authority was not alone sufficient to allow it to conduct the operation at issue here. Kalitta Air was also subject to all other applicable U.S. Government requirements, including the requirement to secure all needed clearances from any other concerned U.S. Government agencies. In particular, we required that, before conducting the authorized operation, Kalitta Air must:

1. Hold the requisite license issued by OFAC for this operation;
2. Hold a valid contract with the Department of State for this operation;
3. Hold requisite operations specifications for this operation from the Federal Aviation Administration (FAA); and
4. Hold all requisite clearances for this operation from the Transportation Security Administration (TSA).

We confirm these conditions here.

To the extent not granted, 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.

An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports_aviation.asp