



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

Issued by the Department of Transportation on April 5, 2004

NOTICE OF ACTION TAKEN -- DOCKET OST 2004-17314

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: CARGOJET AIRWAYS LTD. d/b/a STARJET AIRWAYS

Date Filed: March 10, 2004, as supplemented April 1, 2004.

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct, carrying persons, property and/or mail: 1) scheduled services between any point or points in Canada and any point or points in the United States; and 2) charter operations between Canada and the United States, and other charters in accordance with 14 CFR Part 212.

If renewal, date and citation of last action: New authority.

Applicant representative: John R. Mietus, Jr., 202-861-6466 DOT analyst: Allen F. Brown, 202-366-2405

Responsive pleadings: None.

DISPOSITION

Action: Approved

Action date: April 3, 2004

Effective dates of authority granted: April 3, 2004, through April 3, 2005

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

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions. Also, the applicant may carry Third and Fourth Freedom charter traffic without prior Department approval. Other charter operations to/from the United States conducted under this authority, however, are subject to prior approval under 14 CFR Part 212.

Remarks: On April 3, 2004, we granted the applicant's request to conduct its proposed operations, and confirm that action here. In taking that action, we found, based on this application and on the evidence that the applicant submitted in its application for a foreign air carrier permit filed on March 10, 2004, in Docket OST-2004-17315, and supplemented April 1, 2004, that the applicant is operationally and financially qualified to conduct its proposed operations and is substantially owned and effectively controlled by citizens of its homeland. Also, the FAA advised us that it knows of no reason to withhold this authority.

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 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*