



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

Issued by the Department of Transportation on September 30, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-97-2676

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: **Aviateca, S.A.**

Date Filed: September 2, 1999

Relief requested: Exemption from 49 U.S.C. § 41301 to (1) engage in scheduled foreign air transportation of persons, property and mail from points behind Guatemala via Guatemala and intermediate points to a point or points in the United States and beyond; (2) engage in scheduled foreign air transportation of property and mail between the United States and any point or points; and (3) conduct charter foreign air transportation pursuant to the Air Transport Agreement between the United States and Guatemala; and other charters subject to Part 212 of our rules.

If renewal, date and citation of last action: Notice of Action Taken, dated November 4, 1997, in this docket

Applicant representative: John R. Brimsek (202) 296-8000

Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: September 30, 1999

Effective dates of authority granted: September 30, 1999-September 30, 2001

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

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

X Foreign Air Carrier Permit (Order 90-8-58)

Special conditions/Partial grant/Denial basis/Remarks: The authority granted above is subject to the conditions set forth in the Notice of Action Taken, dated November 4, 1997, in this docket, including limitations on expanded operations by Aviateca using its own aircraft and crews.

**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) immediate action was required and 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 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*