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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on April 6, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-2001-9320 – 2

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 **North American Airlines, Inc.** filed **4/2/01** for:

XX Exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail from any points behind the United States, via the United States, and intermediate points, to a point or points in the Dominican Republic and beyond.[1]

Applicant rep: **David M. Kirstein (202) 861-1756** DOT Analyst: **Sylvia Moore (202) 366-6519**

DISPOSITION

XX **Granted in part** (subject to conditions, see below)
XX **Balance dismissed** (see remarks below)

The above action was effective when taken: **April 6, 2001,** through **April 6, 2003,** or until 90 days after final Department action on North American's corresponding certificate application in Docket OST-2001-9319, whichever occur earlier.

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

XX **The authority granted to serve Santo Domingo and Puerto Plata is consistent with the aviation agreement between the United States and the Dominican Republic. Authority to serve other points is consistent with the overall state of aviation relations between the United States and the Dominican Republic.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX **Holder's certificates of public convenience and necessity**
XX **Standard exemption conditions (attached)**

Conditions: The authority granted to serve intermediate and beyond points is limited to countries with which the United States has signed open-skies agreements and/or countries for which North American holds authority to serve under certificates and exemptions issued by the Department, and for which it holds route integration authority by virtue of either the present action or other action of the Department.

(See Reverse Side)

[1] Initially, North American will operate this service between New York (JFK) and Santo Domingo.

Remarks: We dismissed North American's application to the extent that it requests authority from points behind the United States. The authority to conduct operations from points behind the United States is inherent in the authority that we award U.S. carriers to perform foreign air transportation.

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

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) grant of the exemption 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 or 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

APPENDIX

U.S. CARRIER
Standard Exemption Conditions

In the conduct of operations authorized by the attached notice, the applicant(s) shall:

(1) Hold at all times effective operating authority from the government of each country served;

(2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);

(3) Comply with the requirements for reporting data contained in 14 CFR 241;

(4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;

(5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;

(6) Comply with the applicable requirements of the Federal Aviation Administration Regulations, including all FAA requirements concerning security; and

(7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.