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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 27, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST 1995-379 - 19

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: TRANSPORTES AEROMAR, S.A. de C.V.

Date Filed: July 22, 2002

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to continue to conduct, using small equipment (see below), the following operations – A) scheduled, combination services between: 1) the Mexican coterminal points Guadalajara, Manzanillo and San Luis Potosi, Mexico, and the U.S. terminal point San Antonio, Texas; and 2) Mexico City, Mexico, and Laredo, Texas; and B) charter operations, carrying passengers and/or cargo, between Mexico and the United States, and other charters in accordance with 14 CFR Part 212.

If renewal, date and citation of last action: August 6, 2001, in this Docket.

Applicant representative(s): Herbert A. Rosenthal, 202-785-9773

Responsive pleadings: None

DISPOSITION

Action: Approved

Action date: August 27, 2002

Effective dates of authority granted: August 27, 2002, through August 27, 2003

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

Conditions: Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations of our standard exemption conditions. In the conduct of these operations, Aeromar must adhere to all applicable provisions of the U.S.-Mexico Agreement, and may only use aircraft capable of carrying no more than 60 passengers and having a maximum payload capacity of no more than 18,000 pounds (small equipment). The above grant includes authority to conduct Third and Fourth Freedom charter operations. While we have subjected, consistent with the provisions of the Agreement, Mexican carriers conducting charter operations with large aircraft to prior approval or submission of notice for their Third and Fourth Freedom charters, we determined that any such requirement was not necessary on public interest grounds in this case, since Aeromar will be conducting these operations solely with small aircraft. Other charter operations to/from the United States under this authority, however, are subject to prior approval under 14 CFR Part 212.

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.

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http://dms.dot.gov/reports/reports_aviation.asp*