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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 June 27, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST 99-6322-4

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: XABRE AEROLINEAS, S.A. de C.V. Date Filed: May 29, 2001

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to continue to conduct passenger charter operations between Mexico and the United States, and other passenger charter operations in accordance with 14 CFR Part 212, using small equipment.

If renewal, date and citation of last action: May 31, 2000; in this Docket.
Applicant representative(s): Irwin P. Altschuler and Stephanie J. Kim, 202-463-4300
Responsive pleadings: None.

DISPOSITION

Action: Approved. Action date: June 27, 2001

Effective dates of authority granted: June 27, 2001, through June 27, 2002.

Basis for approval (bilateral agreement/reciprocity): United States-Mexico Air Transport Services Agreement of August 15, 1960, as amended and extended (Agreement).
Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

X Standard exemption conditions.

Special conditions/Partial grant/Denial basis/Remarks: In the conduct of these operations, the carrier must adhere to all applicable provisions of the U.S.-Mexico Agreement. In the conduct of these operations, the carrier 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 of their Third and Fourth Freedom charters (see Order 92-2-7 at 5), we determined that a Third/Fourth Freedom prior-approval requirement was not necessary on public interest grounds in the case of this carrier, since it 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.) Further, we are continuing to allow Mexican carriers conducting passenger charters using small equipment to make stopovers in the United States in the conduct of such operations.

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 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.

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