

Served: February 12, 1998



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

Issued by the Department of Transportation
on the 6th day of February, 1998

Applications of

ABACO AIR LTD.	OST-96-1387
AEROLINEAS URUGUAYAS, S.A.	OST-97-3016
AIR ATLANTIC DOMINICANA, C. POR A.	OST-96-1863
AIR TINDI LTD.	OST-96-1856*
ANTONOV DESIGN BUREAU	OST-96-1454
HAITI AVIATION, S.A. D/B/A AIR D'AYITI	OST-97-2999*
HAITI NATIONAL AIRLINES	OST-95-758*
LINEAS AEREAS PARAGUAYAS (TRANSPORTES AEREOS DEL MERCOSUR ANONIMA "TAM-MERCOSUR")	OST-97-2422*
SINGAPORE AIRLINES LIMITED	OST-97-3038
SPANAIR, S.A.	OST-97-2950
TAINO AIR LINES, S.A.	OST-97-2796*
WESTERN EXPRESS AIR LINES INC.	OST-97-2122

for exemptions or authorities under 49 U.S.C. § 40109 and
the orders and regulations of the Department of Transportation

ORDER

The foreign air carriers referenced in the attached Notices of Action Taken have applied for various forms of authority or relief from Title 49 of the U.S. Code or regulations or orders of the Department in order to perform the air transportation

*/ The referenced Notices contain minor editorial or technical changes from the Notices originally issued. Any changes that we may have made are non-substantive in nature and do not affect the authority described in the original Notice in question. To the extent that, following the issuance of a confirmation order, parties or other persons have need to rely on the content of a Notice of Action Taken, they should regard the language in the Notice attached to the order, rather than the language of the original Notice, as the language that the Department is in fact confirming.

activities shown in the attached Notices of Action Taken. Except as noted, no answers were filed to these requests. Because of the imminence of these operations, we approved them by telephone, subject to adherence, by each applicant, to the conditions set forth in its foreign air carrier permit, and/or conditions attached. We carefully considered the information set forth in each application described in the attached Notices of Action Taken, and we found that each of the proposed operations was consistent with the public interest and was consistent with an applicable bilateral aviation agreement and/or our aviation relationship with the applicant's homeland, that each applicant was qualified to perform its proposed operations, and that each application should be approved.

For applicant carriers seeking initial operating authority, we determined, based on the record in those proceedings, that those carriers were financially and operationally qualified to conduct the services they proposed, and, unless otherwise noted, that they were substantially owned and effectively controlled by citizens of their respective homelands.

Under authority assigned by the Department in its Regulations, 14 CFR Part 385, we found that for each operation (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption or authority was consistent with the public interest; and (3) grant of this authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.

ACCORDINGLY,

1. We confirm the actions described in the attached Notices of Action Taken, which granted the referenced foreign air carriers (1) exemptions from the provisions of sections 41301, and where necessary 41504, and/or other sections of Title 49 of the U.S. Code; and/or (2) relief or authorizations provided for under regulations or orders of the Department, to the applicants to perform the operations described in the attached Notices of Action Taken;
2. In the conduct of the service, each applicant was to adhere to the conditions set forth in Appendix A, and to any other conditions as noted in the attached Notices of Action Taken;

3. To the extent not granted, or explicitly deferred as noted in the attached Notices of Action Taken, these applications are denied; and
4. We may amend, modify, or revoke this order at any time without hearing.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within ten (10) days after the date of service of this order. The filing of a petition for review of a particular action shall affect this order only as it concerns that action.

These actions were effective when taken, and the filing of a petition for review will not alter their effectiveness.

By:

PAUL L. GRETCH
Director
Office of International Aviation

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov/general/orders/aviation.html>*

CONDITIONS OF AUTHORITY

In the conduct of the operations authorized, the holder shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
- (2) Comply with all applicable requirements of the Federal Aviation Administration, including, but not limited to, 14 CFR Parts 129, 91, and 36;
- (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Federal Aviation Administration's Program Management Branch (AFS-260), Flight Standards Service (any changes to, or termination of, insurance also shall be filed with that office);
- (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
- (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
- (6) Comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are:
 - (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or
 - (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States.

In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;

- (8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;
- (9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;
- (10) If charter operations are authorized, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and
- (11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code (formerly the Federal Aviation Act of 1958, as amended).



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-96-1387

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Abaco Air Ltd.**

Date Filed: July 29, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct charter foreign air transportation of persons, property and mail between the Bahamas and Florida.

If renewal, date and citation of last action: September 6, 1996. See Notice of Action Taken, Docket OST-96-1387

Applicant representative: Denise D Kelly (242) 367-2266

Responsive pleadings: None filed

DISPOSITION

Action: **Approved**

Action date: January 7, 1998

Effective dates of authority granted: January 7, 1998-January 7, 1999

Basis for approval (bilateral agreement/reciprocity): Reciprocity with the Bahamas

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

Special conditions/Partial grant/Denial basis/Remarks:

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
Transportation**
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NOTICE OF ACTION TAKEN

DOCKET OST-97-3016

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Aerolineas Uruguayas, S.A.** Date Filed: October 15, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct charter foreign air transportation of property and mail between Uruguay and the United States; and other all-cargo charters subject to Part 212 of our rules. The applicant would conduct these services only by wet leasing aircraft from a duly authorized and properly supervised U.S. or foreign air carrier.

If renewal, date and citation of last action: June 19, 1995, confirmed by Order 95-7-26

Applicant representative: Ana Maria Escagedo (305) 373-6600

Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: December 4, 1997

Effective dates of authority granted: December 4, 1997-December 4, 1998

Basis for approval (bilateral agreement/reciprocity): Reciprocity with Uruguay

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

Special conditions/Partial grant/Denial basis/Remarks: Aerolineas Uruguayas may not conduct U.S. operations with its own aircraft and crews without further order of the Department.1/

(over)

1/ Uruguay is currently a Category 3 country under the FAA's International Aviation Safety Assessment Program (IASA).

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
Transportation**
Office of the Secretary
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NOTICE OF ACTION TAKEN

DOCKET OST-96-1863

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Air Atlantic Dominicana, C. por A.** Date Filed: October 15, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to engage in scheduled foreign air transportation of persons, property and mail between Santo Domingo, Dominican Republic, and the coterminal points San Juan, Puerto Rico; Miami, Florida; and New York, New York; and charters subject to the Department's rules. The applicant would conduct these services only by wet leasing aircraft from a duly authorized and properly supervised U.S. or foreign air carrier.

If renewal, date and citation of last action: November 21, 1996, confirmed by Order 96-12-37

Applicant representative: Pierre Murphy (202) 872-1679

Responsive Pleadings: None filed

DISPOSITION

Action: Approved

Action date: December 11, 1997

Basis for approval (bilateral agreement/reciprocity): July 22, 1986 bilateral aviation agreement between the United States and Dominican Republic (in force provisionally).

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

Special conditions/Partial grant/Denial basis/Remarks: Air Atlantic Dominicana may not conduct U.S. operations with its own aircraft and crews without further order of the Department.^{1/}

(over)

^{1/} The Dominican Republic is currently a Category 3 country under the FAA's International Aviation Safety Assessment Program (IASA).

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
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NOTICE OF ACTION TAKEN

DOCKET OST-96-1856

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Air Tindi Ltd.**

Date Filed: October 7, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct charter foreign air transportation of persons, property and mail between Canada and the United States; and other charters in accordance with Part 212 of the Department's rules.

If renewal, date and citation of last action: October 28, 1996. See Notice of Action Taken, Docket OST-96-1856

Applicant representative: Jeffrey A. Manley (202) 637-9057

Responsive pleadings: None filed

DISPOSITION

Action: Approved in part/dismissed in part Action date: January 7, 1998
(Air Tindi requested that the authority be granted for a period of two years. However, as is our usual practice in conferring exemption authority in the circumstances presented, we are limiting the term of the authority to one year. Air Tindi may seek renewal of this authority in accordance with the Department's regulations.)

Effective dates of authority granted: January 7, 1998-January 7, 1999

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

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

Special conditions/Partial grant/Denial basis/Remarks:

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
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NOTICE OF ACTION TAKEN

DOCKET OST-96-1454

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: September 26, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct charter foreign air transportation of property and mail between Ukraine and the United States; and to perform other all-cargo charters in accordance with Part 212 of the Department's rules, for a period of two years.

If renewal, date and citation of last action: September 27, 1996, confirmed by Order 96-10-17

Applicant representative: Robert E. Cohn/Sheryl R. Israel (202) 663-8312

Responsive pleadings: None filed

DISPOSITION

Action: **Approved**

Action date: December 11, 1997

Effective dates of authority granted: December 11, 1997-December 11, 1998 1/

Basis for approval (bilateral agreement/reciprocity): May 10, 1995, Protocol amending the 1990 Air Transport Agreement between the United States and Ukraine.

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

(over)

1/ We note that Antonov Design Bureau sought authority for a two year period. However, as is our usual practice in conferring exemption authority in the circumstances presented, we are limiting the term of the authority to one year. Antonov may, of course, seek renewal of this authority in accordance with the Department's regulations.

Special conditions/Partial grant/Denial basis/Remarks: Under the authority granted above, charter operations will be subject to the prior approval requirements for such operations set forth in Order 93-5-37. The authority is also subject to the May 10, 1995, Protocol amending the Agreement.

Action taken by:

Paul L. Gretch, Director

Office of International Aviation

under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
Transportation**
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NOTICE OF ACTION TAKEN

DOCKET OST-97-2999

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Haiti Aviation, S.A. d/b/a Air D'ayiti** Date Filed: October 10, 1997, as amended October 17, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct scheduled foreign air transportation of persons, property and mail between Port au Prince, Haiti, and the coterminal points San Juan, Puerto Rico; Miami, Florida; and New York, New York; and charters subject to the Department's rules. The applicant would conduct these services only by wet leasing aircraft from a duly authorized and properly supervised U.S. or foreign air carrier.

If renewal, date and citation of last action: New
Applicant representative: Pierre Murphy (202) 872-1679
Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: November 5, 1997

Effective dates of authority granted: November 5, 1997-November 5, 1998

Basis for approval (bilateral agreement/reciprocity): Reciprocity with Haiti

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

Special conditions/Partial grant/Denial basis/Remarks: Based on the record in this case, we find that Haiti Aviation is financially and operationally qualified to perform the services authorized above. However, we are unable to find that Haiti Aviation is substantially owned and effectively controlled by Haitian nationals. Haiti Aviation states that it is owned 70% by two citizens of Haiti (Ms. Jhostia Fuertes and Mr. Gregory Mayard-Paul) and 30% by a citizen of Spain (Ms. Tamara Baussan). In spite

(over)

of the fact that we are unable to find that Haiti Aviation is substantially owned and effectively controlled by homeland nationals, we find it appropriate to waive our ownership and control requirements. The carrier is properly licensed by the Government of Haiti (Permit of Exploitation No. 01/97, dated May 7, 1997, as amended July 24, 1997) to perform the proposed services, and there is no evidence on the record which would suggest that the ownership of the carrier would be inimical to U.S. aviation policy or interests.

Haiti Aviation may not conduct U.S. operations with its own aircraft and crews without further order of the Department.1/

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)

1/ Haiti is currently a Category 3 country under the FAA's International Aviation Safety Assessment Program (IASA).



**U.S. Department of
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NOTICE OF ACTION TAKEN

DOCKET OST-95-758

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Haiti National Airlines**

Date Filed: October 23, 1995

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct scheduled foreign air transportation of persons, property and mail between Port-au-Prince, Haiti, and the terminal points Miami and Fort Lauderdale, Florida; New York, New York; and San Juan, Puerto Rico; and authority to perform charters subject to Part 212 of our rules. The applicant would conduct these services only by wet leasing aircraft from a duly authorized and properly supervised U.S. or foreign air carrier.

If renewal, date and citation of last action: November 18, 1994, confirmed by Order 95-1-3.

Applicant representative: Allan I. Mendelsohn (202) 626-6296

Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: September 25, 1997

Effective dates of authority granted: September 25, 1997-September 25, 1998

Basis for approval (bilateral agreement/reciprocity): Reciprocity with Haiti

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

Special conditions/Partial grant/Denial basis/Remarks: The authority granted above is limited to operations conducted under wet-lease arrangement with a duly authorized and properly supervised U.S. or foreign air carrier. Haiti National may not conduct U.S. operations with its own aircraft and crews without further order of the Department.1/

(over)

1/ Haiti is currently a Category 3 country under the FAA's International Aviation Safety Assessment Program (IASA).

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
Transportation**

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NOTICE OF ACTION TAKEN

DOCKET OST-97-2422

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Lineas Aereas Paraguayas**

Date Filed: April 30, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to the extent necessary to hold out its services under its new corporate name, Transportes Aereos del Mercosur Sociedad Anonima ("Tam-Mercosur"), pending amendment of its foreign air carrier permit (Order 78-10-150).*/ LAP further requests a waiver of our ownership and control requirements.

If renewal, date and citation of last action: New

Applicant representative: Robert P. Silverberg (202) 944-3300

Responsive pleadings: United Air Lines, Inc. urged us to defer action on LAP's request until the Government of Paraguay agreed to an accommodation under which a United/Varig, S.A. code share would be permitted to operate between Brazil and Paraguay. LAP filed a reply stating that it would not oppose a United/Varig code share arrangement. LAP's reply was accompanied by a motion to file an otherwise unauthorized document. We granted LAP's motion.

We subsequently requested that the Government of Paraguay provide us with a reciprocity statement on code sharing. By letter dated September 10, 1997, the Ambassador of Paraguay in the United States provided additional information in support of the pending requests of American and TAM-Mercosur. The Ambassador stated that the Government of Paraguay was prepared to (1) favorably consider a request by United Airlines to serve Asuncion via Sao Paulo in conjunction with Varig (subject to United's compliance with applicable licensing and other local requirements), and (2) enter into an exchange of notes with the United States which would recognize the right of airlines of both sides to enter into cooperative marketing arrangements, such as code-sharing, with an airline of a third-country subject to appropriate limitations.

(over)

*/ LAP proposes to commence U.S. services under a reciprocal code share with American Airlines, Inc. On October 10, 1996, as amended April 30, 1997, LAP/American filed a joint request for a Statement of Authorization under Part 212/207 to conduct a reciprocal code share in the Asuncion, Paraguay-Miami, Florida market. We disposed of that request in a separate Notice of Action Taken dated September 23, 1997.

DISPOSITION

Action: Approved

Action date: September 23, 1997

Effective dates of authority granted: September 23, 1997-September 23, 1998

Basis for approval (bilateral agreement/reciprocity): Comity and reciprocity with Paraguay

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: TAM-Mercosur's (formerly Lineas Aereas Paraguayas') foreign air carrier permit (Order 78-10-150).

Special conditions/Partial grant/Denial basis/Remarks:

1) Ownership and Control: TAM-Mercosur states that it is a Paraguayan corporation, owned 20% by the Government of Paraguay; 41% by Trans America Linea Aerea, S.A. (a Paraguayan company of which the majority ownership is Paraguayan) and 39% by Taxi Aereo Marilia, S.A., a Brazilian company. (Taxi Aereo Marilia is affiliated with TAM-Transportes Aereos Meridionais, S.A., a foreign air carrier of Brazil.) While citizens and the Government of Paraguay continue to maintain a significant interest in TAM-Mercosur, we were unable to find, based on the record in this case, that TAM-Mercosur is substantially owned and effectively controlled by homeland nationals. However, in this instance, we found it appropriate to waive our ownership and control requirements. The carrier is properly licensed and designated by the Government of Paraguay to perform the proposed services, and there is no evidence on the record which would suggest that the ownership of the carrier would be inimical to U.S. aviation policy or interests.

2) With respect to United's comments, we concluded that the September 10 letter from the Ambassador of Paraguay addressed the issue of reciprocity in a manner that supported our proceeding on the application.

3) Paraguay is currently a Category 3 country under the FAA's IASA Program, and foreign air carriers of Paraguay are not permitted to serve the United States with their own aircraft and crews. In the event that Paraguay is reclassified as a Category 1 country under IASA, and TAM-Mercosur should then wish to operate its own aircraft and crews under the authority authorized above, it must first apply for and receive appropriate authority from the Department to conduct such services in its own right.

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-97-3038

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Singapore Airlines Limited**

Date Filed: October 22, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct (a) scheduled foreign air transportation of persons, property and mail from points behind Singapore via Singapore and intermediate points to a point or points in the United States and beyond; (b) scheduled foreign air transportation of property and mail between the United States and any point or points; and (c) charter trips in foreign air transportation, subject to the terms, conditions, and limitations of the Department's regulations governing charters.^{1/}

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

Applicant representative: Morris R. Garfinkle (202) 342-5200

Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: November 18, 1997

Effective dates of authority granted: November 18, 1997-November 18, 1999

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

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Singapore Airlines' foreign air carrier permit (Order 92-6-35)

(over)

^{1/} In the conduct of charter operations authorized above, the holder may, without prior Department approval, carry charter traffic between the United States and a third country point, provided that such charter traffic is carried on a flight that serves Singapore for purposes of carrying traffic between the United States and Singapore.

Special conditions/Partial grant/Denial basis/Remarks:

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
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NOTICE OF ACTION TAKEN

DOCKET OST-97-2950

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Spanair, S.A.**

Date Filed: September 30, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to engage in scheduled foreign air transportation of persons, property and mail between Madrid, Spain, and Washington, D.C. (Dulles).

If renewal, date and citation of last action: New authority
Applicant representative: Joel T. Camche (212) 980-3773
Pleadings: None filed

DISPOSITION

Action: Approved Action date: October 8, 1997
(We acted on Spanair's request without awaiting expiration of the prescribed answer period with the consent of all parties served)

Effective dates of authority granted: October 8, 1997-October 8, 1998

Basis for approval (bilateral agreement/reciprocity): U.S.-Spain bilateral agreement

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Foreign Air Carrier Permit (Order 95-1-33)

Special conditions/Partial grant/Denial basis/Remarks:

Action taken by:
Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-97-2796

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Taino Air Lines, S.A.** Date Filed: August 12, 1997

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct scheduled foreign air transportation of property and mail between Santo Domingo, Dominican Republic, and the coterminal points Miami, Florida; New York, New York; and San Juan and Aguadilla, Puerto Rico.

If renewal, date and citation of last action: September 27, 1996, confirmed by Order 96-10-17
Applicant representative: William C. Buckhold (202) 467-5900
Responsive Pleadings: None filed

DISPOSITION

Action: Approved Action date: September 10, 1997

Effective dates of authority granted: September 10, 1997-September 10, 1998

Basis for approval (bilateral agreement/reciprocity): Bilateral aviation agreement between the United States and the Dominican Republic (in force provisionally)

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

Special conditions/Partial grant/Denial basis/Remarks: The authority granted above is limited to services performed by wet lease with a duly authorized and properly supervised U.S. or foreign air carrier. Taino Air Lines may not conduct U.S. operations with its own aircraft and crews without further order of the Department.^{1/}

(over)

^{1/} The Dominican Republic is currently a Category 3 country under the FAA's International Aviation Safety Assessment Program (IASA).

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-97-2122

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Western Express Air Lines Inc.**

Date Filed: January 13, 1998

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct charter foreign air transportation of property and mail between Canada and the United States; and other all-cargo charters in accordance with Part 212 of the Department's rules.

If renewal, date and citation of last action: January 22, 1997. See Notice of Action Taken, Docket OST-97-2122

Applicant representative: David J. Oliver (604) 273-1500

Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: January 29, 1998

Effective dates of authority granted: January 29, 1998-January 29, 1999

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

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

Special conditions/Partial grant/Denial basis/Remarks:

Action taken by:

Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)