



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-98-4264

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 decisional document will be issued as soon as possible.

Applicant: PACIFIC INTERNATIONAL AIRLINES, S.A.

Date Filed: July 30, 1998

Relief requested: Exemption from 49 USC section 41301 to permit the applicant, a carrier of Panama, to conduct the following all-cargo operations, for a period of two years: 1) scheduled services between the United States and any point or points; and 2) charter trips between the United States and any point or points, subject to the terms, conditions and limitations of the Department's regulations governing charters.

If renewal, date and citation of last action: Our action here would continue the scheduled authority last granted by NOAT issued March 25, 1997, in Docket OST-97-2232 (confirmed by Order 97-4-9), and the underlying charter authority last granted by NOAT issued June 29, 1998, in Docket OST-97-3805, and would expand that authority to conduct scheduled and charter operations, consistent with the current United States-Panama Air Transport Agreement, as amended.

Applicant representative(s): Robert D. Papkin and Charles F. Donley II, 202-626-6601

Responsive pleadings: None.

DISPOSITION

Action: Approved.

Action date: August 27, 1998

Effective dates of authority granted: August 27, 1998, through August 27, 2000.

Basis for approval: United States-Panama Air Transport Agreement, as amended (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: We determined, taking into account the terms of the Agreement, that it is in the public interest to grant Pacific International a waiver under 14 CFR 212.12 */ from the requirement of 14 CFR 212.9 (b)(1) **/ that the carrier obtain our prior approval before operating any Fifth-Freedom cargo charter(s). Further, in addition to the standard exemption conditions, the authority granted above is subject to the terms, limitations and conditions of the Agreement.

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

*/ 63 Fed. Reg. 28,225 (May 22, 1998) at 28,241.

**/ 63 Fed. Reg. 28,225 (May 22, 1998) at 28,239.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and 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.

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