



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

Issued by the Department of Transportation on March 28, 2002

**NOTICE OF ACTION TAKEN -- DOCKET OST 2002-11802 - 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 PAN AMERICAN AIRWAYS CORP. filed 3/7/2002 for:

**XX** Exemption for two years under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between points in the United States, on the one hand, and points in the Dominican Republic, on the other hand.<sup>1</sup>**

Applicant rep: Nathaniel P. Breed, Jr. (202) 663-8078 DOT Analyst: Linda L. Lundell (202) 366-2336

**DISPOSITION**

**XX** Granted (See Remarks)

The above action was effective when taken: March 28, 2002, through March 28, 2004.

**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)

**Remarks:** Pan American Airways Corp. has previously been found to be a citizen of the United States and fit, willing and able to provide scheduled interstate air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. (see Orders 99-8-15 and 99-9-8). The foreign air transportation services authorized here are not markedly different in terms of aircraft size or stage length from the carrier's current scheduled interstate operations under its existing certificate authority. We, therefore, found that Pan American Airways Corp. is qualified to provide the proposed air transportation services for the two-year period covered by the exemption.

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, 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.

*An electronic version of this document is available on the World Wide Web at:  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

<sup>1</sup> Initially, Pan American will serve Portsmouth NH, Newark NJ, Miami FL, and San Juan, PR, in the US and Santo Domingo, Santiago, Puerto Plata, and Punta Cana, in the Dominican Republic.

**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 Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations and with all U.S. Government 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.