



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

Issued by the Department of Transportation on April 15, 2003

**NOTICE OF ACTION TAKEN – DOCKET OST 2003-14801**

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: GESTAIR, S.A.

Date Filed: March 25, 2003

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct, using small equipment (see below), charter operations, carrying persons, property and mail, between Spain and the United States, and other charters in accordance with 14 CFR Part 212.

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

Applicant representative(s): Lee A. Bauer, 202-331-3300

DOT analyst: Allen F. Brown, 202-366-2405

Responsive pleadings: None

**DISPOSITION**

Action: Approved.

Action date: April 15, 2003

Effective dates of authority granted: April 15, 2003, through April 15, 2004

Basis for approval: Reciprocity with Spain.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions and the equipment-size and prior-approval conditions detailed below.

Special Conditions/Remarks: We found that GESTAIR, S.A., is operationally and financially qualified to conduct its proposed operations and is substantially owned and effectively controlled by citizens of its homeland. Also, the FAA advised us that it knows of no reason to withhold this authority.

In the conduct of these operations, GESTAIR may only use aircraft designed to have a maximum passenger capacity of not more than 60 seats and a maximum payload capacity of not more than 18,000 pounds (small equipment). The above grant includes authority to conduct Third and Fourth Freedom charters, without prior approval. Other charter operations to and/or 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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