



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

Issued by the Department of Transportation on May 10, 2003

**NOTICE OF ACTION TAKEN -- DOCKET OST 2003-14679**

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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: HMY AIRWAYS INC.

Date Filed: April 16, 2004

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to continue to conduct: 1) scheduled, combination services between any point or points in Canada and any point or points in the United States; and 2) charter operations, carrying persons, property and mail, between Canada and the United States, and other charters in accordance with 14 CFR Part 212. (The applicant requests amendment of its authority to conduct scheduled services in the subject Docket by addition of its charter authority issued by the Department in Docket OST 2002-13576.)

Applicant representative: Gary B. Garofalo, 202-776-3970      DOT analyst: Allen F. Brown, 202-366-2405

If renewal, date of last action: The authority to conduct scheduled services was last granted April 23, 2003, in this Docket, and the authority to conduct charters was last granted November 28, 2003, in Docket OST 2002-13576.

Responsive pleadings: None.

**DISPOSITION**

Action: Approved.

Action date: May 10, 2004

Effective dates of authority granted: May 10, 2004, through May 10, 2005.

Basis for approval (bilateral agreement/reciprocity): United States-Canada Air Transport Agreement (Agreement)

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

Special conditions/Remarks: The applicant may carry Third and Fourth Freedom charter traffic without prior Department approval. Other charter operations to/from the United States conducted 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**

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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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[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*