



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

Issued by the Department of Transportation on June 2, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST-96-2022

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).

Request of **Challenge Air Cargo, Inc.** filed **5/26/98** in Docket **OST-96-2022** for:

XX Allocation of U.S.-Brazil all-cargo frequencies

By Order 97-2-20, the Department awarded Challenge Air Cargo frequencies for U.S.-Brazil all-cargo services. Under the provisions of that order, any unused frequencies would revert automatically to the Department if they were dormant for a period of 90 days. Challenge stated that 0.5 wide-body frequency (1 narrow-body frequency) reverted to the Department by virtue of the dormancy provision, but that it now has firm plans to begin operating an additional narrow-body scheduled all-cargo frequency in the U.S. Brazil market and, therefore, seeks reinstatement of the reverted frequency. Challenge stated that it plans to begin the new service on June 6, 1998, and requested that the Department take final action on its request no later than June 4, 1998.

Applicant rep: **William H. Callaway, Jr. (202) 298-8660** DOT Analyst: **Linda Senese (202) 366-2367**

DISPOSITION

XX **Granted**

The above action was effective when taken: **June 2, 1998**. The frequency allocation will remain in effect provided that Challenge continues to hold the underlying authority to operate scheduled U.S.-Brazil all-cargo service.

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

XX **The authority granted is consistent with the aviation agreement between the United States and Brazil.**

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

XX **Holder's certificate of public convenience and necessity**

Conditions: Consistent with our standard practice, the frequency allocation granted is subject to the condition that the frequency will revert automatically to the Department if it is not used for a period of 90 days.

Remarks: We acted on this application without awaiting expiration of the seven-business-day answer period with the consent of all parties served with the application.

Under the authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action on the application was required and was consistent with Department policy; (2) grant of the 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 other 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 issuance date 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>*