

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Issued by the Department of Transportation on July 30, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-97-2939

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 **Polar Air Cargo, Inc.** filed **3/16/99** for:

XX Waiver from dormancy condition:

By Order 98-1-16 the Department granted Polar Air Cargo exemption authority to provide scheduled all-cargo service in the U.S.-South Africa market and allocated it three weekly all-cargo frequencies for this service. That award was subject to the condition that the frequency allocation will expire automatically and the frequencies will revert to the Department for reallocation if they are not used for a period of 90 days. Under the terms of the order, Polar's frequency allocation would expire July 14, 1998. On July 13 and October 9, 1998, the Department granted Polar waivers from the dormancy condition. Under the terms of the October 9, 1998 waiver Polar's frequency allocation was to expire on April 12, 1999. On March 16 Polar sought a waiver from the 90-day dormancy condition for its third frequency so that the 90-day dormancy period would not begin until October 12, 1999.* Polar stated that certain restrictions for operations via Nairobi and Harare had hampered further development of Polar's service to support three weekly frequencies. No objections were filed to Polar's request, and the Department orally granted Polar the waiver.

Applicant rep.: **Jeffrey A. Manley, 202-879-5161** DOT analyst: **Sylvia Moore, 202-366-6519**

DISPOSITION

XX **Granted**

The above action was effective when taken: **April 8, 1999**, until **October 12, 1999**¹

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

(See Reverse Side)

*Polar was using the other two of its three allocated frequencies.

¹ Polar's waiver from the dormancy condition is effective until October 12, 1999, or until the date on which Polar begins service with its third frequency, whichever occurs earlier. Once the waiver ceases to be effective, the 90-day dormancy condition applies from that point forward.

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; and (2) grant of the waiver was consistent with the public interest. 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 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/reports/reports_aviation.asp*