



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

Issued by the Department of Transportation on January 7, 2000

**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 **12/21/99** 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. On April 8 1999, the Department granted Polar a waiver from the dormancy condition for one of its three frequencies until October 12, 1999. Under the terms of that waiver, Polar's frequency would become dormant and revert to the Department on January 10, 2000. Polar seeks a further waiver from the 90-day dormancy condition for this one frequency so that the 90-day dormancy period would not begin until January 10, 2001.<sup>1</sup> Polar states that certain restrictions for operations via Nairobi and Harare had hampered further development of Polar's service.

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

**XX Granted**

**DISPOSITION**

The waiver from the dormancy condition was effective when taken: **January 7, 2000**, until **January 10, 2001**<sup>2</sup>

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

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**

(See Reverse Side)

<sup>1</sup> Polar was previously granted a waiver of the dormancy condition with respect to its other two South Africa frequencies. (See Notice of Action Taken dated September 10, 1999.)

<sup>2</sup> Polar's waiver from the dormancy condition, with respect to the one frequency at issue, is effective until January 10, 2001, or until the date on which Polar resumes service with that 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 no granted, we denied all requests in the references 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.

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