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

Issued by the Department of Transportation on April 12, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-97-2939 - 18

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 3/9/01 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 would expire automatically and the frequencies would revert to the Department for reallocation if they are not used for a period of 90 days. Since July 1998, the Department has granted Polar various waivers of the dormancy conditions with respect to some or all of these frequencies. The latest extensions were granted on January 7 and March 10, 2000. Under the terms of the waivers, unless Polar began its South Africa services these three frequencies would become dormant and revert to the Department on April 11, 2001. Polar now seeks a further waiver from the 90-day dormancy condition for its three frequencies until January 10, 2002. Polar states that certain restrictions for operations via Nairobi and Harare have hampered further development of Polar's service and that Polar has explored alternative patterns of service on a variety of routings for its operations. In order to remain positioned to re-enter the market when such plans are finalized, Polar seeks the requested extension of its dormancy waiver.

Applicant rep.: Jeffrey A. Manley, 202-663-6670 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX Granted (See remarks)

The waiver from the dormancy condition was effective when taken: April 10, 2001, until January 10, 2002¹

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

Remarks: The Department has granted Polar waivers of the dormancy condition since July 1998, and we have granted a further extension here given Polar's representation of its efforts to re-enter the market. We note, however, that the South Africa rights at issue are limited. We thus advise Polar that in the absence of countervailing circumstances, we may no longer continue to find that the public interest warrants a further extension of this dormancy waiver should Polar not make use of the frequencies at issue.

(See Reverse Side)

¹ Polar's waiver from the dormancy condition, with respect to each of the three frequencies at issue, is effective until January 10, 2002. If Polar does not begin service by January 10, 2002, its frequency allocation expires automatically. The 90-day dormancy period will begin on the date Polar begins service.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action 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.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*