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

132369

Issued by the Department of Transportation on June 12, 2001

**NOTICE OF ACTION TAKEN DISMISSING APPLICATIONS -- VARIOUS DOCKETS**

This serves as notice to the public of the actions described below, taken on the date shown above by the Department official indicated (no additional confirming order will be issued in these matters).

The carriers listed below have applied for various forms of authority or relief under Title 49 of the United States Code in order to perform the air transportation activities described. Each application has either been withdrawn by the applicant or otherwise become moot. Therefore, we find that these applications should be dismissed, under authority assigned by the Department in its Regulations, 14 CFR §385.3 and §385.13.

<u>Docket</u>	<u>Description of Application</u>
OST-97-2848-7	<b>Arrow Air, Inc.</b> , filed August 25, 1997. Contingent application for allocation of two weekly U.S.-Argentina all-cargo frequencies. Since the filing of the application, the United States and Argentina have implemented an open-skies regime for all-cargo services, thereby removing the need for any allocation of frequencies. The referenced application is therefore moot. Order 97-11-35 consolidated the application in this docket into the <i>1997 U.S.-Argentina All-Cargo Frequency Proceeding</i> , Docket OST-97-3139. That proceeding was terminated by Notice dated June 7, 2001.
OST-97-2594-8	<b>Federal Express Corporation</b> , filed June 9, 1997. Contingent application for reallocation of two weekly U.S.-Argentina all-cargo operating frequencies from Challenge Air Cargo, Inc. Since the filing of the application, the United States and Argentina have implemented an open-skies regime for all-cargo services, thereby removing the need for any allocation of frequencies. The referenced application is therefore moot. Order 97-11-35 consolidated the application in this docket into the <i>1997 U.S.-Argentina All-Cargo Frequency Proceeding</i> , Docket OST-97-3139. That proceeding was terminated by Notice dated June 7, 2001.
OST-97-2855-9-	<b>Southern Air Transport, Inc.</b> , filed August 25, 1997. Exemption pursuant to 49 USC §40109 to provide scheduled all-cargo service between Miami, Florida, on the one hand, the Buenos Aires, Argentina, on the other hand, and to integrate Buenos Aires services with services that Southern Air Transport is authorized to provide pursuant to other exemption and certificate authorities, consistent with applicable international agreements, and allocation of four narrow-body weekly frequencies. Southern Air Transport, Inc., has ceased operations and is no longer an authorized air carrier. (See Order 99-11-17.) Moreover, since the filing of the application, the United States and Argentina have implemented an open-skies regime for all-cargo services, thereby removing the need for any allocation of frequencies. The referenced application is therefore moot. Order 97-11-35 consolidated the application in this docket into the <i>1997 U.S.-Argentina All-Cargo Frequency Proceeding</i> , Docket OST-97-3139. That proceeding was terminated by Notice dated June 7, 2001.
OST-96-1042-7	<b>Challenge Air Cargo, Inc.</b> , filed January 30, 1996. Renewal of two frequencies for U.S.-Argentina service and renewal of exemption pursuant to 49 USC §40109 to provide scheduled foreign air transportation of property and mail between Miami, Florida, and Buenos Aires, Argentina and to integrate this authority with its authority to serve Panama, Brazil, and Venezuela. By Notice of Action Taken, dated February 25, 1997, the Department granted the requested renewal of one frequency and the requested exemption authority. Action on renewal of one frequency was deferred, and Order 97-11-35 consolidated renewal of the deferred frequency into the <i>1997 U.S.-Argentina All-Cargo Frequency Proceeding</i> , Docket 97-3139.

Since the filing of the application and institution of the frequency proceeding, the United States and Argentina have implemented an open-skies regime for all-cargo services, thereby removing the need for any allocation of frequencies. The deferred portion of the docket is therefore moot. The Department terminated the proceeding in Docket OST-97-3139 by Notice dated June 7, 2001. Furthermore, we note that Challenge's Latin American operations have been assumed by United Parcel Service Co. which already holds authority to serve Argentina. (See Order 2000-6-7.)

- OST-97-2852-8**     **Fine Airlines, Inc.**, filed August 25, 1997. Allocation of four U.S.-Argentina all-cargo frequencies and exemption and route integration authority to conduct U.S.-Argentina all-cargo services. Fine Airlines, Inc. and Arrow Air, Inc. have merged operations, and Arrow Air already holds authority to serve Argentina (Order 2000-5-8). Moreover, since the filing of the application, the United States and Argentina have implemented an open-skies regime for all-cargo services, thereby removing the need for any allocation of frequencies. In these circumstances, the referenced application is moot.
- OST-97-2578-10**     **Polar Air Cargo, Inc.**, filed June 2, 1997. Reallocation of two weekly U.S.-Argentina narrow-body all-cargo frequencies, originally awarded to Challenge Air Cargo, Inc. Since the filing of the application, the United States and Argentina have agreed to an open-skies regime for all-cargo services, thereby removing the need for any allocation of frequencies. The referenced application is therefore moot. Order 97-11-35 consolidated this application into the *1997 U.S.-Argentina All-Cargo Frequency Proceeding*, Docket OST-97-3139. That proceeding was terminated by Notice dated June 7, 2001.

**Actions taken by:**

**Paul L. Gretch, Director  
Office of International Aviation**

Persons entitled to petition the Department for review of the actions 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. The actions set forth in this Notice shall be effective and become the actions of the Department of Transportation upon expiration of the above period unless within such period a petition for Department review is filed or the Department gives notice that it will review one or more actions on its own motion. The filing of a petition for review with respect to one of the dismissed items will not alter the effectiveness of this Notice with respect to the others.

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