



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

Issued by the Department of Transportation on November 7, 2002

NOTICE OF ACTION TAKEN --DOCKET OST-2002-11985

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 Atlas Air, Inc. filed 11/04/02 for:

XX Waiver of the dormancy condition applicable to certain of its US-Brazil all-cargo frequencies.

Atlas requests a three-month extension through February 9, 2003, of its current waiver of the 90-day dormancy condition applicable to two of its ten US-Brazil all-cargo frequencies. By Notice of Action Taken, dated September 24, 2002, in this docket, the Department granted Atlas a dormancy waiver for four of its ten US-Brazil frequencies through November 9, 2002. In support of its further waiver request for two of its ten frequencies, Atlas states that it seeks additional time to respond to economic circumstances and operate the full ten frequencies.

Applicant rep: Russell E. Pommer, 202-354-4843 DOT analyst: Michael D. Bodman 202-366-9667

DISPOSITION

XX Granted. (See below).

The above action was effective when taken: **November 7, 2002**, through **February 9, 2003**.¹

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, limitations indicated: **XX Holder's certificate of public convenience and necessity**

Remarks: We acted on this application prior to the expiration date for answers with the consent of all parties served.

As we have previously done, we reserve the right to reexamine whether grant of this waiver continues to be in the public interest should another carrier seek to use the frequencies at issue. Any future request to extend the dormancy waiver for these frequencies at issue here will have to be considered in light of the specific arguments offered and responses thereto.

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 authority was consistent with the

¹Atlas' waiver from the dormancy condition is effective through February 9, 2003. As to any frequency with which Atlas does not begin service by February 9, 2003, its allocation with respect to that frequency will expire automatically.

public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the action taken 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 seven (7) 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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