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

Issued by the Department of Transportation on March 28, 2003

NOTICE OF ACTION TAKEN -- DOCKET OST-2002-11985- 19

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 3/17/03 for:

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

Atlas seeks a dormancy waiver for five of its ten US-Brazil all-cargo frequencies through September 30, 2003. By Notice of Action Taken dated February 4, 2003, in this docket, the Department granted Atlas a dormancy waiver for two of its ten US-Brazil frequencies through May 9, 2003. Atlas requests a six-month extension through September 30, 2003, of its current waiver of the 90-day dormancy condition applicable to two of its ten US-Brazil all-cargo frequencies. Atlas also seeks a waiver for three additional frequencies that it had previously been using through September 30, 2003.

In support of its waiver request here, Atlas states that it is experiencing high demand for its aircraft by the U.S. military and, furthermore, that it needs additional time to respond to economic circumstances before it can resume operation of the full ten frequencies.

We received no answers to Atlas' application.

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: **March 28, 2003, through September 30, 2003.**<sup>1</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, limitations indicated:  
**XX Holder's certificate of public convenience and necessity**

**Remarks:** We find that grant of Atlas' request, in the particular circumstances presented, is in the public interest. However, we are putting Atlas on notice that there should be no expectation that an additional request will similarly be granted. As is our policy in considering dormancy waiver requests, we reserve the right to reexamine whether grant of this waiver continues to be in the public interest. Any future request to extend the dormancy waiver for the frequencies at issue here will have to be considered in light of the specific arguments offered and responses thereto, and in the context of the circumstances present at that time, including whether another carrier seeks to use the frequencies at issue.

<sup>1</sup>Atlas' waiver from the dormancy condition is effective through September 30, 2003. As to any frequency with which Atlas does not begin service by that date, its allocation with respect to that frequency will expire automatically.

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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 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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