



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

Issued by the Department of Transportation on February 22, 1999

**NOTICE OF ACTION TAKEN -- DOCKET OST-96-1074**

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 **11/24/98** to:

**XX** Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of property and mail between the coterminal points New York, Chicago, Anchorage, Los Angeles, Seattle, and Honolulu, on the one hand, and Manila, Philippines, on the other, via the intermediate points Khabarovsk, Russia; Auckland, New Zealand; Sydney and Melbourne, Australia; and Singapore, and beyond Manila to Taipei, Taiwan.**

**XX** Amend exemption to:

**Serve Tokyo, Japan, on the above route with local traffic rights between Manila and Tokyo.**

Applicant rep: **Jeffrey A. Manley (202) 879-5161** DOT Analyst: **Sylvia Moore (202) 366-6519**

**DISPOSITION**

**XX** **Granted** ( see below)

The above action was effective when taken: **February 22, 1999,** through **February 22, 2001**

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

**XX** **The authority granted is consistent with the aviation agreements governing air services between the United States and the Philippines, the United States and New Zealand, the United States and Singapore, the United States and Japan, and the United States and Taiwan, and with the overall state of aviation relations between the United States and the Russian Federation, and the United States and Australia.<sup>1</sup>**

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**  
**XX** **Standard Exemption Conditions (attached)**

(See Reverse Side)

<sup>1</sup> We note that the U.S.-Russian and U.S.-Australian agreements include restrictions on intermediate and/or beyond services and thus, that some operations authorized are subject to the discretionary approval of those foreign governments.

**Remarks:** The authority for which Polar requested renewal expired January 24, 1999, but had been kept in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on Polar's timely filed renewal application.

On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found the applicant qualified to provide the services authorized.

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; (2) grant of the exemption was consistent with the public interest, and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced 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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