



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

Issued by the Department of Transportation on November 22, 2000

NOTICE OF ACTION TAKEN --DOCKET OST 2000-7904

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).

In Regard to the Notice of **DELTA AIR LINES, INC.** filed **9/6/00**:

By Notice of Action Taken dated September 28, 2000, we granted the request of Delta to move certain of its allocated U.S.-Japan frequencies to the New York-Tokyo market. Our action inadvertently omitted a standard condition normally applied by the Department to frequency allocations. Therefore, we amend our September 28, 2000 action to add the following condition:

The allocation of frequencies to serve the New York-Tokyo market (a) will remain in effect indefinitely, provided that Delta continues to hold authority to serve the New York-Tokyo market; and (b) will expire and the frequencies will revert automatically to the Department for reallocation if they are not used for a period of 90 days from April 1, 2001, Delta's proposed startup date for the New York services, or the date on which Delta begins New York-Tokyo service, whichever occurs earlier.¹

Remarks: Our September 28 action also granted Delta's request to move other U.S.-Japan services. Those services, however, were not subject to specific frequency allocations and, thus, no further amendment to our September 28 action is necessary with respect to those services.

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) the action taken was consistent with the public interest. 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 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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http://dms.dot.gov/reports/reports_aviation.asp

¹ The frequencies to be moved are not currently being used and are the subject of dormancy waivers. Under the terms of those waivers, the frequencies would automatically revert to the Department on March 26 and March 31, 2001. See Notices of Action Taken dated February 15 and May 8, 2000, Docket OST-98-3419. In circumstances where in approving the transfer we had no expectation that Delta would begin using the frequencies before April 1, 2001, and to fulfill our intention that Delta retain the frequencies for its proposed startup after the transfer, we *sua sponte* extend Delta's dormancy waiver for these frequencies through April 1, 2001.