

NEW



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

November 28, 1997

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of Federal Express Corporation filed 11/12/97 in Docket OST-97-3115 for:

**XX** Exemption from Order 97-2-20; startup deadline:

By Order 97-2-20 the Department granted Federal Express Corporation five weekly wide-body frequencies to expand its U.S.-Brazil all-cargo operations. That award was subject to the condition that it will expire automatically and the frequencies revert to the Department for reallocation if they are not used for a period of 90 days. Under the terms of the order 1.5 frequencies would expire on June 28, 1997, and the remaining 3.5 frequencies would expire on June 30, 1997, if Federal Express did not begin service by those dates. On May 28, 1997, Federal Express sought an exemption from the June 30 start-up date to September 1, 1997. The Department granted Federal Express' request by Notice of Action Taken dated June 23, 1997. (See Order 97-7-16.) Federal Express began service with four of the five frequencies during the week of September 28, 1997.<sup>1</sup>

Federal Express seeks exemption from that condition to the extent necessary to extend its proposed start-up date for the fifth frequency until February 28, 1998. Federal Express states that it needs to delay inauguration of this frequency until it can increase its capacity beyond Sao Paulo.

Applicant rep.: Nathaniel P. Breed, Jr. 202-663-8078 DOT analyst: Sylvia Moore, 202-366-6519

### DISPOSITION

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

The above action was effective when taken: November 28, 1997, through February 28, 1998

**XX** Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director  
Office of International Aviation  
*(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

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**Remarks:** The 90-day dormancy period will begin February 28, 1998, Federal Express' proposed new start-up date for its fifth frequency in the U.S.-Brazil market.

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

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<sup>1</sup> Under the terms of Order 97-7-16, the frequencies would not become dormant and revert to the Department until November 30, 1997.