

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Joint Application of AMERICAN AIRLINES, INC.,
and LINEA AEREA NACIONAL CHILE, S.A.
for Approval of and Antitrust Immunity for
an Alliance Agreement under 49 U.S.C. §§ 41308 and 41309
Docket OST-97-3285 -- 3

NOTICE

On December 23, 1997, American Airlines, Inc. ("American") and **Linea Aerea Nacional Chile**, S.A. ("**Lan Chile**"), filed a joint application for approval of and antitrust immunity for an Alliance Agreement, whereby they would plan and coordinate service over their respective route networks as if there had been an operational merger between the two airlines. They asked that the Department grant the request for a five-year term.

Concurrently, American and Lan Chile **filed** a joint motion under 14 C.F.R. 302.39 of our regulations requesting confidential treatment for certain documents and information.¹ They maintain that the information contained in the documents is proprietary, commercially sensitive, and confidential in nature which **qualifies** for being withheld **from** public disclosure. For these documents, the Joint Applicants request that access be limited to counsel and outside experts for interested parties.

We will rule on the merits of the Rule 39 Motion by subsequent order. In the meantime, in order to afford interested parties prompt access to the documents under conditions agreed to by American and Lan Chile and imposed by the Department under similar recent **circumstances**,² we will grant immediate interim access to all documents covered by the Rule 39 Motion to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance. Moreover, we find it appropriate to grant interim access to any subsequent materials filed in this docket under a Rule 39 Motion to counsel and outside experts for interested parties who file appropriate **affidavits** with the Department in advance, unless the party filing the motion objects.

We expect all **affidavits** to state, at a minimum., that (1) the affiant is counsel for an interested party or an outside independent expert providing services to such a party in this proceeding; (2) the **affiant** will use the information only for the purpose of participating in this proceeding; and

¹ We note that answers to the **motion** were due January 1997. The request **was unopposed**.

² See Notice in Docket **OST-97-2058** dated July 31, 1997, and Orders 97-3-42 and 96-3-26.

(3) the **affiant** will **disclose** such information only to other persons who have **filed** valid **affidavits** in Docket OST 97-3285. **Affiants** and interested parties must understand and agree that any pleading or other **filing** that includes or discusses information contained in the covered documents must itself be accompanied by a Rule 39 motion requesting confidential treatment. **Affidavits** must be filed in Docket OST-97-3285 with the Department of Transportation, Dockets, Room PL-401,400 Seventh Street, S.W., Washington, D.C., 20590.

Affiants having filed valid **affidavits** may examine the documents at the Department of Transportation Dockets location, and, in addition, at the following locations provided by the Joint Applicants in Washington, D.C.: (1) Zuckert, **Scoutt &** Rasenberger, L.L.P., counsel for Lan Chile, 888 - 17th Street, N.W., Washington, D.C. 20006 (contact: Charles J. Simpson, (202) 298-8660; and (2) Carl B. Nelson, Jr., Associate General Counsel for American Airlines, 1101 - 17th Street, N.W., Suite 600, Washington, D.C. 20036, (202) 496-5647. A stamped copy of the affidavit filed with the Department of Transportation must be presented prior to examination.

As a final matter, we have not yet determined that the evidentiary record of this case is complete. We will establish **further** procedures, including deadlines for answers or other filings, by subsequent order or notice.

By: January 9, 1998

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International **Affairs**

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