

Posted: 1/7/2000  
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Served: January 7, 2000

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

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Joint Application of American Airlines, Inc.,  
Swissair, Swiss Air Transport Company, Ltd., and N.V. Sabena S.A.  
for Approval of and Antitrust Immunity for  
Alliance and Coordination Agreements under 49 U.S.C. §§ 41308 and 41309  
Docket OST-1999-6528 - b

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NOTICE

On November 19, 1999, American Airlines, Inc. ("American"), Swissair, Swiss Air Transport Company, Ltd. ("Swissair"), and N.V. Sabena S.A. ("Sabena"), and their affiliates, filed a joint application for approval of and antitrust immunity for alliance agreements between American and Swissair and between American and Sabena, and for a coordination agreement among American, Swissair and Sabena.

American (on November 19) and Sabena-Swissair (on December 6) submitted additional documents and information in connection with the application and filed motions under 14 C.F.R. 302.39 of our regulations requesting confidential treatment for this material. The joint applicants maintain that the material contains documents that are proprietary, commercially sensitive, and confidential in nature which qualifies for being withheld from public disclosure. For this material, the joint applicants ask that access be limited to counsel and outside experts for interested parties. The motions were unopposed.<sup>1</sup>

As an initial matter, we find that the application is now substantially complete.<sup>2</sup> Therefore, in order to provide all interested parties sufficient time to analyze adequately and comment fully on all material in the public and non-public record, under conditions agreed to by the joint applicants and imposed by the Department under similar recent circumstances,<sup>3</sup> we will grant immediate interim access to all documents covered by the Rule 39 Motions 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

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<sup>1</sup> We will rule on the merits of the Rule 39 Motions by subsequent order.

<sup>2</sup> We reserve the right, however, to require the filing of additional information deemed relevant to the proceeding at any time.

<sup>3</sup> See Notice in Docket OST-1999-5674 dated July 19, 1999, and Orders 97-3-42 and 96-3-26.

appropriate affidavits with the Department in advance, unless the party filing the motion objects. Finally, we will require that answers to the application be filed no later than **21** days from the service date of this notice, and that replies be filed no later than 7 business days after the last day for filing an answer.

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; **(2)** the **affiant** will use the information only for the purpose of participating in this proceeding; and **(3)** the **affiant** will disclose such information only to other persons who have filed a valid affidavit in Docket **OST-1999-6528**. **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-1999-6528** with the Department of Transportation, Dockets, Room **PL-401, 400** Seventh Street, **S. W.**, Washington, **D.C., 20590**.

**Affiants** having filed affidavits may examine the documents at the Department of Transportation at the Dockets location. **Affiants** must present a stamped copy of the affidavit filed with the Department of Transportation before examination of the documents.

We shall serve a copy of this notice on all persons on the service list in this docket.

By:

**A. BRADLEY MIMS**  
Deputy Assistant Secretary for Aviation  
and International Affairs

Dated: January 7, 2000

(SEAL)

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