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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 Northwest Airlines  
and Malaysia Airlines  
for Approval of and Antitrust Immunity for  
Alliance Agreements under 49 U.S.C. §§ 41308 and 41309  
Docket OST-2000-6791 - 7**

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**NOTICE**

On January 13, 2000, Malaysia Airlines ("MAY") and Northwest Airlines, Inc. ("Northwest") (collectively the "Joint Applicants") filed a joint application for approval of and antitrust immunity for their Coordination Agreement dated December 22, 1999.

By Order 2000-1-26, dated January 28, 2000, the Department deferred the otherwise applicable period for the filing of comments, finding that the application lacked necessary evidentiary material. At that time, the Department required the Joint Applicants to file certain relevant information.

On April 14, the Joint Applicants submitted these materials. Concurrently, they each filed a motion under 14 C.F.R. 302.12 (Rule 12) of our regulations requesting confidential treatment for some of this material. They maintain that the documents are proprietary, commercially sensitive, and confidential in nature which qualifies for being withheld from public disclosure. They ask that access to this material 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.\* Therefore, in order to provide all interested parties sufficient time to analyze adequately and comment fully on all material in the record of this case, 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 12 Motions to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance.

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<sup>1</sup> We will rule on the merits of the Rule 12 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.

Moreover, we find it appropriate to grant interim access to any subsequent materials filed in this docket under a Rule 12 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. 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-2000-6791. 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 12 motion requesting confidential treatment. Affidavits must be filed in Docket OST-2000-6791 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:

Dated: May 26, 2000

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

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*An electronic version of this document is available on the World Wide Web at.  
[http://www.dot.gov/reports/reports\\_aviation.asp](http://www.dot.gov/reports/reports_aviation.asp)*