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March 10, 2003

Ms. Dorothy Beard  
Chief, Dockets Section  
Department of Transportation  
400 7<sup>th</sup> Street, SW, Room PL-401  
Washington, DC 20590

DEPT OF TRANSPORTATION  
DOCKETS  
2003 MAR 10 P 4: 11

Re: **In the Matter of the Citizenship of DHL AIRWAYS, INC.,**  
**Docket OST-2002-13089 - 30**

Dear Ms. Beard:

On March 5, 2003, the Department of Transportation issued a Notice Requesting Comments from all interested parties on correspondence from the Inspector General that relates to issues pending in this docket on the matter of the citizenship of DHL Airways, Inc. ("Airways"). A version of the letter, redacted by the Office of Inspector General, was made available in this docket.

Since the un-redacted letter contains information that is the subject of a request from Airways for confidential treatment under Rule 12 (14 C.F.R. 302.12), the Department established a procedure to grant immediate interim access to the full letter to counsel and outside experts for interested parties who file affidavits conforming to the requirements of the Notice.

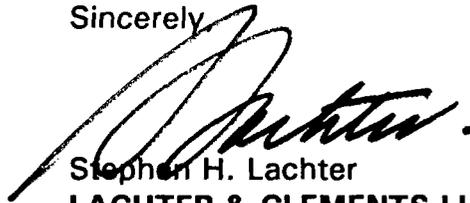
Airways originally sought confidential treatment for this material as part of the Department's informal fitness review. The procedure adopted by the Department in the Notice is designed to protect the confidentiality of Airways' documents referred to by the Inspector General.

In light of the unprecedented nature of the Inspector General's correspondence, the reference in the correspondence to materials for which confidentiality has been sought, and the cumbersome requirements necessary to preserve such confidentiality, Airways will not oppose the public release of the un-redacted version of the Inspector General's letter. Airways nonetheless reserves its right to assert confidentiality for all documents and materials made available to the Department as part of the informal, non-public fitness review.

As noted, Airways will not object to release of the un-redacted Inspector General's letter to facilitate the Department's ability to bring this matter to a prompt and final conclusion and to limit the burden on Airways and the Department. Notwithstanding, Airways is strongly concerned that to achieve such a resolution, it is forced to provide competitors unrestricted access to confidential business information that other U.S. airlines undergoing continuing fitness reviews have been routinely permitted to keep confidential.

Because Airways' is the only party seeking confidential treatment and thus the only party that conceivably could be harmed by release of the complete version of the correspondence, Airways respectfully requests that the Department release immediately the full text of the Inspector General's correspondence to the public.

Sincerely



Stephen H. Lachter  
**LACHTER & CLEMENTS LLP**

**COUNSEL FOR DHL AIRWAYS, INC.**

cc: All Parties on Service List

## CERTIFICATE OF SERVICE

I hereby certify that I have, this 10<sup>th</sup> day of March, 2003, served copies of the foregoing letter by telecopier on all persons named on the following Service List.



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