



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

**Joint Application of American Airlines, Inc.
and British Airways Plc
for Code-Share and Exemption Authorizations
under 14 CFR Part 212 and 49 U.S.C. §§ 40109
Docket OST-1999-6507**

NOTICE ESTABLISHING PROCEDURAL SCHEDULE

On November 15, 1999, and amended on November 16, 1999, American Airlines, Inc. ("American") and British Airways Plc ("British Airways") filed a joint application for approval of reciprocal code sharing and related exemption authorities.

By letter dated December 14, 1999, the Department requested the joint applicants to submit additional data and evidentiary information to complete the application. The letter stated that upon the Department's determination that the application is complete, the Department would establish a procedural schedule for comments and such other responsive pleadings as may be necessary to act on the application. By Order 2000-1-8, the Department modified the evidentiary material requested of the joint applicants.

On January 18, 24, 27, and February 7, 2000, the joint applicants submitted the additional data and evidentiary material requested and concurrently filed motions under 14 C.F.R. 302.39 (Rule 39) of our regulations requesting confidential treatment for this material. They maintain that the documents are proprietary, commercially sensitive, and confidential in nature which qualifies for being withheld from public disclosure. The joint applicants ask that access to this material be limited to counsel and outside experts for interested parties.¹

As an initial matter, we find that the application is now substantially complete and that we can proceed to establish a procedural schedule for comments to the application. In this regard, we will require that answers to the application be filed no later than 9 days from the service date of this notice, and that replies be filed no later than 4 calendar days after the last day for filing an answer.

¹ We will rule on the merits of the Rule 39 Motions by subsequent order.

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 in comparable circumstances, 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 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; (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-1999-6507. 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-1999-6507 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: February 11, 2000

(SEAL)

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*