

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

**Joint Application of United Airlines, Inc.
Austrian Airlines, Österreichische Luftverkehrs AG, Lauda Air Luftfahrt AG,
Deutsche Lufthansa, A.G., and Scandinavian Airlines System
for Approval of and Antitrust Immunity for an
Alliance Expansion Agreement and an Amended Coordination Agreement
under 49 U.S.C. §§ 41308 and 41309
Docket OST-2000-7828 - 6**

NOTICE

On August 18, 2000, United Airlines, Inc. ("United"), Austrian Airlines, Österreichische Luftverkehrs AG ("Austrian"), Lauda Air Luftfahrt AG ("Lauda"), Deutsche Lufthansa, A.G. ("Lufthansa"), and Scandinavian Airlines System ("SAS"), and their respective affiliates (collectively, the "Joint Applicants"), filed a joint application for approval of and antitrust immunity for an Alliance Expansion Agreement and an amended Coordination Agreement.

At the same time, the Joint Applicants submitted additional documents and information in connection with the application and each filed a motion under 14 C.F.R. 302.12 ("Rule 12") of our regulations requesting confidential treatment for this material. Each maintains that the material contains documents that are proprietary, commercially sensitive, and confidential in nature which qualifies for being withheld from public disclosure. The Joint Applicants ask that access be limited to counsel and outside experts for interested parties. The motions were unopposed.¹

As an initial matter, we find that the application is now substantially complete.² Therefore, in order to provide interested parties access to the material in the non-public record, under conditions agreed to by the Joint Applicants and imposed by the Department under similar recent circumstances,³ 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. 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

¹ We will rule on the merits of the Rule 12 Motions by subsequent order.

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

³ See Notice in Docket OST-2000-7088 dated April 7, 2000.

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-2000-7828. 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-2000-7828 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 this notice on all persons on the service list in this docket.

By:

FRANCISCO J. SANCHEZ
Assistant Secretary for Aviation
and International Affairs

Dated: September 15, 2000

(SEAL)

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