

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D. C.

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Application of :  
AIR FRANCE : OST-98-4824  
for exemption from the slot limitation :  
regulations (FAR, Part 93, Subparts K :  
and S) at O'Hare International Airport :  
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MOTION FOR LEAVE TO FILE AND RESPONSE  
OF AMERICAN AIRLINES, INC.

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December 17, 1998

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American Airlines, Inc. hereby moves for leave to file the following response to the reply submitted on December 14, 1998 by Air France. American's response should be accepted in the interest of a complete record for the Department's consideration.

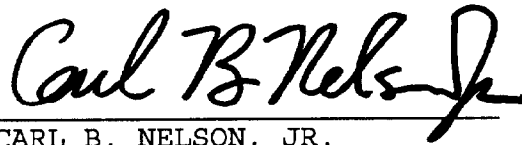
Air France is seeking a discretionary award of Chicago O'Hare exemption slots from the Government of the United States at the very time that American has been denied slots at Paris Orly. As American stated in its answer in opposition to Air France's request, the required public interest finding under 49 USC 41714(b)(1) cannot be made when, as is the case here, a U.S. carrier is being denied requested slots at the same foreign point at issue in the foreign carrier's application.

Air France's contention that American is seeking "to block application of the Department's established policy" (p. 1) is well off the mark. The Department has never granted exemption slots to a foreign carrier when a U.S. carrier is unable to secure slots at the foreign carrier's homeland airport. In these circumstances, there is a complete failure of reciprocity, and the Department cannot be expected to assist Air France with an ex gratia award of O'Hare slots.

Moreover, while Air France asserts that "it is neither involved in, nor does it have any control over, the slot allocation procedure at Orly Airport" (p. 2), that is not accurate. The slot allocation process in France is in fact controlled by Air France, which is wholly owned by the Government of France. The Orly slot coordinator, Mr. Eric Herbane, is a former Air France employee, and is expected to return to Air France when he completes his assignment as coordinator. Membership on the slot coordination committee is limited to Air France (which provides the lion's share of the committee's budget), AOM French Airlines, Air Liberte, the Airline Representative Council, general aviation, ATC, Military Air Navigation, the airport, and the coordinator. Contrary to Air France's statement, the committee is not "open to all carriers serving the Paris airports" (p. 2). It is without question dominated and controlled by Air France.

American, with the assistance of the Government of the United States, is continuing to seek slots at Orly Airport for its Los Angeles-Paris service. Until American secures the Orly slots it requires, the request by Air France for a discretionary award of O'Hare slots should be denied.

Respectfully submitted,

A handwritten signature in black ink, reading "Carl B. Nelson, Jr." in a cursive script. The signature is written over a horizontal line.

CARL B. NELSON, JR.  
Associate General Counsel  
American Airlines, Inc.

December 17, 1998