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BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

Application of  
  
NORTHERN AIRLINES CORPORATION  
  
for a Certificate of Public  
Convenience and Necessity  
pursuant to 49 U.S.C. § 41102.

Docket No. OST-97-3075

MOTION OF  
NORTHERN AIRLINES CORPORATION  
FOR CONFIDENTIAL TREATMENT UNDER RULE 39  
OF THE DEPARTMENT'S RULES OF PRACTICE

Communications with respect to this  
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February 12, 1998

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Pursuant to Section 302.39(e) of the Department of Transportation's Rules of Practice, Northern Airlines Corporation, ("Northern Airlines") hereby files this Motion for Confidential Treatment of the commitment letter for the On Bank & Trust Co. \$2 million revolving line of credit that is attached hereto in a sealed envelope. In support thereof, Northern Airlines shows as follows:

1. The information sought to be withheld from public disclosure includes financial information of a privately-held company that is not otherwise made public. This information falls within Exemption 4 from the Freedom of Information Act, 5 U.S.C. 552(b) (4), which provides protection from disclosure for "trade secrets and commercial or financial information obtained from a person and privileged or confidential . . ." See Gulf & Western Industries, Inc. v. United States, 615 F.2d 527 (D.C. Cir. 1974); Sterling Drug, Inc. v. Federal Trade Commission, 450 F.2d 698

(D.C. Cir. 1971); and Burke Energy Corporation v. Dept. of Energy, 583 F. Supp. 507 (D. Kan. 1984).


2. Three elements are required for protection under Exemption 4: (1) the information must be financial or commercial in nature; (2) the information must be obtained from a person outside the government structure; and (3) the information must be confidential or privileged. Information will be deemed "confidential" if its disclosure is likely to cause substantial harm to the competitive position of the person reporting it to the government, or if the information is of the type that it would not customarily be made public by the person reporting it.

3. Northern Airlines believes this information clearly satisfies all three elements required for protection under Exemption 4. First, the data are clearly financial in nature. Second, the data are from a person outside the government structure, and were not obtained from any governmental entities. Finally, the information is confidential and disclosure of such information would severely harm Northern Airline's competitive position.

4. None of this sensitive financial information has been publicly released. The airline industry is extremely competitive, and the likelihood of harm arising from disclosure of this information is apparent. If this information were made public, Northern Airlines would suffer substantial injury since competitors would gain valuable insights into its financial plans which are among the most competitively sensitive information and which, if used against the company, could be quite damaging to its ongoing operations.

WHEREFORE, Northern Airlines Corporation respectfully requests that the commitment letter for the On Bank & Trust Co. \$2 million revolving line of credit be held confidential by the Department of Transportation.

Respectfully submitted,



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