

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
BUREAU OF TRANSPORTATION STATISTICS  
WASHINGTON, D.C.

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Motion of )  
)  
**FEDERAL EXPRESS CORPORATION** ) Docket OST-97-2494  
)  
for Confidential Treatment of Documents )  
Under Rule 12 of the Rules of Practice of )  
the Department of Transportation, )  
14 CFR 302.12 (Form 41; Schedule B-43) )  
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**MOTION OF FEDERAL EXPRESS CORPORATION  
FOR CONFIDENTIAL TREATMENT  
PURSUANT TO RULE 12**

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March 28, 2000

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
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Federal Express Corporation (Federal Express) hereby submits this motion to withhold from public disclosure certain information contained in its Form 41, Schedule B-43, Inventory of Airframes and Aircraft Engines Report for the year ending December 31, 1999, submitted herewith under seal pursuant to Rule 12 of the Rules of Practice of the Department of Transportation (the Department).<sup>1</sup>

By letter dated August 23, 1994 to counsel for Delta Air Lines, Inc. (Delta) from Mr. James W. Mitchell, former Director, Office of Airline Statistics,

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<sup>1</sup> Concurrently herewith, Federal Express is submitting a redacted copy of the same report to the Bureau of Transportation Statistics, Office of Airline Information, pursuant to Part 241 of the Economic Regulations, redacted to delete certain confidential financial information from the publicly-available copies of the report.

Research and Special Programs Administration (RSPA), the Department determined that the financial information contained in air carrier Schedule B-7 and Schedule B-43 reports is confidential and contains competitively-sensitive data, and that withholding such confidential data from public disclosure is warranted by, and consistent with, Exemptions 3 and 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(3) and (4)). In that decision, the Department has ruled that the confidential data contained in a carrier's Schedule B-7 and B-43 reports will be withheld from public disclosure for a period of ten (10) years from the date on which it is filed. The foregoing ruling applies with equal validity to Federal Express' Schedule B-43 Report for the year ended December 31, 1999.

WHEREFORE, Federal Express respectfully moves the Department to withhold the financial information contained in its Schedule B-43 Report for the year ended December 31, 1999, filed concurrently herewith under seal, from public disclosure for a period of ten (10) years, through December 31, 2009, pursuant to Rule 12 of the Rules of Practice.

Respectfully submitted,

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Attorneys for  
FEDERAL EXPRESS CORPORATION

