



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

Issued by the Department of Transportation on January 23, 2006

NOTICE OF ACTION TAKEN -- DOCKET OST-2004-18851

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of US AIRWAYS, INC. (US Airways) filed 8/5/04 for:

XX Exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States, on the one hand, via intermediate points or directly, and Austria, the Czech Republic, Denmark, Finland, Iceland, Luxembourg, Malta, Norway, Poland, Romania, the Slovak Republic, and Sweden, on the other hand, and beyond, and for route integration authority with its existing exemption and certificate authority.¹

Applicant rep: Howard Kass (703) 872-5230 DOT Analyst: Thuy H. Cooper (202)366-5423

DISPOSITION

XX **Granted with respect to Austria, the Czech Republic, Denmark, Finland, Iceland, Malta, Norway, Poland, and Sweden, including corresponding route integration authority** (subject to conditions, see below)

XX **Deferred with respect to Luxembourg, Romania, and the Slovak Republic, including corresponding route integration authority** (see remarks, below)

The above action granting exemption authority, including corresponding route integration authority, was effective when taken: January 23, 2006, through January 23, 2008.

The above action deferring on US Airways' request for exemption authority, including corresponding route integration authority, was effective when taken: January 23, 2006.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

XX **The authority granted is consistent with the aviation agreement between the United States and Austria, the United States and the Czech Republic, the United States and Denmark, the United States and Finland, the United States and Iceland, the United States and Malta, the United States and Norway, the United States and Poland, and the United States and Sweden.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

¹ US Airways plan to operate such services using its own aircraft or through codesharing, as conditions warrant, with its various airline partners.

XX Holder's certificates of public convenience and necessity
XX Standard exemption conditions (attached)

Conditions: The route integration authority granted is subject to the condition that such operations are consistent with the applicable bilateral aviation agreements. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon US Airways rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless US Airways first notifies the Department of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in US Airways' authority by virtue of the route integration authority granted here, but that are not then being used by US Airways, the holding of such authority by route integration will not be considered as providing any preference for US Airways in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

The authority granted to serve intermediate and beyond points is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which it holds route integration authority by virtue of either the present action or other action of the Department.

Remarks: We are deferring action on the carrier's request to serve Luxembourg, Romania, and the Slovak Republic pending the necessary security clearances.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the exemption authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted or deferred, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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

U.S. Carrier Exemption Conditions

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with all applicable requirements of the Federal Aviation Administration and with all applicable U.S. Government requirements concerning security, including, but not limited to, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its International Principal Security Inspector (IPSI) to advise the IPSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.