Civil Aeronautics Manual 44

# Foreign Air Carrier Regulations

FEDERAL AVIATION AGENCY

August 1959

FEDERAL AVIATION AGENCY

E. R. QUESADA, *Administrator*

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# Introductory Note

Civil Aeronautics Manual 44 contains in a consolidated form (1) Civil Air Regulations Part 44, Foreign Air Carrier Regulations, dated September 1, 1949, and amendments 44–1 and 44–2; and (2) the rules issued by the Administrator of the Federal Aviation Agency in application to section 44.2 of the regulations.

FAA *rules* are supplementary regulations issued pursuant to authority expressly conferred on the Administrator in the Civil Air Regulations. Such rules are mandatory and must be complied with.

FAA *policies* provide detailed technical information on recommended methods of complying with the Civil Air Regulations. Such policies are for the guidance of the public and are not mandatory in nature.

FAA *interpretations* define or explain words and phrases of the Civil Air Regulations. Such interpretations are for the guidance of the public and will be followed by the Agency in determining compliance with the regulations.

This manual is arranged to give the number, title, and text of each section of the regulations followed by any rules, policies, or interpretations applicable to that section. These rules, policies, or interpretations of the Administrator are identified by consecutive dash numbers appended to the regulation section number.

This manual supersedes Civil Aeronautics Manual 44 dated April 1, 1957, and all supplements thereto. As amendments and other pertinent materials are issued pertaining to Part 44, they will be included in this manual.

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# Foreign Air Carrier Regulations

44.0 *General.* **The regulations in this part shall apply to operations within the United States by aircraft of a foreign air carrier holding a permit issued by the Board pursuant to the provisions of section 402 of the Civil Aeronautics Act of 1938.**

44.1 *Definitions.* **(a) As used in this part the words listed below shall be defined as follows:**

**(1) *Category.* Category shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.**

**(2) *Type.* Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.**

**(3) *United States.* United States means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying airspace thereof.**

44.2 *Operations specifications.* **All operations within the United States shall be conducted in accordance with operations specifications issued by the Administrator of the Federal Aviation Agency which shall include the airports to be used, the routes or airways to be flown, and such operating rules and practices pertaining thereto as are necessary in the interest of avoiding collision between foreign aircraft and other aircraft.**

44.2–1 *Application for operations specifications by foreign air carriers (FAA rules which apply to sec. 44.2).*

(a) *General.*

(1.) A foreign air carrier holding a permit issued by the Board pursuant to Section 402 of the Federal Aviation Act of 1958, will apply to the Administrator for operations specifications at least 30 days prior to the date proposed for beginning operations within the continental limits of the United States, or into any outlying territories under its jurisdiction (including the Canal Zone). The application will be prepared in loose-leaf form, on white paper of approximately 8″ x 10½″ in size, and using one side of the sheet only. The application will be executed by a duly authorized officer or employee of the applicant having knowledge of the matter set forth therein, and will have attached thereto two copies of the appropriate written authority issued to such officer or employee by the applicant. A minimum of two copies of the application, and of subsequent amendments thereto, will be filed with the International District or Field Office in the area wherein the principal office of the air carrier is located, or with the Regional Administrator having jurisdiction over the area to be served by the operation.

(2.) When a military airport of the United States Government is to be used as a regular, alternate, refueling or provisional airport, the applicant will secure written permission for such use from the Washington headquarters of the military organization having jurisdiction over the airport, and two copies of the written permission will be submitted with the application. Negotiations for permission of the military authorities will be effected through the respective embassy of the foreign government and the United States Department of State.

(b) *Format of application.* The outline below will be followed in completing the information to be submitted in the application.

# APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

## (Outline)

To: *The Federal Aviation Agency*
*Washington, D. C.*

In accordance with the Federal Aviation Act of 1958, and particularly Section 402 thereof and Part 44 of the Civil Air Regulations, application is hereby made for the issuance of Foreign Operations Specifications.

Give exact name and full post office address of applicant.

Give the name, title, and post office address (within the United States if possible) of the official or employee to whom correspondence in regard to the application is to be addressed.

Unless otherwise specified, the applicant shall submit the information hereinafter required only with respect to that portion or portions of his proposed operations which will lie within the United States.

SECTION I.—*Operations.* State whether the type of operation proposed is day or night, visual flight rules, instrument, or a particular combination thereof.

SECTION II.—*Operational plans.* Indicate the route by which entry will be made into the United States, and the route to be flown therein.

SECTION III.—*Route.* A. Submit a map suitable for aerial navigation upon which is indicated the exact geographical track of the proposed route from the last point of foreign departure to the United States terminal, showing the regular terminal, and alternate airports, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Regular route: Black.
2. Regular terminal airport: Green circle.
3. Alternate airports: Orange circle.
4. The location of radio navigational facilities which will be used in connection with the proposed operation, indicating the type of facility to be used, such as radio range, ADF, VOR, etc.

B. *Airports.* Furnish the following information with regard to each regular terminal and alternate to be used in the conduct of the proposed operation.

1. Name of airport or landing area.
2. Location (direction and distance to and name of nearest city or town).

SECTION IV.—*Radio facilities—Communications.* List all ground radio communication facilities to be used by the applicant in the conduct of the proposed operations within the United States and over that portion of the route between the last point of foreign departure and the United States.

SECTION V.—*Aircraft.* Furnish the following information in regard to each type and model aircraft to be used.

A. *Aircraft.* 1. Manufacturer and model number.
2. State of origin.
3. Single-engine or multiengine. If multiengine, indicate number of engines.
4. What is the maximum takeoff and landing weight to be used for each type aircraft?

B. *Aircraft radio.* List aircraft radio equipment necessary for instrument operation within the United States and/or Territories.

C. *Licensing.* State name of country by whom the aircraft are certificated.

SECTION VI.—*Airmen.* List the following information with respect to airmen to be employed in the proposed operation within the United States.

A. State the type and class of certificate held by each flight crew member.

B. State whether or not pilot personnel have received training in the use of navigational facilities necessary for en route operation and instrument let-downs along or adjacent to the route to be flown within the United States.

C. State whether or not personnel are familiar with those parts of the Civil Air Regulations pertaining to the conduct of foreign air carrier operations within the United States.

D. Are pilot personnel able to speak and understand the English language to a degree necessary to enable them to properly communicate with Airport Traffic Control Towers and Airway Radio Communications Stations using radiotelephone communications?

SECTION VII.—*Dispatchers.* A. Describe briefly the dispatch organization which you propose to set up for air carrier operations within the United States.

B. State whether or not the dispatching personnel are familiar with the rules and regulations prescribed by the Civil Air Regulations governing air carrier operations.

C. Are dispatching personnel able to read and write the English language to a degree necessary to properly dispatch flights within the United States?

D. Are dispatching personnel certificated by the country of origin?

SECTION VIII.—*Additional data.* A. Furnish such additional information and substantiating data as may serve to expedite the issuance of the operations specifications.

B. Each application shall be concluded with a statement as follows:

I certify that the above statements are true.

Signed this _____ day of _____ 19____.

_____
(Name of Applicant)

By _____
(Name of person duly authorized to execute this application on behalf of the applicant)

(Published in 16 F.R. 9722, Sept. 25, 1951, effective Sept. 30, 1951.)

44.3 *Airworthiness and registration certificates.* Foreign aircraft shall carry aboard currently effective certificates of registration and airworthiness issued or rendered valid by the country of registry and shall display the nationality and registration markings of that country. Foreign aircraft shall not be operated in the United States except in accordance with the limitations on maximum certificated weights prescribed or authorized for the particular variation of the type and for the particular category of use, by the country of manufacture of the aircraft type involved.

*Note:* Section 375.20 of Part 375 of the Special Regulations of the Civil Aeronautics Board govern the operation for ferrying purposes of an aircraft whose certificate of airworthiness is invalidated due to damage to the aircraft or a change in its nationality.

44.4 *Radio equipment.* The air carrier shall, subject to compliance with the applicable laws and regulations governing the ownership and operation of radio equipment, provide each aircraft with such radio equipment as is necessary to make proper use of the air navigation facilities along or adjacent to the route to be flown within the United States and to maintain communication with ground stations along and adjacent to such routes.

44.5 *Flight crew certificates.* Each member of the flight crew shall be possessed of a currently effective certificate or license issued by the country whose nationality the aircraft possesses, evidencing competency to perform his duties in connection with the operation of such aircraft.

44.6 *Air traffic rules and procedures.* All operations within the United States shall be conducted in accordance with the air traffic rules prescribed in Part 60 of this subchapter and with such local rules as are established at the airports to be used. Each pilot assigned to serve in such operations shall be familiar with the pertinent rules, with the navigational and communication facilities to be used, and with the air traffic controls and other procedures employed in the areas to be traversed. Each air carrier shall establish procedures to insure the possession of such knowledge by its pilots and shall check the ability of each pilot to operate safely in accordance with the applicable rules and procedures. Each foreign air carrier shall conform to the same practices, procedures, and other requirements for the use of the areas to be traversed as are prescribed by the Administrator of the Federal Aviation Agency for domestic air carriers using such areas.

44.7 *Control of traffic.* The air carrier shall, subject to compliance with immigration laws and regulations, furnish the ground personnel necessary to provide for two-way voice communication between the aircraft and ground stations at such places as the Administrator of the Federal Aviation Agency finds voice communication necessary, if communication cannot be maintained in a language with which ground station operators are familiar. Such personnel shall be able to speak both the English language and the language necessary to maintain communication with the aircraft and shall assist ground personnel of the United States in directing traffic. These requirements shall not be applicable in cases where the Administrator of the Federal Aviation Agency finds that such traffic can be adequately controlled by the use of radiotelegraphy or other means.

U.S. GOVERNMENT PRINTING OFFICE: 1959 O—523403

# APPENDIX

SPECIAL CIVIL AIR REGULATION NO. SR–411B

Effective: June 30, 1962
Adopted: June 29, 1962
Published: July 4, 1962
(27 F.R. 6321)

Operation of Certain Transport Category Airplanes in Cargo Service at Increased Zero Fuel and Landing Weights

**The Federal Aviation Agency published as a notice of proposed rule making (27 F.R. 3890) and circulated as Civil Air Regulations Draft Release No. 62–18 dated April 19, 1962, a proposed Special Civil Air Regulation to permit certain transport category airplanes to be operated in cargo service at increased zero fuel and landing weights. The proposed regulation was intended to supersede Special Civil Air Regulation No. SR–411A, which contains a termination date of June 30, 1962.**

**Trial operations of cargo airplanes (Douglas DC–6A) at increased weights were first authorized in waivers issued by the Civil Aeronautics Board to individual air carriers. The first such waiver was issued on July 21, 1954. The weights involved were the zero fuel weights (i.e., the maximum weight of the airplane with no disposable fuel and oil, which has the effect of limiting the weight of the fuselage contents) and the structural landing weight. The weight increases were limited to not more than 5 percent of the zero fuel weight approved for passenger operations, and their use was made contingent upon certain findings by the Administrator of Civil Aeronautics and upon certain conditions of operation, inspections, and reporting. Authorization of the trial operations was predicated on the premise that such operations could eventually lead to the establishment of a sound basis for differentiating between standards for passenger and cargo air carrier operations. Based upon the trial operations under the waivers, the Board determined that a more extensive background of operating experience was necessary. This led to the promulgation of Special Civil Air Regulation No. SR–411 (20 F.R. 4765) which permitted any number of any type of transport category airplane to be operated by any air carrier at increased weights in cargo service.**

**From the data submitted by the operators in accordance with SR–411, the Board concluded that the scope of operations under SR–411 had been such that substantiation of the conditions for these operations for inclusion in the regulations on a permanent basis would entail a long-range program. The Board, therefore, extended the trial operations by adopting SR–411A on June 28, 1957 (22 F.R. 4684), with a termination date of June 30, 1962.**

**SR–411A is applicable to airplanes certificated under the transport category airworthiness requirements effective before March 13, 1956. The applicability was so limited because the Board believed it advisable to gain**

some experience with the airplanes certified under the provisions of Part 4b effective on and after March 13, 1956, at the normal transport category weights before permitting such airplanes to operate at increased weights. In arriving at this conclusion, the Board took into consideration the new concept of structural design requirements as well as other related changes in these requirements which were introduced in Part 4b on March 13, 1956.

As the preambles to both SR–411 and SR–411A indicated, the purpose in permitting the trial operation of transport category airplanes in cargo service at the arbitrary increased zero fuel and landing weights was to determine through operating experience whether the conditions governing the trial operations would provide a sound basis for establishing future standards for airplanes in cargo operations at increased weights. During the approximately seven years that these trial operations have been conducted, a substantial amount of data has been amassed concerning the airplanes approved for operation under these Special Civil Air Regulations.

The data submitted and the operating experience gained under SR–411 and SR–411A indicate that the airplanes approved for and operated at the increased weights can continue to be operated at such increased weights under certain conditions without adverse effect upon the safety of such airplanes. The inspection reports submitted by the operators under SR–411 and SR–411A have not indicated any serious structural difficulties resulting from operation at the increased weights. The service history of these airplanes with respect to fatigue cracks and other damage is similar to that for airplanes of the same type operated in passenger service. Furthermore, cargo operators have expressed a need to continue operation of these airplanes at the increased weights in their cargo operations. Therefore, Draft Release 62–18 proposed to extend the provisions of SR–411A indefinitely to the types of airplanes that have been qualified and operated at such weights. However, the proposal did not specify the particular models of the various types approved for increased weights under SR–411 and SR–411A. Furthermore, it has subsequently been determined that the L–1649A airplane as modified under supplemental type certificate SA 4–1402 has been approved for operation and has been operated under the provisions of SR–411A. While the application for the type certificate for this airplane was filed in 1955, the manufacturer elected to comply with the later requirements of Part 4b rather than those in effect at the time of his application for type certificate. Subsequently, a supplemental type certificate was issued covering a modification to this airplane based on a demonstration of compliance with the requirements in effect on the date of the application for the type certificate for the airplane. Since this modified airplane was certificated in accordance with the provisions of Part 4b, effective prior to March 13, 1956, it is included in the airplanes permitted to be operated under the terms of this special regulation.

One of the comments received in response to Draft Release 62–18 expressed opposition to the proposed indefinite extension of SR–411A on the grounds that there should be one set of safety standards for the design and operation of all transport category airplanes without regard as to whether the airplane is used for the carriage of cargo or passengers. In this respect, it should be noted that the airplanes covered under this

regulation are the airplanes which have been operated for the carriage of cargo at the increased weights without any adverse effect on safety, and that the special inspections conducted by the operators have not indicated any serious structural problems with respect to these airplanes operated at the increased weights as compared with airplanes operated in passenger operations. Furthermore, this regulation requires operators to continue these special inspections. Consequently, the Agency does not believe that it would be justified in arbitrarily terminating the authorization to operate such airplanes at the increased weights.

On the other hand, the majority of the comments received in response to Draft Release 62–18 concurred in the proposed regulations and at the same time recommended that various airplanes other than those covered in the proposal be permitted to operate in cargo service at the arbitrary increased weights. Numerous and detailed arguments have been presented in support of these recommendations for broadening the scope of the proposal. However, these recommendations require consideration of matters which go beyond the scope of the proposed regulation, and there is not sufficient time remaining prior to the expiration of SR–411A for the necessary evaluation of such matters. Therefore, the regulation is being adopted substantially as proposed and further study will be given to such recommendations insofar as they might indicate a need for additional rule making action on this matter.

In view of the foregoing, the special regulation set forth hereinafter permits only those airplane types and models which were approved for trial operations under SR–411 and SR–411A to be used in the carriage of cargo with the arbitrary increased weights.

This regulation relaxes the provisions of SR–411A to the extent that it also applies to foreign air carriers operating the specified airplanes. The provisions of SR–411A were made applicable only to United States air carriers because the conditions for the trial operations required close cooperation between the manufacturer, operator, and the Civil Aeronautics Administration during the initial technical evaluation and in the inspection and reporting procedures. However, since this regulation permits the continued use of increased weights only for those type airplanes previously approved for operation under SR–411A, for which the necessary data and procedures are already available, the increased weights can now be made applicable to any foreign air carrier using airplanes of the specified types in the carriage of cargo only.

This regulation continues the requirement contained in SR–411A that airplanes used by air carriers at the increased weights be operated in accordance with the passenger-carrying transport category operating limitations of Part 40, 41, or 42, as the case may be. In addition, foreign air carriers are permitted to operate airplanes under the authority of this regulation if the country of registry of the airplanes requires such airplanes to be operated in accordance with the performance operating limitations applicable to United States air carriers or the equivalent thereof. The requirement that air carriers must operate their airplanes under the provisions of the regulation in accordance with the passenger-carrying performance operating limitations prescribed in Part 40, 41, or 42 is considered necessary in the interest of safety. Therefore, in order to insure

an equivalent level of safety for operations by foreign air carriers, it is considered appropriate to permit such carriers to operate airplanes under the authority of this regulation only on the condition that the country of registry of the airplanes requires that such airplanes be operated in accordance with the same or equivalent performance operating limitations.

This regulation also continues the requirement for special inspections, including the special inspections required prior to returning an airplane from cargo to passenger service. However, in view of the volume of data now available for the eligible airplane types, it no longer requires special reports and records be kept with respect to operations at increased weights. Based on experience gained under SR–411 and SR–411A, it is believed that intermittent cargo-passenger operations can now be permitted provided the special inspection is made each time the airplane is returned to passenger service.

This regulation contains a proviso, similar to that which appears in SR–411A, requiring a determination that any increase in the zero fuel and landing weights for the specified airplanes does not seriously affect the strength, fatigue, flutter, deformation, or vibration characteristics of such airplanes. While not proposed in Draft Release 62–18, the Agency is now of the opinion that even though such a determination has already been made for the increased weights presently authorized for the specified airplanes, such a requirement should be continued in effect to cover possible modifications to these airplanes as well as further increases in the approved weights. Since this provision merely continues in effect a provision currently applicable to the specified airplanes and imposes no additional burden on any person, notice and public procedure thereon are unnecessary for its adoption as part of this regulation.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation extends many of the provisions of a currently effective regulation which expires on June 30, 1962, imposes no additional burden on any person, and a delay in its effectiveness would impose a hardship on the cargo operators, good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective on June 30, 1962:

Notwithstanding the applicable structural provisions of the Civil Air Regulations, any air carrier or foreign air carrier may operate, for the carriage of cargo only, the transport category airplanes specified in paragraph (1) of this regulation, at increased zero fuel and landing weights, under the conditions specified in paragraphs (2) through (6) of this regulation.

(1) Transport category airplanes certificated under the provisions of Part 4b, effective prior to March 13, 1956, as follows:

(a) DS–6A, DC–6B, DC–7B, DC–7C; and

(b) L–1049B, C, D, E, F, G, H, L–1649A when modified in accordance with supplemental type certificate SA 4–1402.

(2) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maximum approved in full compliance with the ap-

plicable Civil Air Regulations: *Provided,* That any increase in the zero fuel weight shall not exceed 5 percent and that the increase in the structural landing weight shall not exceed the amount, in pounds, of the increase in zero fuel weight: *And provided further,* That the Administrator finds that the increase in either such weight is not likely to reduce seriously the structural strength, that the probability of sudden fatigue failure is not noticeably increased, and that the flutter, deformation, and vibration characteristics do not fall below those required by the applicable Civil Air Regulations. All other weight limitations established in accordance with the Civil Air Regulations applicable to the type airplane shall apply.

(3) Each airplane shall be inspected in accordance with the special inspection procedures for operations at increased weights established and issued by the manufacturer of the particular type airplane and approved by the Administrator.

(4) Each airplane operated by an air carrier under this regulation shall be operated in accordance with the passenger-carrying transport category performance operating limitations prescribed in Part 40, 41, or 42. Operation of airplanes by a foreign air carrier is not permitted under the authority of this regulation unless the country of registry requires the airplanes to be operated in accordance with such performance operating limitations or the equivalent thereof.

(5) The Airplane Flight Manual for each airplane operated under the provisions of this regulation shall be appropriately revised to include the operating limitations and information required for operation with the increased weights.

(6) An airplane operated at increased weights under the provisions of this regulation shall be inspected in accordance with the special inspection procedures for return to passenger service established and issued by the airplane manufacturer and approved by the Administrator, before it is used in passenger service except as provided for the carriage of persons under Special Civil Air Regulation No. SR–432A.

This regulation supersedes Special Civil Air Regulation No. SR–411A.

11/5/62

# Federal Aviation Agency
# Washington, D.C.

## Civil Aeronautics Manual 44
## Foreign Air Carrier Regulations

**Supplement No. 1, CAM 44 Dated August 1959** **Oct. 1, 1962**

SUBJECT: Operation of Certain Transport Category Airplanes in Cargo Service at Increased Zero Fuel and Landing Weights.

This supplement is issued to incorporate into CAM 44 Special Civil Air Regulation No. SR–411B, Operation of Certain Transport Category Airplanes in Cargo Service at Increased Zero Fuel and Landing Weights. This regulation was issued June 29, 1962, and became effective June 30, 1962.

| *Remove the following pages:* | *Insert the following new pages:* |
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| III | III |
| — | 5 through 9 |

George C. Prill

GEORGE C. PRILL, *Director,*
*Flight Standards Service.*

ATTACHMENTS.

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