UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Civil Air Regulations Amendment 190-2
Effective: February 7, 1957
Adopted: January 3, 1957

AUTHORIZATION OF NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

AIRWORTHINESS CERTIFICATION AND RESTRICTIONS ON MAXIMUM WEIGHTS FOR CATEGORIES OF USE

Foreign civil aircraft operated in the United States in accordance with Part 190 of the Civil Air Regulations are required to carry on board currently effective certificates of airworthiness issued or rendered valid by the country of registry. If the certificate of airworthiness becomes invalid because of damage to the aircraft, or for other reasons, it may be operated within the United States only upon special authorization of the Board in accordance with § 190.70. However, normal processing of such authority may on occasion unduly delay the ferrying of a foreign civil aircraft.

The Civil Air Regulations presently provide that the Administrator may issue special flight permits for civil aircraft of the United States which do not currently meet airworthiness standards but are found to be capable of safe flight. A special flight permit is intended to authorize the flight of an aircraft to a base where repairs or alterations are to be made, or to permit the delivery or export of the aircraft. This amendment authorizes the Administrator, under the same conditions, to issue special flight permits, for ferrying purposes, for foreign civil aircraft which have been damaged or which have had their certificates of airworthiness invalidated because of a change in nationality. It will be noted that the provisions of this amendment are consistent with Annex 8 to the Convention on International Civil Aviation to the extent that the country of registry will determine whether an aircraft is damaged to such an extent as to invalidate its airworthiness certificate.

Presently effective § 190.23 of Part 190 provides that foreign aircraft shall not be operated in the United States at weights in excess of the weights established by the country of manufacture. To preclude any uncertainty as to the eligibility of certain aircraft to qualify under the maximum weight limitations prescribed under United States airworthiness requirements, the language of that section is hereby amended to relate clearly the weight limitations to categories of use. The effect of this change will be that airplanes which have been manufactured in the United States but have not been certificated, for example, in the transport category and, therefore, for which no maximum weight has been established

in that category, may not, although presently registered and certificated in foreign countries, qualify for operation in the United States in the transport category until operating weights have been established in accordance with transport category limitations. This policy is consistent with the resolution on aircraft weights adopted at the Council of the International Civil Aviation Organization Meeting on March 8, 1949, which acknowledged the right of the country of manufacture to set the maximum weights applicable to foreign registered and certificated aircraft which may be flown over such country of manufacture.

Interested persons have been afforded an opportunity to participate in the making of these amendments (21 F.R. 2952), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 190 of the Civil Air Regulations (14 CFR Part 190, as amended) effective February 7, 1957.

1. By amending § 190.20 by deleting the period at the end of the section and inserting a semicolon in lieu thereof, and by adding the following:

190.20 Airworthiness and registration certificates. * * * Provided, however, That in cases covered by paragraphs (a) and (b) of this section a special flight permit issued by the Administrator in accordance with §§ 1.76 and 1.77 of Part 1 of this subchapter may be carried on board the aircraft in lieu of such certificate of airworthiness:

(a) It has been determined by the country of registry that the aircraft has been damaged to the extent that the airworthiness certificate is invalidated and the aircraft is to be flown to a place where repairs or alterations are to be made, or

(b) The certificate of airworthiness issued for the aircraft has been invalidated by the country of registry due to a change in nationality and such aircraft is intended to be navigated in the United States in transit to the new country of registry.

2. By amending § 190.23 to read as follows:

190.23 Maximum weights and categories of use. 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.

(Air Commerce Act, 1926, sec. 6; 49 U.S.C. 176, as amended by 67 Stat. 489, Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a))

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

Part 190 last printed April 30, 1954.