U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

DEC 11 2006

George Vilven
[redacted]

Dear Mr. Vilven,

This is in response to request for a legal interpretation of the "Age 60 Rule." We apologize for the delay in responding to your request.

You asked whether FAA regulations permit Air Canada to fly over U.S. airspace with a pilot in command (PIC) over the age of 60, enroute to foreign destinations.

The United States applies the current International Civil Aviation Organization (ICAO) standard to foreign air carriers operating within our airspace. Prior to November 23, 2006, the U.S. did not allow flights through our territory by foreign air carriers where the PIC was over the age of 60. The prohibition on foreign air carrier operations through our territory using a PIC over the age of 60 applied even where there was no landing in the U.S. The ICAO standard also prevented a foreign air carrier from using a U.S. airport as a planned alternate airport. There was, and is, an exception where the foreign air carrier flight has an emergency that requires a landing in the U.S. In such cases, allowing the operation to occur within our territory is in the interest of safety. We did not apply the age 60 limit to the copilots of foreign air carriers, since prior to November 23, 2006, the ICAO age-limit only applied to PIC and the age-limit for a second-in-command (SIC) was a recommended practice, and not as a standard.

As you are aware, a new ICAO standard took effect on November 23, 2006. Under this new standard, the U.S. allows operations in our territory by foreign air carriers that utilize a PIC or SIC age 60 or over, provided one of them is under the age of 60. Please note that this interpretation is limited to the FAA position regarding the U.S. domestic age 60 rule and the FAA position regarding the new ICAO standard.

We trust this interpretation has answered your questions. This letter was coordinated with Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel, Regulations Division