

**PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE**

Sec.

SPECIAL FEDERAL AVIATION REGULATION NO. 38-2 [NOTE]

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SPECIAL FEDERAL AVIATION REGULATION  
No. 38-2

EDITORIAL NOTE: For the text of SFAR No. 38-2, see part 121 of this chapter.

**§ 129.1 Applicability.**

(a) Except as provided in paragraph (b) of this section, this part prescribes rules governing the operation within the United States of each foreign air carrier holding a permit issued by the Civil Aeronautics Board or the Department of Transportation under section 402 of the Federal Aviation Act of 1958 (49 U.S.C. 1372) or other appropriate economic or exemption authority issued by the Civil Aeronautics Board or the Department of Transportation.

(b) Sections 129.14 and 129.20 also apply to U.S.-registered aircraft operated in common carriage by a foreign person or foreign air carrier solely outside the United States. For the purpose of this part, a foreign person is any person, not a citizen for the United States, who operates a U.S.-registered aircraft in common carriage solely outside the United States.

[Doc. No. 24856, 52 FR 20029, May. 28, 1987, as amended by Amdt. 129-27, 62 FR 38396, July 17, 1997]

**§ 129.11 Operations specifications.**

(a) Each foreign air carrier shall conduct its operations within the United States in accordance with operations specifications issued by the Administrator under this part and in accordance with the Standards and Recommended Practices contained in part I (International Commercial Air Transport) of Annex 6 (Operation of Aircraft) to the Convention on International Civil Aviation Organization. Operations specifications shall include:

- (1) Airports to be used;
- (2) Routes or airways to be flown, and
- (3) Such operations rules and practices as are necessary to prevent collisions between foreign aircraft and other aircraft.
- (4) Registration marketings of each U.S.-registered aircraft.

(b) An application for the issue or amendment of operations specifications must be submitted in duplicate, at least 30 days before beginning operations in the United States, to the Flight Standards District Office in the area where the applicant's principal business office is located or to the Regional Flight Standards Division Manager having jurisdiction over the area to be served by the operations. If a military airport of the United States is to be used as a regular, alternate, refueling, or provisional airport, the applicant must obtain written permission to do so from the Washington Headquarters of the military organization concerned and submit two copies of that written permission with his application. Detailed requirements governing applications for the issue or amendment of operations specifications are contained in Appendix A.

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(c) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under part 125.

[Doc. No. 1994, 29 FR 1720, Feb. 5, 1964, as amended by Amdt. 129-14, 52 FR 20029, May 28, 1987; Amdt. 129-19, 54 FR 39294, Sept. 25, 1989; 54 FR 51972, Dec. 19, 1989]

### § 129.13 Airworthiness and registration certificates.

(a) No foreign air carrier may operate any aircraft within the United States unless that aircraft carries current registration and airworthiness certificates issued or validated by the country of registry and displays the nationality and registration markings of that country.

(b) No foreign air carrier may operate a foreign aircraft within the United States except in accordance with the limitations on maximum certificated weights prescribed for that aircraft and that operation by the country of manufacture of the aircraft.

### § 129.14 Maintenance program and minimum equipment list requirements for U.S.-registered aircraft.

(a) Each foreign air carrier and each foreign person operating a U.S.-registered aircraft within or outside the United States in common carriage shall ensure that each aircraft is maintained in accordance with a program approved by the Administrator.

(b) No foreign air carrier or foreign person may operate a U.S.-registered aircraft with inoperable instruments or equipment unless the following conditions are met:

(1) A master minimum equipment list exists for the aircraft type.

(2) The foreign operator submits for review and approval its aircraft minimum equipment list based on the master minimum equipment list, to the FAA Flight Standards District Office having geographic responsibility for the operator. The foreign operator must show, before minimum equipment list approval can be obtained, that the maintenance procedures used under its maintenance program are adequate to support the use of its minimum equipment list.

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(3) For leased aircraft maintained and operated under a U.S. operator's continuous airworthiness maintenance program and FAA-approved minimum equipment list, the foreign operator submits the U.S. operator's approved continuous airworthiness maintenance program and approved aircraft minimum equipment list to the FAA office prescribed in paragraph (b)(2) of this section for review and evaluation. The foreign operator must show that it is capable of operating under the lessor's approved maintenance program and that it is also capable of meeting the maintenance and operational requirements specified in the lessor's approved minimum equipment list.

(4) The FAA letter of authorization permitting the operator to use an approved minimum equipment list is carried aboard the aircraft. The minimum equipment list and the letter of authorization constitute a supplemental type certificate for the aircraft.

(5) The approved minimum equipment list provides for the operation of the aircraft with certain instruments and equipment in an inoperable condition.

(6) The aircraft records available to the pilot must include an entry describing the inoperable instruments and equipment.

(7) The aircraft is operated under all applicable conditions and limitations contained in the minimum equipment list and the letter authorizing the use of the list.

[Doc. No. 24856, 52 FR 20029, May 28, 1987]

### § 129.15 Flight crewmember certificates.

No person may act as a flight crewmember unless he holds a current certificate or license issued or validated by the country in which that aircraft is registered, showing his ability to perform his duties connected with operating that aircraft.

[Doc. No. 7084, 30 FR 16074, Dec. 24, 1965]

### § 129.17 Radio equipment.

(a) Subject to the applicable laws and regulations governing ownership and operation of radio equipment, each foreign air carrier shall equip its aircraft

with such radio equipment as is necessary to properly use the air navigation facilities, and to maintain communications with ground stations, along or adjacent to their routes in the United States.

(b) Whenever VOR navigational equipment is required by paragraph (a) of this section, at least one distance measuring equipment unit (DME), capable of receiving and indicating distance information from the VORTAC facilities to be used, must be installed on each airplane when operated at or above 24,000 feet MSL within the 50 states, and the District of Columbia.

[Doc. No. 1994, 29 FR 1720, Feb. 5, 1964, as amended by Amdt. 129-2, 30 FR 10288, Aug. 19, 1965, Amdt. 129-7, 41 FR 47230, Oct. 30, 1976]

**§ 129.18 Traffic Alert and Collision Avoidance System.**

(a) After December 30, 1993, no foreign air carrier may operate in the United States a turbine powered airplane that has a maximum passenger seating configuration, excluding any pilot seat, of more than 30 seats unless it is equipped with—

(1) A TCAS II traffic alert and collision avoidance system capable of coordinating with TCAS units that meet the specifications of TSO C-119, and

(2) The appropriate class of Mode S transponder.

(b) Unless otherwise authorized by the Administrator, after December 31, 1995, no foreign air carrier may operate in the United States a turbine powered airplane that has a passenger seat configuration, excluding any pilot seat, of 10 to 30 seats unless it is equipped with an approved traffic alert and collision avoidance system. If a TCAS II system is installed, it must be capable of coordinating with TCAS units that meet TSO C-119.

[Doc. No. 25355, 54 FR 951, Jan. 10, 1989, as amended by Amdt. 129-21, 55 FR 13247, Apr. 9, 1990; Amdt. 129-24, 59 FR 67587, Dec. 29, 1994]

**§ 129.19 Air traffic rules and procedures.**

(a) Each pilot must be familiar with the applicable rules, the navigational and communications facilities, and the air traffic control and other procedures, of the areas to be traversed by him within the United States.

(b) Each foreign air carrier shall establish procedures to assure that each of its pilots has the knowledge required by paragraph (a) of this section and shall check the ability of each of its pilots to operate safely according to applicable rules and procedures.

(c) Each foreign air carrier shall conform to the practices, procedures, and other requirements prescribed by the Administrator for U.S. air carriers for the areas to be operated in.

**§ 129.20 Digital flight data recorders.**

No person may operate an aircraft under this part that is registered in the United States unless it is equipped with one or more approved flight recorders that use a digital method of recording and storing data and a method of readily retrieving that data from the storage medium. The flight data recorder must record the parameters that would be required to be recorded if the aircraft were operated under part 121, 125, or 135 of this chapter, and must be installed by the compliance times required by those parts, as applicable to the aircraft.

[Doc. No. 28109, 62 FR 38396, July 17, 1997]

**§ 129.21 Control of traffic.**

(a) Subject to applicable immigration laws and regulations, each foreign air carrier shall furnish the ground personnel necessary to provide for two-way voice communication between its aircraft and ground stations, at places where the Administrator finds that voice communication is necessary and that communications cannot be maintained in a language with which ground station operators are familiar.

(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak both English and the language necessary to maintain communications with the aircraft concerned, and shall assist ground personnel in directing traffic.

**§ 129.23 Transport category cargo service airplanes: Increased zero fuel and landing weights.**

(a) Notwithstanding the applicable structural provisions of the transport category airworthiness regulations, but subject to paragraphs (b) through (g) of this section, a foreign air carrier

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may operate (for cargo service only) any of the following transport category airplanes (certificated under part 4b of the Civil Air Regulations effective before March 13, 1956) at increased zero fuel and landing weights—

(1) DC-6A, DC-6B, DC-7B, and DC-7C; and

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

(b) 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 applicable rules only if the Administrator finds that—

(1) The increase is not likely to reduce seriously the structural strength;

(2) The probability of sudden fatigue failure is not noticeably increased;

(3) The flutter, deformation, and vibration characteristics do not fall below those required by applicable regulations; and

(4) All other applicable weight limitations will be met.

(c) No zero fuel weight may be increased by more than five percent, and the increase in the structural landing weight may not exceed the amount, in pounds, of the increase in zero fuel weight.

(d) Each airplane must be inspected in accordance with the approved special inspection procedures, for operations at increased weights, established and issued by the manufacturer of the type of airplane.

(e) A foreign air carrier may not operate an airplane under this section unless the country of registry requires the airplane to be operated in accordance with the passenger-carrying transport category performance operating limitations in part 121 or the equivalent.

(f) The Airplane Flight Manual for each airplane operated under this section must be appropriately revised to include the operating limitations and information needed for operation at the increased weights.

(g) Each airplane operated at an increased weight under this section must, before it is used in passenger service, be inspected under the special

inspection procedures for return to passenger service established and issued by the manufacturer and approved by the Administrator.

[Doc. No. 6403, 29 FR 19098, Dec. 30, 1964]

### § 129.25 Airplane security.

(a) The following are definitions of terms used in this section:

(1) *Approved security program* means a security program required by part 108 of this title approved by the Administrator.

(2) *Certificate holder* means a person holding an FAA air carrier operating certificate or operating certificate when that person engages in scheduled passenger or public charter operations, or both.

(3) *Passenger seating configuration* means the total number of seats for which the aircraft is type certificated that can be made available for passenger use aboard a flight and includes that seat in certain airplanes which may be used by a representative of the Administrator to conduct flight checks but is available for revenue purposes on other occasions.

(4) *Private charter* means any charter for which the charterer engages the total capacity of an airplane for the carriage only of:

(i) Passengers in civil or military air movements conducted under contract with the Government of the United States or the Government of a foreign country; or

(ii) Passengers invited by the charterer, the cost of which is borne entirely by the charterer and not directly or indirectly by the individual passengers.

(5) *Public charter* means any charter that is not a *private charter*.

(6) *Scheduled passenger operations* means holding out to the public of air transportation service for passengers from identified air terminals at a set time announced by timetable or schedule published in a newspaper, magazine, or other advertising medium.

(7) *Sterile area* means an area to which access is controlled by the inspection of persons and property in accordance with an approved security program or a security program used in accordance with § 129.25.

(b) Each foreign air carrier landing or taking off in the United States shall adopt and use a security program, for each scheduled and public charter passenger operation, that meets the requirements of—

(1) Paragraph (c) of this section for each operation with an airplane having a passenger seating configuration of more than 60 seats;

(2) Paragraph (c) of this section for each operation that will provide deplaned passengers access, that is not controlled by a certificate holder using an approved security program or a foreign air carrier using a security program required by this section, to a sterile area;

(3) Paragraph (c) of this section for each operation with an airplane having a passenger seating configuration of more than 30 seats but less than 61 seats for which the FAA has notified the foreign air carrier that a threat exists; and

(4) Paragraph (d) of this section for each operation with an airplane having a passenger seating configuration of more than 30 seats but less than 61 seats, when the the Director of Civil Aviation Security or a designate of the Director has not notified the foreign air carrier in writing that a threat exists with respect to that operation.

(c) Each security program required by paragraph (b) (1), (2), or (3) of this section shall be designed to—

(1) Prevent or deter the carriage aboard airplanes of any explosive, incendiary device or a deadly or dangerous weapon on or about each individual's person or accessible property, except as provided in §129.27 of this part, through screening by weapon-detecting procedures or facilities;

(2) Prohibit unauthorized access to airplanes;

(3) Ensure that baggage is accepted by a responsible agent of the foreign air carrier; and

(4) Prevent cargo and checked baggage from being loaded aboard its airplanes unless handled in accordance with the foreign air carrier's security procedures.

(d) Each security program required by paragraph (b)(4) of this section shall include the procedures used to comply with the applicable requirements of

paragraphs (h)(2) and (i) of this section regarding law enforcement officers.

(e) Each foreign air carrier required to adopt and use a security program pursuant to paragraph (b) of this section shall have a security program acceptable to the Administrator. A foreign air carrier's security program is acceptable only if the Administrator finds that the security program provides passengers a level of protection similar to the level of protection provided by U.S. air carriers serving the same airports. Foreign air carriers shall employ procedures equivalent to those required of U.S. air carriers serving the same airport if the Administrator determines that such procedures are necessary to provide passengers a similar level of protection. The following procedures apply for acceptance of a security program by the Administrator:

(1) Unless otherwise authorized by the Administrator, each foreign air carrier required to have a security program by paragraph (b) of this section shall submit its program to the Administrator at least 90 days before the intended date of passenger operations. The proposed security program must be in English unless the Administrator requests that the proposed program be submitted in the official language of the foreign air carrier's country. The Administrator will notify the foreign air carrier of the security program's acceptability, or the need to modify the proposed security program for it to be acceptable under this part, within 30 days after receiving the proposed security program. The foreign air carrier may petition the Administrator to reconsider the notice to modify the security program within 30 days after receiving a notice to modify.

(2) In the case of a security program previously found to be acceptable pursuant to this section, the Administrator may subsequently amend the security program in the interest of safety in air transportation or in air commerce and in the public interest within a specified period of time. In making such an amendment, the following procedures apply:

(i) The Administrator notifies the foreign air carrier, in writing, of a proposed amendment, fixing a period of

not less than 45 days within which the foreign air carrier may submit written information, views, and arguments on the proposed amendment.

(ii) At the end of the comment period, after considering all relevant material, the Administrator notifies the foreign air carrier of any amendment to be adopted and the effective date, or rescinds the notice of proposed amendment. The foreign air carrier may petition the Administrator to reconsider the amendment, in which case the effective date of the amendment is stayed until the Administrator reconsiders the matter.

(3) If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation or in air commerce that makes the procedures in paragraph (e)(2) of this section impractical or contrary to the public interest, the Administrator may issue an amendment to the foreign air carrier security program, effective without stay on the date the foreign air carrier receives notice of it. In such a case, the Administrator incorporates in the notice of amendment the finding and a brief statement of the reasons for the amendment.

(4) A foreign air carrier may submit a request to the Administrator to amend its security program. The requested amendment must be filed with the Administrator at least 45 days before the date the foreign carrier proposes that the amendment would become effective, unless a shorter period is allowed by the Administrator. Within 30 days after receiving the requested amendment, the Administrator will notify the foreign air carrier whether the amendment is acceptable. The foreign air carrier may petition the Administrator to reconsider a notice of unacceptability of the requested amendment within 45 days after receiving notice of unacceptability.

(5) Each foreign air carrier required to use a security program by paragraph (b) of this section shall, upon request of the Administrator and in accordance with the applicable law, provide information regarding the implementation and operation of its security program.

(f) No foreign air carrier may land or take off an airplane in the United

States, in passenger operations, after receiving a bomb or air piracy threat against that airplane, unless the following actions are taken:

(1) If the airplane is on the ground when a bomb threat is received and the next scheduled flight of the threatened airplane is to or from a place in the United States, the foreign air carrier ensures that the pilot in command is advised to submit the airplane immediately for a security inspection and an inspection of the airplane is conducted before the next flight.

(2) If the airplane is in flight to a place in the United States when a bomb threat is received, the foreign air carrier ensures that the pilot in command is advised immediately to take the emergency action necessary under the circumstances and a security inspection of the airplane is conducted immediately after the next landing.

(3) If information is received of a bomb or air piracy threat against an airplane engaged in an operation specified in paragraph (f)(1) or (f)(2) of this section, the foreign air carrier ensures that notification of the threat is given to the appropriate authorities of the State in whose territory the airplane is located or, if in flight, the appropriate authorities of the State in whose territory the airplane is to land.

(g) Each foreign air carrier conducting an operation for which a security program is required by paragraph (b) (1), (2), or (3) of this section shall refuse to transport—

(1) Any person who does not consent to a search of his or her person in accordance with the security program; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the security program.

(h) At airports within the United States not governed by part 107 of this chapter, each foreign air carrier engaging in public charter passenger operations shall—

(1) When using a screening system required by paragraph (b) of this section, provide for law enforcement officers meeting the qualifications and standards, and in the number and manner, specified in part 107; and

(2) When using an airplane having a passenger seating configuration of more than 30 but less than 61 seats for which a screening system is not required by paragraph (b) of this section, arrange for law enforcement officers meeting the qualifications and standards specified in part 107 to be available to respond to an incident and provide to appropriate employees, including crewmembers, current information with respect to procedures for obtaining law enforcement assistance at that airport.

(i) At airports governed by part 107 of this chapter, each foreign air carrier engaging in scheduled passenger operations or public charter passenger operations when using an airplane with a passenger seating configuration of more than 30 but less than 61 seats for which a screening system is not required by paragraph (b) of this section shall arrange for law enforcement officers meeting the qualifications and standards specified in part 107 to be available to respond to an incident and provide to appropriate employees, including crewmembers, current information with respect to procedures for obtaining law enforcement assistance at that airport.

(j) Unless otherwise authorized by the Administrator, each foreign air carrier required to conduct screening under this part shall use procedures, facilities, and equipment for detecting explosives, incendiaries, and deadly or dangerous weapons to inspect each person entering a sterile area at each preboarding screening checkpoint in the United States for which it is responsible, and to inspect all accessible property under that person's control.

[Doc. No. 108, 46 FR 3790, Jan. 15, 1981; 46 FR 7936, Jan. 26, 1981, as amended by Amdt. 129-16, 52 FR 48509, Dec. 22, 1987; Amdt. 129-18, 54 FR 11121, Mar. 16, 1989; Amdt. 129-22, 56 FR 30126, July 1, 1991]

**§ 129.26 Use of X-ray system.**

(a) No foreign air carrier may use an X-ray system in the United States to inspect carry-on and checked articles unless:

(1) For a system manufactured prior to April 25, 1974, it meets either the guidelines issued by the Food and Drug Administration (FDA), Department of

Health, Education, and Welfare and published in the FEDERAL REGISTER (38 FR 21442, August 8, 1973); or the performance standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(2) For a system manufactured after April 24, 1974, it meets the standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(3) A program for initial and recurrent training of operators of the system has been established, which includes training in radiation safety, the efficient use of X-ray systems, and the identification of weapons and other dangerous articles;

(4) Procedures have been established to ensure that such operator of the system will be provided with an individual personnel dosimeter (such as a film badge or thermoluminescent dosimeter). Each dosimeter used will be evaluated at the end of each calendar month, and records of operator duty time and the results of dosimeter evaluations will be maintained by the foreign air carrier; and

(5) The system meets the imaging requirements set forth in an accepted Foreign Air Carrier Security Program using the step wedge specified in American Society for Testing and Materials Standard F792-82.

(b) No foreign air carrier may use an X-ray system as specified in paragraph (a) of this section—

(1) Unless within the preceding 12 calendar months a radiation survey has been conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the Food and Drug Administration in the FEDERAL REGISTER of August 8, 1973 (38 FR 21442);

(2) After the system is initially installed or after it has been moved from one location to another, unless a radiation survey is conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the Food and Drug Administration in the

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FEDERAL REGISTER on August 8, 1973 (38 FR 21442); except that a radiation survey is not required for an X-ray system that is moved to another location, if the foreign air carrier shows that the system is so designed that it can be moved without altering its performance:

(3) That is not in full compliance with any defect notice or modification order issued for that system by the Food and Drug Administration, Department of Health, Education, and Welfare, unless that Administration has advised the FAA that the defect or failure to comply is not such as to create a significant risk or injury, including genetic injury, to any person; and

(4) Unless a sign is posted in a conspicuous place at the screening station and on the X-ray system which notifies passengers that carry-on and checked articles are being inspected by an X-ray system and advises them to remove all X-ray, scientific, and high-speed film from their carry-on and checked articles before inspection. This sign shall also advise passengers that they may request an inspection to be made of their photographic equipment and film packages without exposure to an X-ray system. If the X-ray system exposes any carry-on or checked articles to more than 1 milliroentgen during the inspection, the foreign air carrier shall post a sign which advises passengers to remove film of all kinds from their articles before inspection. If requested by passengers, their photographic equipment and film packages shall be inspected without exposure to an X-ray system.

(c) Each foreign air carrier shall maintain at least one copy of the results of the most recent radiation survey conducted under paragraph (b)(1) or (b)(2) of this section at the place where the X-ray system is in operation and shall make it available for inspection upon request by the Administrator.

(d) The American Society for Testing and Materials Standard F792-82, "Design and Use of Ionizing Radiation Equipment for the Detection of Items Prohibited in Controlled Access Areas," described in this section is incorporated by reference herein and made a part hereof pursuant to 5 U.S.C.

552(a)(1). All persons affected by these amendments may obtain copies of the standard from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. In addition, a copy of the standard may be examined at the FAA Rules Docket, Docket No. 24115, 800 Independence Avenue SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

[Doc. No. 15286, 41 FR 30106, July 22, 1976, as amended by Amdt. 129-8, 43 FR 11978, Mar. 23, 1978; Amdt. 129-10, 44 FR 54467, Sept. 20, 1979; Amdt. 129-13, 50 FR 25657, June 20, 1985; Amdt. 129-23, 56 FR 48374, Sept. 24, 1991]

### § 129.27 Prohibition against carriage of weapons.

(a) No person may, while on board an aircraft being operated by a foreign air carrier in the United States, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed. This paragraph does not apply to—

(1) Officials or employees of the state of registry of the aircraft who are authorized by that state to carry arms; and

(2) Crewmembers and other persons authorized by the foreign air carrier to carry arms.

(b) No foreign air carrier may knowingly permit any passenger to carry, nor may any passenger carry, while aboard an aircraft being operated in the United States by that carrier, in checked baggage, a deadly or dangerous weapon, unless:

(1) The passenger has notified the foreign air carrier before checking the baggage that the weapon is in the baggage; and

(2) The baggage is carried in an area inaccessible to passengers.

[Doc. No. 15286, 41 FR 30107, July 22, 1976]

### § 129.29 Smoking prohibitions.

(a) No person may smoke and no operator may permit smoking in any aircraft lavatory.

(b) Unless otherwise authorized by the Secretary of Transportation, no person may smoke and no operator may permit smoking anywhere on the aircraft (including the passenger cabin and the flight deck) during scheduled passenger foreign air transportation or

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during any scheduled passenger interstate or intrastate air transportation.

[Doc. No. FAA-2000-7467, 65 FR 36780, June 9, 2000]

### § 129.31 Airplant security.

Each foreign air carrier required to adopt and use a security program under § 129.25(b) shall—

(a) Restrict the distribution, disclosure, and availability of sensitive security information, as defined in part 191 of this chapter, to persons with a need-to-know; and

(b) Refer requests for sensitive security information by other persons to the Assistant Administrator for Civil Aviation Security.

[Doc. No. 27965, 62 FR 13744, Mar. 21, 1997]

### § 129.32 Repair assessment for pressurized fuselages.

(a) No foreign air carrier or foreign persons operating a U.S. registered airplane may operate an Airbus Model A300 (excluding -600 series), British Aerospace Model BAC 1-11, Boeing Model 707, 720, 727, 737, or 747, McDonnell Douglas Model DC-8, DC-9/MD-80 or DC-10, Fokker Model F28, or Lockheed Model L-1011 beyond the applicable flight cycle implementation time specified below, or May 25, 2001, whichever occurs later, unless operations specifications have been issued to reference repair assessment guidelines applicable to the fuselage pressure boundary (fuselage skin, door skin, and bulkhead webs), and those guidelines are incorporated in its maintenance program. The repair assessment guidelines must be approved by the FAA Aircraft Certification Office (ACO), or office of the Transport Airplane Directorate, having cognizance over the type certificate for the affected airplane.

(1) For the Airbus Model A300 (excluding the -600 series), the flight cycle implementation time is:

(i) Model B2: 36,000 flights.

(ii) Model B4-100 (including Model B4-2C): 30,000 flights above the window line, and 36,000 flights below the window line.

(iii) Model B4-200: 25,500 flights above the window line, and 34,000 flights below the window line.

(2) For all models of the British Aerospace BAC 1-11, the flight cycle implementation time is 60,000 flights.

(3) For all models of the Boeing 707, the flight cycle implementation time is 15,000 flights.

(4) For all models of the Boeing 720, the flight cycle implementation time is 23,000 flights.

(5) For all models of the Boeing 727, the flight cycle implementation time is 45,000 flights.

(6) For all models of the Boeing 737, the flight cycle implementation time is 60,000 flights.

(7) For all models of the Boeing 747, the flight cycle implementation time is 15,000 flights.

(8) For all models of the McDonnell Douglas DC-8, the flight cycle implementation time is 30,000 flights.

(9) For all models of the McDonnell Douglas DC-9/MD-80, the flight cycle implementation time is 60,000 flights.

(10) For all models of the McDonnell Douglas DC-10, the flight cycle implementation time is 30,000 flights.

(11) For all models of the Lockheed L-1011, the flight cycle implementation time is 27,000 flights.

(12) For the Fokker F-28 Mark 1000, 2000, 3000, and 4000, the flight cycle implementation time is 60,000 flights.

(b) For turbine-powered transport category airplanes with a type certificate issued after January 1, 1958, and either a maximum type certificated passenger capacity of 30 or more, or a maximum type certificated payload capacity of 7,500 pounds or more, no later than June 7, 2004, the program required by paragraph (a) of this section must include instructions for maintenance and inspection of the fuel tank systems. These instructions must address the actual configuration of the fuel tank systems of each affected airplane and must be approved by the FAA Aircraft Certification Office (ACO), or office of the Transport Airplane Directorate, having cognizance over the type certificate for the affected airplane. Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the manager of the appropriate office. Thereafter the approved instructions can be revised only with the approval of the

FAA Aircraft Certification Office (ACO), or office of the Transport Airplane Directorate, having cognizance over the type certificate for the affected airplane. Operators must submit their requests for revisions through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the manager of the appropriate office.

[Doc. No. 29104, 65 FR 24126, Apr. 25, 2000; 65 FR 35703, June 5, 2000, as amended by Amdt. 129-30, 66 FR 23131, May 7, 2001]

APPENDIX A TO PART 129—APPLICATION FOR OPERATIONS SPECIFICATIONS BY FOREIGN AIR CARRIERS

(a) *General.* Each application must be executed by an authorized officer or employee of the applicant having knowledge of the matter set forth therein, and must have attached thereto two copies of the appropriate written authority issued to that officer or employee by the applicant. Negotiations for permission to use airports under U.S. military jurisdiction is effected through the respective embassy of the foreign government and the United States Department of State.

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

APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

(OUTLINE)

In accordance with the Federal Aviation Act of 1958 (49 U.S.C. 1372) and part 129 of the Federal 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 must submit the following information only with respect to those parts of his proposed operations that will be conducted within the United States.

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

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

SEC. III. A. *Route.* 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.* Submit 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 distance to and name of nearest city or town).

SEC. 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.

SEC. V. *Aircraft.* Submit 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 of aircraft?
  5. Registration markings of each U.S.-registered aircraft.

B. *Aircraft Radio.* List aircraft radio equipment necessary for instrument operation within the United States.

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

SEC. 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 crewmember.

B. State whether or not pilot personnel have received training in the use of navigational facilities necessary for en route operation and instrument letdowns 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 Federal Air

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Regulations pertaining to the conduct of foreign air carrier operations within the United States.

D. State whether pilot personnel are 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 Communication Stations using radiotelephone communications.

**SEC. 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 Federal 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?

**SEC. 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.)

[Doc. No. 1994, 29 FR 1720, Feb. 5, 1964, as amended by Amdt. 129-14, 52 FR 20029, May. 28, 1987; Amdt. 129-19, 54 FR 39294, Sept. 25, 1989; 54 FR 51972, Dec. 19, 1989]

**PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS**

**Subpart A—Applicability**

Sec.  
133.1 Applicability.

**Subpart B—Certification Rules**

- 133.11 Certificate required.
- 133.13 Duration of certificate.
- 133.14 Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances.
- 133.15 Application for certificate issuance or renewal.
- 133.17 Requirements for issuance of a rotorcraft external-load operator certificate.
- 133.19 Rotorcraft.
- 133.21 Personnel.
- 133.23 Knowledge and skill.

- 133.25 Amendment of certificate.
- 133.27 Availability, transfer, and surrender of certificate.

**Subpart C—Operating Rules and Related Requirements**

- 133.31 Emergency operations.
- 133.33 Operating rules.
- 133.35 Carriage of persons.
- 133.37 Crewmember training, currency, and testing requirements.
- 133.39 Inspection authority.

**Subpart D—Airworthiness Requirements**

- 133.41 Flight characteristics requirements.
- 133.43 Structures and design.
- 133.45 Operating limitations.
- 133.47 Rotorcraft-load combination flight manual.
- 133.49 Markings and placards.
- 133.51 Airworthiness certification.

AUTHORITY: 49 U.S.C. 106(g), 40113, 44701-44702.

SOURCE: Docket No. 1529, 29 FR 603, Jan. 24, 1964, unless otherwise noted.

**Subpart A—Applicability**

**§ 133.1 Applicability.**

This part prescribes—

- (a) Airworthiness certification rules for rotorcraft used in; and
- (b) Operating and certification rules governing the conduct of rotorcraft external-load operations in the United States by a person.

(c) The certification rules of this part do not apply to—

- (1) Rotorcraft manufacturers when developing external-load attaching means;
- (2) Rotorcraft manufacturers demonstrating compliance of equipment utilized under this part or appropriate portions of part 27 or 29 of this chapter;
- (3) Operations conducted by a person demonstrating compliance for the issuance of a certificate or authorization under this part;
- (4) Training flights conducted in preparation for the demonstration of compliance with this part; or
- (5) A Federal, State, or local government conducting operations with public aircraft.

(d) For the purpose of this part, a person other than a crewmember or a person who is essential and directly