

August 3, 1982

Mr. John A. Casey
Vice President, Flight Operations
Air Berlin
Flughafen Tegel
D-1000 Berlin 51

Dear Mr. Casey:

This is in reply to your letter of July 9, 1982, which was received in our office on July 20, 1982, wherein you requested information on the Braniff and British Airways arrangement regarding the use of the Concorde.

It is our opinion that the procedure used in the case of the Concorde could not be utilized in your situation.

The entire operation involving the registration of the Concorde in the United States was conducted within the United States. In your case, the operation would be conducted outside the United States. Since such an operation involves delegations and the establishment of an extension of the FAA Aircraft Registry, the fact that the events occur outside the United States, renders such an arrangement impractical.

Also, in the case of the Concorde, all the countries whose statutes and regulations were involved, agreed to the operation. In your case, it does not appear that that situation exists.

The aircraft you proposed to use does not appear to be eligible for registration in the United States, under your present lease arrangement, except as an aircraft owned by a non-citizen United States corporation. In that case, in order to maintain its registration the aircraft would have to be based and primarily used in the United States. This would require that 60 percent of its total flight hours, during the 6 month periods described in Section 47.9(b) of the Federal Aviation Regulations, be between two points in the United States. This would not be compatible with your operations.

On the basis of the foregoing, as stated above, it is our opinion the interchange concept is not available in this situation.

While we cannot think of an acceptable arrangement which would meet your needs, we will be glad to discuss any other proposals you may have.

Sincerely,
Original signed by
JOSEPH T. BRENNAN
Joseph T. Brennan
Aeronautical Center Counsel

bcc:
AGC-7
AGC-200
AAC-250