

VOLUME 12 INTERNATIONAL AVIATION

CHAPTER 4 PART 129 OPERATIONS

Section 1 Part 129 Operations Specifications Overview and Issuance

1.1 GENERAL.

1.1.1 Purpose. This section provides the Federal Aviation Administration (FAA) Flight Standards Service (FS) with information associated with operators operating under Title 14 of the Code of Federal Regulations (14 CFR) part 129. It provides an overview of the application process and identifies related roles and responsibilities.

1.1.2 Scope. This section is applicable to all FAA FS personnel with responsibilities associated with part 129 foreign air carrier activities and international aviation operations.

1.1.3 Program Tracking and Reporting Subsystem (PTRS) Activity Codes. See the applicable part 129 operations specifications (OpSpecs) section for the appropriate PTRS codes.

1.1.4 Regulatory References. All regulatory references in this section are found in 14 CFR unless otherwise indicated.

1.2 DEFINITIONS. See Volume 12, Chapter 1, Section 1, Definitions, Abbreviations, and Acronyms, for information associated with this section.

1.3 BACKGROUND. Each foreign air carrier must obtain OpSpecs issued by the FAA before conducting operations within U.S. airspace. Part 129, § 129.7 includes detailed requirements that a foreign air carrier must meet to be issued OpSpecs. Part 129 operators that would like to conduct nonscheduled flights to or from any point in the United States must provide prior notification in accordance with the reporting requirements of OpSpec A001.

1.4 U.S. AIRPORTS USED AS ALTERNATES ONLY. Foreign operators that transit U.S. airspace (First Freedom of the Air) without landing in the United States, but file a U.S. airport as an alternate, must apply for economic authority to do so.

a) The regulatory requirements for economic authority to allow for U.S. alternate airports is found in part 375 subparts E and F. For policy requirements and information associated with part 375, see Volume 12, Chapter 3, Section 2, and Volume 12, Chapter 4, Section 15.

b) The Department of Transportation (DOT) website contains extensive information on foreign operator economic licensing and is found at the following address:
<https://cms.dot.gov/policy/aviation-policy/licensing/foreign-carriers>.

1.5 INTERNATIONAL FIELD OFFICE (IFO). The responsibility for the issuance and amendment of foreign air carrier OpSpecs and the approval of minimum equipment lists (MEL) and maintenance programs for U.S.-registered aircraft, § 129.14, has been delegated to specific IFOs. The assigned IFOs are responsible for OpSpecs and enhanced Vital Information Database (eVID) data for foreign air carriers that are issued Air Operator Certificates (AOC) from a

foreign authority in the geographic area as specified below. Regardless of where the foreign air carrier may elect to locate its U.S. office, the IFOs specified below still retain responsibility for OpSpec and eVID information. See Volume 12, Chapter 4 for additional guidance on surveillance, entry, and maintenance of environmental information.

1.5.1 International Responsibility. The International Field Office Management Branch manager determines and assigns international responsibility to an IFO for oversight of operations under part 129. The responsible IFOs are:

- Dallas/Fort Worth IFO,
- Los Angeles IFO,
- Miami IFO, and
- New York IFO.

Note: The FAA lists the responsible IFO's geographic Area of Responsibility (AOR) on the following website: http://www.faa.gov/about/office_org/field_offices/ifo/.

1.6 APPLICATION. The application process is designed to ensure an applicant's programs, systems, and intended methods of compliance are thoroughly reviewed and evaluated in accordance with U.S. requirements and international standards. The process, once completed, will ensure the applicant's infrastructure (e.g., programs, methods, and systems) results in continued compliance after issuance of the OpSpecs. The following actions will be taken to determine issuance of OpSpecs under part 129.

1.6.1 Preapplication. In the preapplication phase, the applicant informs the FAA of their intent to operate under part 129. The applicant also provides the required information to the FAA for issuance of part 129 OpSpecs.

a) Letter of Intent (LOI). The preapplication process begins when an applicant submits an LOI to the responsible IFO regarding the process for obtaining OpSpecs to operate to the United States under part 129. The applicant is not required to submit FAA Form 8400-6, Preapplication Statement of Intent, for a part 129 application.

b) IFO Response. The responsible IFO provides the applicant the following:

- 1) Information regarding the part 129 OpSpec application process; and
- 2) Specific information needed from the applicant. The IFO may refer the applicant to the preapplication job aid found in the Flight Standards Information Management System (FSIMS) to help ensure that the applicant submits all the information needed for the issuance of part 129 OpSpecs.

Note: The preapplication job aid is found at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs050/afs052/.

c) FAA Initial Application Review. After initial review and determination that the applicant is prepared to begin the formal application process:

1) The responsible IFO manager will assign aviation safety inspectors (ASI) to the part 129 applicant.

2) A preapplication meeting, including foreign applicant personnel and assigned ASIs, should be conducted early in the application process. If the foreign air carrier operates to the United States, it may be beneficial to hold this meeting after the U.S. DOT grants the foreign applicant a permit or exemption. The meeting may be held in person, virtually, or through a combination of both.

3) The preapplication meeting discussion points should include, at the minimum:

- The application process, which may include FAA, DOT, and Transportation Security Administration (TSA) requirements;
- Introduction to the Web-based Operations Safety System (WebOPSS) program and where to find regulatory guidance;
- Authorizations available to the applicant based on aircraft capabilities (e.g., Category (CAT) II/III, Required Navigation Performance Authorization Required (RNP AR));
- Preferred methods for communicating with the IFO and U.S.-based agent for service requirements;
- Requirements to obtain approval of the maintenance program and MEL required by § 129.14 for U.S.-registered aircraft;
- FAA-required reports (flight notification, etc.); and
- Notification of ramp inspection requirements.

1.6.2 Application. Applications for foreign air carrier OpSpecs shall be made by letter. The application letter must contain the applicable information prescribed in § 129.9, the information required for preapplication, and the pertinent State of the Operator approvals.

a) The applicant must present evidence of:

- 1) Current OpSpecs issued from the State of the Operator; and
- 2) Approvals or authorizations from the State of the Operator for types of operations authorized that may include, but are not limited to, data link communications (DLC) using Future Air Navigation System (FANS) (e.g., ground deicing).

b) If applicable to the operation to be conducted, the applicant must present evidence of:

- 1) A permit (economic authority) issued by the DOT under Title 49 of the United States Code (49 U.S.C.) § 40109 and/or § 41301;
- 2) Prior to OpSpecs issuance, the approved security program or waiver by the TSA; and
- 3) The Hazardous Materials (Hazmat)/Dangerous Goods Program.

- c) For operation of U.S.-registered aircraft, the applicant must submit documents to include:
- 1) Registration markings in accordance with International Civil Aviation Organization (ICAO) Annex 7;
 - 2) Proposed MEL tailored to the applicant's operations and based on the FAA-approved Master Minimum Equipment List (MMEL) (see Volume 12, Chapter 4, Section 9 and Volume 4, Chapter 4, Section 3 for MEL information);
 - 3) Maintenance program and procedures adequate to support the use of the proposed MEL;
 - 4) If applicable, applications for special-purpose pilot authorizations;
 - 5) For leased U.S.-registered aircraft, the applicant must submit the lease agreements or a written memoranda of the terms both parties signed in addition to the items listed above; and
 - 6) Additional information as necessary.
- d) The ASI must ensure the applicant provides the name of the authorized officer or employee certifying that all application statements in the application are true. Refer to § 129.7 for timelines.

1.6.3 Temporary Designator and Numbers.

- a) The Aviation Data Branch will assign the applicant a temporary designator and an OpSpecs number through the Enhanced Flight Standards Automation System (eFSAS) for each foreign air carrier. The ASI shall obtain a foreign air carrier temporary designator and OpSpecs number directly from the Aviation Data Branch via email at 9-AMC-AFS620-Certinfo@faa.gov or by phone at 405-954-9723.
- b) The four-letter designator shall always be the first four characters of the OpSpecs number.
- c) When requesting a designator and OpSpecs number, the ASI shall state, "The purpose of the contact is to request a foreign air carrier/foreign person designator and OpSpecs number" and then provide the official name of the foreign air carrier.

1.6.4 Contents of OpSpecs. Section 129.5 defines those foreign air carriers or foreign persons that must hold FAA OpSpecs.

- a) The contents of the OpSpecs issued to a foreign air carrier conducting operations within the United States under § 129.1(a) shall include all the information § 129.9 requires.
- b) The contents of the OpSpecs issued to a foreign air carrier or foreign person operating U.S.-registered aircraft solely outside the United States in common carriage in accordance with § 129.1(b) shall include the information § 129.9(b) contains.

c) The foreign air carrier or foreign person operating under part 129 must designate an agent for service within the United States. This includes the agent's full name and office address or usual place of residence. The agent for service is the person or company the operator designates upon whom the FAA will serve all legal notices, processes and orders, decisions, and requirements concerning the air carrier's authorization to operate in the United States under part 129. When the agent for service receives a document from the FAA, the operator is considered to have received the document.

1.7 PROCESSING APPLICATIONS.

1.7.1 Notification and Evaluation.

a) The responsible FAA office shall notify the applicant upon receipt of the formal application.

b) The responsible FAA office shall evaluate the application to ensure the applicant provided the information identified in the preapplication phase and the information is accurate. The evaluation of the application consists of a review of the documents and information the applicant provided, except for operations that require concurrence from the Office of Safety Standards (e.g., RNP AR); see applicable OpSpecs for guidance.

1.7.2 Technical Resources.

a) Unless the International Field Office Management Branch advises otherwise, IFOs may continue to directly reach out to and use All Weather Operations (AWO) resources, to include:

- Subject matter experts (SME) for technical questions relating to Next Generation Air Transportation System (NextGen) technology or Special Areas of Operation (SAO);
- Audiovisual and written material on the AWO Knowledge Services Network (KSN) website;
- Participate in presentations (e.g., WebX) available through the AWO KSN website; and
- On-the-job training (OJT) resource materials on the AWO KSN website.

b) Request access to the AWO KSN website in the same manner as requests for access to the Area Washington (AWA) (HQ) tracker, commonly referred to as the NextGen tracker. The AWA tracker tracks certain types of applications (e.g., OpSpec C384) foreign operators submit to their responsible principal inspector(s) (PI). The NextGen tracker helps the Associate Administrator for Aviation Safety (AVS-1) set goals, make resource allocations, track how many users have applied for NextGen technology, and track how many users were approved.

1.7.3 Determine Whether to Issue OpSpecs.

a) **Applicant Meets Requirements.** If the PI determines that the applicant meets the applicable requirements of parts 61 (e.g., § 61.3(b)), 91, and 129, and applicable ICAO standards, the IFO may issue appropriate OpSpecs to the foreign air carrier.

b) **Applicant Does Not Meet Requirements.** If the evaluation results indicate deficiencies or omissions in the application, the responsible PI must:

1) Inform the applicant's representative of the deficiencies and corrective actions required.

2) If the deficiencies are not satisfactorily resolved within a reasonable period of time, return the application to the applicant with a letter that describes the specific reasons the application is unacceptable.

3) Notify the International Field Office Management Branch that the IFO is terminating the process of issuing OpSpecs.

1.8 ISSUANCE OF OPSPECS.

1.8.1 Procedure. After the IFO conducts an evaluation of the application and determines the applicant meets the operating requirements of parts 91 and 129, and the applicable ICAO annexes, OpSpecs are issued through WebOPSS. The FAA created two sets of templates in WebOPSS to distinguish between foreign operators that fly foreign- and/or U.S.-registered aircraft to the United States (part 129), and foreign operators that operate U.S.-registered aircraft exclusively outside the United States (§ 129.14).

a) Section 129.9(a). The § 129.9(a) set of templates/paragraphs is available for issuance to foreign operators who operate in common carriage to and within the United States. This set makes available D-series OpSpecs for those operators who operate U.S.-registered aircraft. This set is annotated in WebOPSS as the 129 set.

b) Section 129.9(b). The § 129.9(b) set of templates/paragraphs is available for issuance for foreign air carriers or foreign persons operating U.S.-registered aircraft solely outside the United States in common carriage. Those operators do not have to be from International Aviation Safety Assessment (IASA) Category (CAT) 1 countries. This set is annotated in WebOPSS as the 129.14 set.

1.8.1.1 PI Responsibilities. The responsible PI must ensure appropriate OpSpecs are completed, reviewed, approved, signed, and mailed or sent by electronic format to the foreign air carrier. The PI should recommend that the operator use WebOPSS. See Volume 12, Chapter 4 for additional details.

1.8.2 Permanent Designator and Numbers. The Aviation Data Branch will assign a foreign air carrier permanent designator and an OpSpecs number through eFSAS for each foreign air carrier OpSpec issued.

a) The ASI shall obtain a foreign air carrier permanent designator and OpSpecs number directly from the Aviation Data Branch via email at 9-AMC-AFS620-Certinfo@faa.gov or by phone at 405-954-9723.

b) The four-letter designator shall always be the first four characters of the OpSpecs number.

c) When requesting a permanent designator and OpSpecs number, the ASI shall provide the official name of the foreign air carrier and associated doing business as (DBA) and state, “the purpose of the contact is to request a foreign air carrier/foreign person permanent designator and OpSpecs number,” and then provide the official name of the foreign air carrier or foreign person.

1.9 AMENDMENTS. Per § 129.11, the FAA may amend, or the foreign air carrier/foreign person may apply for an amendment to, OpSpecs issued under part 129.

1.9.1 Applicant. The foreign air carrier or foreign person must file an application to amend its OpSpecs at least 90 calendar-days before the applicant proposed date for the amendment to become effective. The procedure is found in § 129.11. This applies in cases of mergers and acquisitions of airline operation assets that require an additional showing to the DOT for OpSpecs. In all other cases, the foreign air carrier or foreign person must file an application at least 30 calendar-days before the proposed date. The applicant must submit the application to the responsible IFO in the form and manner prescribed by the Administrator.

a) Section 129.11(d) provides that a foreign air carrier may apply for an amendment of its OpSpecs and that the proposed amendment should be submitted whenever the operator desires a change in the items required by § 129.9 to the foreign air carrier’s OpSpecs.

b) An amendment shall be approved, as appropriate, after a determination is made that the foreign air carrier continues to meet the operating requirements to conduct any operation in accordance with the amended OpSpecs.

1.9.2 Administrator. The responsible IFO may amend OpSpecs if the Administrator determines safety in air commerce and the public interest require the amendment; or when the foreign air carrier or foreign person applies for an amendment, and the Administrator determines that safety in air commerce and the public interest allows the amendment. In order to prevent unnecessary delays or hinder quick turnarounds in processing OpSpec revisions, each responsible IFO must have a policy to allow proxies for signature authority for OpSpec processing when a PI is unavailable. (See Volume 3, Chapter 18, Section 2.)

Note: Additional information on FAA-initiated amendment of foreign OpSpecs is found in Volume 12, Chapter 4, Section 12.

1.9.3 Addition of Same Aircraft to OpSpec A003. Amendments for the addition of the same make, model, and series (M/M/S) of aircraft for foreign air carriers from IASA CAT 1 countries that are not issued within 15 business-days of receipt of a completed application must be reported electronically to the IFO manager for coordination with the Office of Safety Standards, if required.

- a) The report must specify the name of the foreign air carrier or person making the requested amendment, the reason that the request could not be processed within 15 business-days, and when the responsible IFO expects to complete processing.
- b) This 15-day report requirement does not apply if the aircraft being added is not registered in the state of the foreign air carrier requesting the amendment.

1.9.4 Petition for Reconsideration. Following an adverse decision, the applicant may submit a petition for reconsideration to the Executive Director, Flight Standards Service within 30 calendar-days after the date the foreign air carrier or foreign person receives a notice of the decision. The filing of the petition for reconsideration suspends the decision unless the Administrator determines that an emergency exists, requiring immediate action to maintain safety in air commerce or air transportation (see Volume 12, Chapter 4, Section 12 and § 129.11).