

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.221

National Policy

Effective Date:
6/19/13

Cancellation Date:
6/19/14

SUBJ: OpSpec D085 (129 and 129.14 templates)

1. Purpose of This Notice. This notice provides revised guidance for Federal Aviation Administration (FAA) offices and inspectors with oversight responsibility for foreign air carriers conducting airplane operations under Title 14 of the Code of Federal Regulations (14 CFR) part 129 to the United States. This notice amends operations specification (OpSpec) D085, U.S.-Registered Aircraft Listing and Maintenance Requirements, for foreign air carriers conducting airplane operations under part 129, § 129.14. This notice amends both the 129 and 129.14 OpSpec templates.

2. Audience. The primary audience for this notice is Flight Standards District Offices (FSDO), International Field Offices (IFO), International Field Units (IFU), and principal inspectors (PI) assigned to foreign air carriers conducting airplane operations under part 129. The secondary audience includes Flight Standards Service (AFS) divisions and branches in the regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Foreign air carriers can find this notice on the FAA Web site at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Explanation of Policy Changes. The Aircraft Maintenance Division (AFS-300), in cooperation with the International Programs and Policy Division (AFS-50), has amended D085 for part 129 (foreign air carriers operating to the United States and foreign air carriers and persons operating U.S.-registered aircraft outside the United States). The following changes were made:

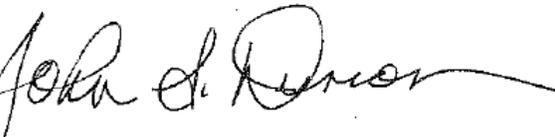
- Amended subparagraph a to ensure that we were not creating an exclusive list of requirements that may inadvertently omit some current or future regulatory requirement;
- Removed the last column (Maintenance Program Expiration Date) from Table 1;
- Deleted static template text referencing to an annual expiration date since the FAA approves a maintenance program for a U.S.-registered aircraft without an expiration date; and

- Consolidated the two tables in the D085 template that is issued to foreign air carriers operating to the United States.

Note: In the D085 template that is issued to foreign air carriers that operate to the United States, there is an additional column in the table that identifies if the aircraft is being used to operate to or solely outside the United States. (Aircraft that are used to fly to the United States are identified as “129”, and aircraft that are used to fly solely outside the United States in common carriage are identified as “129.14”.)

5. Action. This is a mandatory change affecting PIs with responsibility for the issuance, amendment, and oversight of OpSpecs for part 129. PIs must reissue all previously issued OpSpec D085 templates using the new template (part 129 or § 129.14, as applicable). The PI must accomplish this action within 120 days from the effective date of this notice.

6. Disposition. We will incorporate the information in this notice into FAA Order 8900.1 before this notice expires. PIs should direct questions concerning the information in this notice to the International Programs and Policy Division (AFS-50) at 202-385-8070.

for 

John M. Allen
Director, Flight Standards Service

Appendix A. Sample OpSpec D085, U.S.-Registered Aircraft Listing and Maintenance Requirements: 14 CFR Part 129

- a. The holder of these operations specifications shall maintain its U.S.-registered aircraft listed in this operations specification paragraph in accordance with the applicable requirements, including the provisions of these operations specifications, 14 CFR part 129, § 129.14 and the applicable provisions of 14 CFR parts 21, 39, 43, and 91.
- b. These operations specifications serve as documentation that the aircraft is maintained utilizing an approved maintenance program authorized under § 129.14(a). These operations specifications serve as the FAA approval of the maintenance program.
- (1) The maintenance program must be sufficiently comprehensive in scope and detail to fulfill the foreign air carrier's responsibility to maintain the aircraft in an airworthy condition in accordance with applicable Federal aviation regulations and standards prescribed and approved by the Administrator. The program shall be included in the foreign air carrier's manual.
- (2) Each aircraft and its component parts, accessories, and appliances must be maintained in an airworthy condition in accordance with the time limits for the accomplishment of the overhaul, replacement, periodic inspection, and routine checks of the aircraft and its component parts, accessories, and appliances. Time limits or standards for determining time limits shall be contained in a document approved by the Administrator and referenced in these operations specifications.
- (3) Items identified as "on condition" shall be maintained in a continuous airworthy condition by periodic inspections, checks, service, repair, and/or preventive maintenance. The procedures and standards for inspections, checks, service, repair, and/or preventive maintenance shall be described or referenced in the foreign air carrier's maintenance manual.
- (4) Parts or subassemblies of components that do not have specific time intervals shall be checked, inspected, and/or overhauled using the same time limitations specified for the component or accessory to which such parts or subassemblies are related.
- c. The maintenance program shall be made readily available to the personnel responsible for scheduling or performing inspections on the aircraft. No change in the maintenance program or existing maintenance agreements shall be made unless the FAA International Field Office (IFO), that issued these operations specifications, previously approves the change.
- d. If, during operations conducted by the foreign air carrier, required maintenance or repairs cannot be made at the aircraft's current location, the aircraft may be operated on a one-time ferry flight, provided that a special flight permit (SFP) is requested and granted by the FAA under the provisions of part 21, §§ 21.197 and 21.199. In this case, before relocating the aircraft, the foreign air carrier must also secure special permission from the Civil Aviation Authority (CAA) of the foreign country in and over which the foreign air carrier may be operating at the time.
- e. No foreign air carrier may operate a U.S.-registered aircraft with inoperative instruments or equipment, except in accordance with the provisions of an FAA-approved minimum equipment list (MEL) for that aircraft and the conditions prescribed by § 129.14(b).
- f. The aircraft, which have FAA MEL approval, are listed in paragraph D095 of these operations specifications.
- g. All flightcrew members operating U.S.-registered aircraft in international flight operations must hold valid U.S. airman certificates, special purpose pilot authorizations or, when operating within a foreign country, valid licenses issued by the country in which the aircraft is operated, and meet the applicable requirements of 14 CFR parts 61 and 63.
- h. All maintenance performed on aircraft approved under these operations specifications shall be performed in accordance with the FAA-approved § 129.14 maintenance program and by persons authorized under part 43, § 43.3.

Only persons authorized under § 43.7 may return the aircraft to service after it has undergone maintenance, preventive maintenance, rebuilding, or alterations.

- i. These operations specifications shall become void if the foreign air carrier does not comply with the terms and conditions of these operations specifications and the terms and conditions of the aircraft airworthiness certificate.
- j. The foreign air carrier is authorized to conduct operations using the U.S.-registered aircraft identified on this operations specification, provided such aircraft are operated with a current and valid Certificate of Airworthiness and registration.

Table 1 - U.S.-Registered Aircraft

Aircraft M/ M /S	Aircraft Registration Number	Aircraft Serial Number	129–Operating to the U.S. 129.14– Operating Outside the U.S.	Maintenance Program Document Name	Document Revision Date and Number
[LOAD Operator Data]	[LOAD Operator Data]	[LOAD Operator Data]	[LOAD Operator Data]	Text Box	Text Box

Appendix B. Sample OpSpec D085, U.S.-Registered Aircraft Listing and Maintenance Requirements: 14 CFR Part 129, § 129.14

a. The holder of these operations specifications shall maintain its U.S.-registered aircraft listed in this operations specification paragraph in accordance with the applicable requirements, including the provisions of these operations specifications, 14 CFR part 129, § 129.14 and the applicable provisions of 14 CFR parts 21, 39, 43, and 91.

b. These operations specifications serve as documentation that the aircraft is maintained utilizing an approved maintenance program authorized under § 129.14(a). These operations specifications serve as the FAA approval of the maintenance program.

(1) The maintenance program must be sufficiently comprehensive in scope and detail to fulfill the foreign air carrier or foreign person's responsibility to maintain the aircraft in an airworthy condition in accordance with applicable Federal aviation regulations and standards prescribed and approved by the Administrator. The program shall be included in the foreign air carrier or foreign person's maintenance manual.

(2) Each aircraft and its component parts, accessories, and appliances must be maintained in an airworthy condition in accordance with the time limits for the accomplishment of the overhaul, replacement, periodic inspection, and routine checks of the aircraft and its component parts, accessories, and appliances. Time limits or standards for determining time limits shall be contained in a document approved by the Administrator and referenced in these operations specifications.

(3) Items identified as "on condition" shall be maintained in a continuous airworthy condition by periodic inspections, checks, service, repair, and/or preventive maintenance. The procedures and standards for inspections, checks, service, repair, and/or preventive maintenance shall be described or referenced in the foreign air carrier or foreign person's maintenance manual.

(4) Parts or subassemblies of components that do not have specific time intervals shall be checked, inspected, and/or overhauled using the same time limitations specified for the component or accessory to which such parts or subassemblies are related.

c. The maintenance program shall be made readily available to the personnel responsible for scheduling or performing inspections on the aircraft. No change in the maintenance program or existing maintenance agreements shall be made unless the responsible Flight Standards District Office (FSDO), that issued these operations specifications, previously approves the change.

d. If, during operations conducted by the foreign air carrier or foreign person, required maintenance or repairs cannot be made at the aircraft's current location, the aircraft may be operated on a one-time ferry flight, provided that a special flight permit (SFP) is requested and granted by the FAA under the provisions of part 21, §§ 21.197 and 21.199. In this case, before relocating the aircraft, the foreign air carrier or foreign person must also secure special permission from the Civil Aviation Authority (CAA) of the foreign country in and over which the foreign air carrier or foreign person may be operating at the time.

e. No foreign air carrier or foreign person may operate a U.S.-registered aircraft with inoperative instruments or equipment except in accordance with the provisions of an FAA-approved minimum equipment list (MEL) for that aircraft and the conditions prescribed by § 129.14(b).

f. The aircraft, which have FAA MEL approval, are listed in paragraph D095 of these operations specifications.

g. All flightcrew members operating U.S.-registered aircraft in international flight operations must hold valid U.S. airman certificates, special purpose pilot authorizations or, when operating within a foreign country, valid licenses issued by the country in which the aircraft is operated, and meet the applicable requirements of 14 CFR parts 61 and 63.

h. All maintenance performed on aircraft approved under these operations specifications shall be performed in accordance with the FAA-approved § 129.14 maintenance program and by persons authorized under part 43, § 43.3. Only persons authorized under § 43.7 may return the aircraft to service after it has undergone maintenance, preventive maintenance, rebuilding, or alterations.

i. These operations specifications shall become void if the foreign air carrier or foreign person does not comply with the terms and conditions of these operations specifications and the terms and conditions of the aircraft airworthiness certificate.

j. Operating U.S.-Registered Aircraft in Common Carriage Solely Outside the United States.

(1) The foreign air carrier or foreign person conducting operations in common carriage solely outside the United States under § 129.1(b) using the U.S.-registered aircraft identified on this operations specification, must operate such aircraft with a current and valid Certificate of Airworthiness and registration, and maintain the aircraft in accordance with § 129.14. The aircraft listed in this subparagraph do not operate to the United States. Further, these operations specifications are not an operating certificate.

(2) The authority issued in this subparagraph becomes void if the foreign air carrier or foreign person does not comply with the terms and conditions of these operations specifications and the terms and conditions of the aircraft airworthiness certificate.

Table 1 - U.S.-Registered Aircraft Outside the United States

Aircraft M/M/S	Aircraft Registration Number	Aircraft Serial Number	Maintenance Program Document Name	Document Revision Date and Number
[LOAD Operator Data]	[LOAD Operator Data]	[LOAD Operator Data]	Text Box	Text Box