U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

ORDER
1110.146

Effective Date:
03/05/07

SUBJ: Part 129 Aviation Rulemaking Committee Charter

1. PURPOSE. This order constitutes the charter for the Title 14 of the Code of Federal Regulations (14 CFR) part 129 Aviation Rulemaking Committee (ARC), which is designated and established pursuant to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) section 106(p)(5).

2. DISTRIBUTION. We will distribute this order to the director level throughout the Office of the Associate Administrator for Aviation Safety in Washington headquarters; to the Assistant Administrators for Financial Services, Government and Industry Affairs and Public Affairs. We will also include this order in the Flight Standards Information Management System (FSIMS) application at http://fsims.avr.faa.gov.

3. BACKGROUND.

a. The predominant operating standards for regulating the global operations of U.S.-registered aircraft and for foreign air carriers serving the United States are found in 14 CFR parts 91 and 129. Part 129, Operations: Foreign Air Carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage, has remained the same with only minor revisions for 41 years. During the same time period major changes in policy and industry practice have occurred. The International Programs and Policy Division, AFS-50, has the critical objective of revising part 129.

b. Part 129 does not contain specific regulatory language on operators' responsibilities. To ensure an adequate level of safety for part 129 operators the Federal Aviation Administration (FAA) issues foreign operations specifications (OpSpecs) to identify crucial restrictions, limitations, and U.S. airspace requirements, including navigation differences. The result of this course of action is an increased burden and complexity of foreign OpSpecs.

c. Many foreign Civil Aviation Authorities (CAA) have begun to adopt the FAA method of foreign air carrier oversight, including the issuance of foreign OpSpecs to carriers serving their countries. As a result, foreign OpSpecs and their management have grown burdensome to U.S. air carriers, foreign air carriers, and the FAA.

4. OBJECTIVES AND SCOPE OF ACTIVITIES. The part 129 ARC will provide a forum for the FAA and the foreign air carrier industry to discuss issues surrounding foreign air carriers operations in the United States and the operation of the U.S.-registered aircraft worldwide.

a. The general objective is to provide advice, guidance, and recommendations including transferring regulatory language from present foreign OpSpecs into part 129 while maintaining the required level of safety.

b. The scope of activities for the part 129 ARC is to:

(1) Review the current part 129 and note where revisions could and should occur.

(2) Provide advice, guidance, and recommendations on proposed changes to part 129.

(3) Clarify and standardize the sections in part 129 concerning application, suspension, or revocation of OpSpecs issued to foreign air carriers.

(4) Incorporate portions of the part 129 OpSpecs language into the rule.

c. At the first ARC meeting, AFS-50 will identify expectations, deliverables, and milestones for the ARC.

5. ORGANIZATION AND ADMINISTRATION.

a. With the approval of the Associate Administrator for Aviation Safety, AVS-1, the Director, Flight Standards Service, AFS-1, will appoint members to the part 129 ARC. AFS-1 will select ARC members from within the FAA and member organizations to represent the various viewpoints, knowledge and interests pertinent to the purpose and operation of part 129. The ARC will consist of:

(1) Employees of the FAA, including a representative from the Office of Rulemaking (ARM);

(2) Members of the foreign air carrier industry;

(3) Representatives from the International Air Transport Association (IATA);

(4) Members of foreign and domestic aviation industry organizations; and

(5) Members of foreign CAAs.

b. AFS-1 will receive all committee recommendations and reports.

c. AFS-1 will request contractor support from ARM to handle meeting logistics, prepare minutes, track documents, and other administrative duties for the committee.

d. AFS-1 will appoint the part 129 ARC co-chairs. One co-chair will be a representative from AFS-50; the other, from industry. The duties of the co-chairs are as follows:

(1) Determine when a meeting is required and where it will be held. Meetings will be held at least quarterly.

(2) Appoint subcommittees as necessary to meet ARC commitments.

(3) Arrange notification to all committee members of the time and place for and meeting.

(4) Formulate an agenda to include outcomes and milestones for each meeting.

(5) Conduct the meeting.

(6) Ensure that recommendations and reports are sent to AFS-1.

e. In the event the ARC cannot reach consensus on an agenda item, AFS-1 reserves the right to make the final decision.

f. The ARC is not required to keep minutes, but may elect to do so.

g. The ARC's meetings will not be open to the public.

6. COMPENSATION. Nongovernment representatives serve without Government compensation and bear all costs related to their participation on the committee.

7. ESTIMATED COST. The estimated annual operating cost (including pro rata share of salaries of FAA employees) is $155,000. All travel costs such as per diem and travel expenses will be the responsibility of the government employee's home organization. Any additional costs, such as for miscellaneous supplies, will be borne by AVS-1.

8. PUBLIC PARTICIPATION. Unless otherwise decided by the FAA, all meetings of the committee will be closed. People who want to attend the meeting, but are not members of the ARC, must request and receive approval in advance of the meeting from a co-chair. Any nonmembers in attendance are limited to observer status.

9. AVAILABILITY OF RECORDS. Subject to the conditions of the Freedom of Information Act, section 522 of Title 5 U.S.C., records, reports, agendas, working papers, and other documents given to or prepared by the committee will be available for public inspection and copying at this address: FAA Flight Standards Service, 800 Independence Avenue, SW., Washington, DC 20591. Fees will be charged for information furnished to the public per the fee schedule in part 7 of Title 49 CFR.

10. PUBLIC INTEREST. The establishment of the part 129 ARC is determined to be in the public interest in connection with the performance of duties imposed on the FAA by law.

11. EFFECTIVE DATE AND DURATION. This committee is effective beginning 60 days from the date the Administrator signs this order. The committee shall remain in existence for 2 years after this date, unless sooner terminated or extended by AFS-1. The part 129 ARC will forward recommendations for rewrite of part 129 within 18 months of the first meeting.

Marion C. Blakey

Marion C. Blakey
Administrator

Final Report

Part 129 Aviation Rulemaking Committee

February 2009

Prepared by PAI Consulting

Table of Contents

Introduction

The Part 129 Aviation Rulemaking Committee (ARC) is a joint FAA-industry panel formed to review part 129 of Title 14 of the Code of Federal Regulations (14 CFR) part 129 and the standard operations specifications (OpSpecs) associated with it. In addition, the ARC is tasked with developing recommendations on substantive changes to part 129.

This report presents background information on the reasons for the formation of the ARC, a description of the ARC's process and activities, and the ARC's recommendations regarding part 129 and the associated OpSpecs.

Using this Document

The contents listing at the beginning of the ARC's recommendations on part 129 contains redline markups reflecting the ARC's recommendations with respect to creation, elimination, renaming, and relocation of sections of part 129. When viewing this document electronically, each section name or OpSpecs paragraph number in the table of contents is a hyperlink, which, when selected, will take the viewer to the portion of this document addressing the section or paragraph in question.[1] Selecting the hyperlinks at the head of each such portion will take the viewer to the indicated segment addressing the section or paragraph (for example, Existing Text, Discussion, Recommended Revisions, and Resulting Text). Additionally, hyperlinked text under the Discussion heading for each section or paragraph will take the viewer to the referenced place in this document, or, if an internet connection is available, to an external reference. Links to the table of contents, the part 129 index, and an index of selected OpSpecs paragraphs are at the top of each page in the Recommendations section. Links to the table of contents can be found at the top of all other pages of the document.

[1] Hyperlinks are normally indicated by blue, underlined text (Example). Where other fonts are used to reflect pending or proposed revisions (see footnote 2), hyperlink text will not appear in this fashion, but may, nevertheless, be selected to navigate this document.

Background

The predominant operating standards for regulating the global operations of U.S.-registered aircraft and for foreign air carriers serving the United States are found in 14 CFR parts 91 and 129. Part 129, Operations: Foreign air carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage, has remained largely unchanged, with only minor revisions, since it was first promulgated in 1964. During this time period, major changes in policy and industry practice have occurred.

Part 129 does not contain specific regulatory language on operators' responsibilities. To ensure an adequate level of safety for part 129 operators, the Federal Aviation Administration (FAA) issues foreign OpSpecs to identify restrictions, limitations, and U.S. airspace requirements, including navigation differences. As the operations of foreign operators and the operating environment have increased in scale and complexity over the past 4 decades, foreign OpSpecs have become increasingly complex and burdensome to both foreign operators and the FAA. Additionally, many foreign civil aviation authorities (CAAs) have adopted the FAA method of overseeing foreign operators, including the issuance of foreign OpSpecs to operators serving their respective countries. As a result, management of OpSpecs has become a burdensome task for U.S. air carriers, foreign operators, and the FAA.

Because of the increasing difficulties posed by the existing oversight structure, in May 2006, the FAA's International Programs and Policy Division (AFS–50), chartered an the ARC to advise the FAA on revisions to part 129, to include recommendations on transferring regulatory language currently in the OpSpecs to part 129. The scope of the Part 129 ARC's activities was defined as follows:

(1) Review the current part 129 and note where revisions could and should occur.

(2) Provide advice, guidance, and recommendations on proposed changes to part 129.

(3) Clarify and standardize the sections in part 129 concerning application, suspension, or revocation of OpSpecs issued to foreign air carriers.

(4) Incorporate portions of the part 129 OpSpecs language into the rule.

Invitations to participate on the ARC were submitted to a variety of organizations, including the FAA's international field offices and units, foreign air carriers, foreign CAAs, the International Air Transport Association (IATA), and foreign and domestic aviation industry organizations.

The ARC held its first meeting in May 2007 at the offices of the Department of Transportation (DOT) in Washington, DC. Subsequent meetings were held in August 2007 at IATA's offices in Montreal, Canada, in November 2007 at the offices of the European Aviation Safety Agency (EASA) in Cologne, Germany, in April 2008 in San

Francisco, California, and in May and November 2008 at the offices of the Air Transport Association (ATA) in Washington, DC. A core group of approximately 10 ARC members, representing several foreign operators, the FAA, and EASA, consistently attended the ARC meetings.

ARC Process

At each ARC meeting, the members in attendance undertook a continuing review of part 129 in its entirety, as well as a review of each of the standard OpSpecs paragraphs currently issued to foreign air carriers. In the course of this review, the ARC identified the following:

1) Sections and content in part 129 that the ARC recommends be revised.

2) Sections and content in part 129 that the ARC recommends be eliminated from, or reorganized or moved within the part.

3) Content currently in the OpSpecs that the ARC recommends be incorporated into part 129.

4) Additional content that the ARC recommends be incorporated into part 129.

The ARC's specific recommendations are contained in the following section of this report. The ARC did not seek, in developing its recommendations, to make significant changes from the way the part 129 carriers now operate. The ARC's guiding principle was to incorporate into the rule the universal requirements contained in the OpSpecs and the requirements and protocols that are currently in practice but have not been formally codified. The ARC did not seek to impose new duties or requirements for either part 129 operators or the FAA.

In the course of its review, the ARC identified recommendations with respect to selected standard part 129 OpSpecs paragraphs. These changes are discussed following the recommendations regarding part 129.

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Discussion and Recommended Amendments to Part 129 and Selected OpSpecs

This section contains the ARC's recommendations regarding part 129 and selected paragraphs of the OpSpecs.

Each existing section of part 129 and each section the ARC recommends be incorporated into part 129 are addressed separately. Each OpSpecs paragraph that the ARC has elected to make recommendations regarding has been similarly treated.

The format employed in this report in addressing individual part 129 sections and OpSpecs paragraphs is as follows:

- Existing Text — The text of each existing section or paragraph is presented. Where the ARC has proposed the addition of an entirely new section to part 129, there is no Existing Text heading.

- Pending Amendments/Pending Text — A pending notice of proposed rulemaking (NPRM) is expected to result in the promulgation of revisions to a number of sections of part 129 and the addition of several sections to the part before any rulemaking resulting from the ARC's recommendations. For existing sections, in addition to the existing text, the anticipated amendments to the existing text are presented in the form of redlined markups[2] to the existing text. Where the NPRM is anticipated to result in the creation of new sections of part 129, the proposed text of those sections is presented.

- Discussion — Under the discussion heading, the ARC presents its analysis of the issues posed by the section or paragraph in question, and the rationale for its recommendations regarding the section or paragraph.

- Recommended Revisions — If the ARC proposes revisions to existing text, the ARC's recommendations are presented in the form of redlined markups to the existing text, or, in the case of sections affected by the pending NPRM, markups to the Pending Amendments or Pending Text. Pending NPRM revisions are distinguished from the ARC's recommended revisions by the use of light and dark grey highlighting to indicate the pending NPRM changes. (See footnote 2 for further information.) Where the ARC has proposed the addition of an entirely new section to part 129, there is no Recommended Revisions heading.

[2] Throughout this document, proposed or pending amendments to text are conveyed using the following protocol:
- Text to be deleted is shown in red and is stricken through with a red line (~~Example~~).
- Text to be inserted is shown in green and is underlined (Example).

- Resulting Text/Proposed Text — If the ARC's recommendation constitutes a revision to an existing section or paragraph, the text of the section or paragraph as it would be modified by the ARC's recommendations is presented. If the ARC's recommendation is the creation of an entirely new section, the text proposed by the ARC is presented.

In addition to the section-by-section treatment of each part 129 section in this section of this report, Appendixes A through D to this report contain versions of part 129 in its entirety, as follows:

- Appendix A contains the existing text of part 129, unaffected by any recommended or pending revisions.
- Appendix B contains the text of part 129 with redline markups indicating the amendments in the pending NPRM.
- Appendix C contains the text of part 129 with redline markups indicating both the NPRM amendments and the ARC's recommended revisions.
- Appendix D contains the text of part 129 as it would appear if all of the pending NPRM amendments and all of the ARC's recommended revisions were incorporated.

Appendix E to this report contains a listing of acronyms used in part 129, this report, and the underlying OpSpecs paragraphs

Title 14: Aeronautics and Space
PART 129—OPERATIONS: ~~FOREIGN AIR CARRIERS~~ FOREIGN COMMERCIAL AIR TRANSPORT OPERATORS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

CONTENTS

Subpart A—General

§ 129.1	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.1 Applicability and definitions.

(a) Foreign air carrier operations in the United States. This part prescribes rules governing the operation within the United States of each foreign air carrier holding the following:

(1) A permit issued by the Civil Aeronautics Board or the U.S. Department of Transportation under 49 U.S.C. 41301 through 41306 (formerly section 402 of the Federal Aviation Act of 1958, as amended), or

(2) Other appropriate economic or exemption authority issued by the Civil Aeronautics Board or the U.S. Department of Transportation.

(b) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (a) of this section, §§129.14, 129.16, 129.20, 129.24, 129.32 and 129.33 also apply to U.S.-registered aircraft operated solely outside the United States in common carriage by a foreign person or foreign air carrier.

(c) Definitions. For the purpose of this part—

(1) Foreign person means any person who is not a citizen of the United States and who operates a U.S.-registered aircraft in common carriage solely outside the United States.

(2) Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.

Pending Amendments[3]

§ 129.1 Applicability and definitions.

(a) Foreign air carrier operations in the United States. This part prescribes rules governing the operation within the United States of each foreign air carrier holding the following:

(1) A permit issued by the ~~Civil Aeronautics Board or the~~ U.S. Department of Transportation under 49 U.S.C. 41301 through 41306 (formerly section 402 of the Federal Aviation Act of 1958, as amended), or

(2) Other appropriate economic or exemption authority issued by the ~~Civil Aeronautics Board or the~~ U.S. Department of Transportation.

(b) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (a) of this section, ~~§§~~Secs. 129.14, 129.16, 129.20, 129.24, 129.32, and 129.33 also apply to U.S.-registered aircraft operated solely outside the United States in common carriage by a foreign person or foreign air carrier.

(c) Definitions. For the purpose of this part~~—~~--

(1) Foreign person means any person who is not a citizen of the United States and who operates a U.S.-registered aircraft in common carriage solely outside the United States.

(2) Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.

[3]A pending NPRM is expected to amend or add several sections to part 129. In treating those sections, both the existing text and the pending amendments are provided. It is assumed that the pending text will be promulgated, and the ARC's recommended amendments are based on the pending amendments. In the redline markup of those sections, text highlighted in light grey represents changes proposed in the pending NPRM, and text highlighted in dark grey represents the ARC's recommendation to delete text added by the pending NPRM.

(3) Common carriage means holding out or provision of air transportation to the public for compensation or hire. A foreign person or foreign air carrier conducts common carriage when it 'holds itself out' to the public, or a segment of the public, as willing to furnish air transportation with the limits of its facilities to any person who wants it.

Discussion

The ARC recommends several revisions to § 129.1.

The ARC recommends the creation of several new definitions as follows:

- Foreign commercial air transport operator — The ARC believes that the term foreign air carrier is limiting, and does not address the full range of operators holding an aircraft operating certificate (AOC) who may seek to conduct operations to and from the United States.

- Commercial air transport operation — The ARC believes that foreign parties may not be familiar with the legal term common carriage, and recommends instead a similarly defined term addressing operations for hire.

- Flight crewmember — The ARC wishes to make clear that the definition of flight crewmember does not apply to cabin crewmembers.

- Assigned FAA office — The ARC notes that some foreign operators deal with FAA international field units (IFUs) instead of international field offices (IFOs). To avoid the use of inaccurate references, the ARC recommends defining a single term addressing both types of office.

Some members of the ARC expressed a desire to conform to ICAO definitions, but were cognizant that potential conflicts could arise from the interrelationships between part 129 and other parts of 14 CFR.

The ARC also recommends consolidation of all requirements applicable to operation of U.S.-registered aircraft by a foreign person under two new subparts, tentatively designated subpart B and subpart I.

Finally, the ARC recommends adding a provision to § 129.1 to clarify that part 129 does not govern operations conducted under part 375. (Legal counsel should verify the reference to part 375.)

Recommended Revisions

§ 129.1 Applicability and definitions.

(a) ~~Foreign air carrier operations in the United States.~~ This part prescribes rules governing ~~the~~ commercial air transport operation into, within, or out of the territory of the United States of each ~~foreign air carrier~~foreign commercial air transport operator holding the following:

- (1) A foreign commercial air transport operator permit issued by the ~~Civil Aeronautics Board or the~~ U.S. Department of Transportation under 49 U.S.C. 41301 through 41306 ~~(formerly section 402 of the Federal Aviation Act of 1958, as amended)~~, or
- (2) Other appropriate economic or exemption authority issued by the ~~Civil Aeronautics Board or the~~ U.S. Department of Transportation.

(b) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (a) of this section, §§~~Secs. 129.14, 129.16, 129.20, 129.24, 129.32, and 129.33~~Subparts B and I of this part also apply to U.S.-registered aircraft operated solely outside the United States ~~in common carriage~~ for the purposes of commercial air transport by a foreign person or ~~foreign air carrier~~foreign commercial air transport operator.

(c) This part does not govern operations conducted under part 375 of this Title.

(~~c~~d) Definitions. For the purpose of this part~~—~~-

- (1) Foreign person means any person who is not a citizen of the United States and who operates a U.S.-registered aircraft ~~in common carriage~~for the purposes of commercial air transport solely outside the United States.
- (2) Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.

(3) Common carriage means holding out or provision of air transportation to the public for compensation or hire. A foreign person or ~~foreign air carrier~~foreign commercial air transport operator conducts common carriage when it 'holds itself out' to the public, or a segment of the public, as willing to furnish air transportation with the limits of its facilities to any person who wants it.

(4) Foreign commercial air transport operator means a person, organization or enterprise, in possession of a valid air operator certificate issued by a foreign State, engaged in or offering to engage in an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire, within the territory of the United States.

(5) Commercial air transport operation means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire.

(6) Flight crewmember means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.

(7) Assigned FAA office means the international field office or international field unit responsible for management of the operations specifications issued to a foreign commercial air transport operator or foreign person engaged in commercial operations for purposes of common carriage.

Resulting Text

§ 129.1 Applicability and definitions.

(a) This part prescribes rules governing commercial air transport operation into, within, or out of the territory of the United States of each foreign commercial air transport operator holding the following:

(1) A foreign commercial air transport operator permit issued by the U.S. Department of Transportation under 49 U.S.C. 41301 through 41306, or

(2) Other appropriate economic or exemption authority issued by the U.S. Department of Transportation.

(b) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (a) of this section, Subparts B and I of this part also apply to U.S.-registered aircraft operated solely outside the United States for the purposes of commercial air transport by a foreign person or foreign commercial air transport operator.

(c) This part does not govern operations conducted under part 375 of this Title.

(d) Definitions. For the purpose of this part--

(1) Foreign person means any person who is not a citizen of the United States and who operates a U.S.-registered aircraft for the purposes of commercial air transport solely outside the United States.
(2) Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.
(3) Common carriage means holding out or provision of air transportation to the public for compensation or hire. A foreign person or foreign commercial air transport operator conducts common carriage when it 'holds itself out' to the public, or a segment of the public, as willing to furnish air transportation with the limits of its facilities to any person who wants it.
(4) Foreign commercial air transport operator means a person, organization or enterprise, in possession of a valid air operator certificate issued by a foreign State, engaged in or offering to engage in an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire, within the territory of the United States.
(5) Commercial air transport operation means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire.
(6) Flight crewmember means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.
(7) Assigned FAA office means the international field office or international field unit responsible for management of the operations specifications issued to a foreign commercial air transport operator or foreign person engaged in commercial operations for purposes of common carriage.

Subpart B—Operations Specifications

Discussion

The ARC recommends the creation of a new subpart, tentatively designated subpart B, addressing the requirement for and content of OpSpecs, and the procedures for application forb and issuance, amendment, suspension, and revocation of OpSpecs. The ARC recommends that existing subpart B, Continued Airworthiness and Safety Improvements, be redesignated as subpart I and renamed Maintenance, Preventive Maintenance, and Alterations of U.S.-Registered Aircraft.

§ 129.XXa	Existing Text	Discussion	Recommended Revisions	Proposed Text

Discussion

The ARC anticipates the need for a section addressing the applicability of subpart B.

Proposed Text

§ 129.XXa Applicability.
This subpart prescribes the content of operations specifications and certain other requirements for operations conducted under part 129 of this chapter.

§ 129.11 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

§ 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 markings of each U.S.-registered aircraft.

(5) Registration and markings of each aircraft that meets equipment requirements of §129.28(a).

(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.

(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.

Pending Amendments

§ 129.~~11~~ 5 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 markings of each U.S.-registered aircraft.~~

~~(5) Registration and markings of each aircraft that meets equipment requirements of §129.28(a).~~

~~(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.~~
~~(c) No~~ (a) Each foreign air carrier conducting operations within the United States, and each foreign air carrier or foreign person operating U.S. registered aircraft solely outside the United States in common carriage, will conduct its operations in accordance with operations specifications issued by the FAA under this part.
(b) Each foreign air carrier conducting operations within the United States will conduct its operations in accordance with the Standards contained in Annex 1 (Personnel Licensing), Annex 6 (Operation of Aircraft), Part I (International Commercial Air Transport — Aeroplanes) or Part III (International Operations — Helicopters), as appropriate, and in Annex 8 (Airworthiness of Aircraft) to the Convention on International Civil Aviation.
(c) No foreign air carrier may operate to or from locations within the United States without, or in violation of, appropriate operations specifications.
(d) No foreign air carrier or foreign person will operate U.S. registered aircraft solely outside the United States in common carriage without, or in violation of, appropriate operations specifications.
(e) Each foreign air carrier or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal place of business.
(f) Each foreign air carrier will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.
(g) Operations specifications issued under this part are effective until:
(1) The foreign air carrier or foreign person surrenders them to the FAA; or
(2) The FAA suspends, revokes, or otherwise terminates the operations specifications; or
(3) The operations specifications are amended as provided in §129.11.
(h) Within 30 days after a foreign air carrier terminates operations under part 129 of this subchapter, the operations specifications must be surrendered by the foreign air carrier or foreign person to the operations specification-holding international field office.
(i) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under 14 CFR part 125.

Discussion

A section designated § 129.5 in the pending rulemaking contains requirements for part 129 operators to obtain and maintain OpSpecs. Such requirements are currently located in existing § 129.11.[4] The ARC recommends the creation of a new subpart, reflecting in part, the format of §§ 119.39 through 119.43, to address procedures for application for, and issuance, amendment, suspension, and revocation of OpSpecs. The ARC further recommends that this section be relocated to proposed subpart B and revised to include operating requirements currently contained in the OpSpecs, while eliminating certain unnecessary OpSpecs requirements. Pending the ARC's final recommendations, it continues to refer to this section as § 129.11.

Proposed paragraphs (b)(ii) through (iv), (h), and (i) contain requirements currently located in OpSpec paragraph A001. The ARC recommends that these requirements be removed from paragraph A001 and included in § 129.11.

[4] The pending rulemaking also includes a section designated as § 129.11, which addresses amendment of OpSpecs.

It is noted that the language moved from existing paragraph A001 requires operations in accordance with part 175 of Title 49 of the United States Code, which prescribes Transportation Security Administration (TSA) requirements. Foreign operators prefer more specific guidance on compliance requirements in part 129. However, inclusion of more specific information or references could cause problems in the event of future amendments to the referenced rules.

The requirements currently located in subparagraph b.(3) of paragraph A001 have been incorporated into proposed § 129.11(a) and (h). The requirements have been reworded to avoid the possibility of suspension or revocation of privileges on the basis of temporary noncompliance not substantially impacting safety (for example, an operator's inadvertent violation of advertising rules, which would result in a violation of the terms of its economic authority).

The ARC recommends that language contained in paragraphs (e) and (f) of the section in the pending rulemaking be relocated to a separate section addressing the duty to maintain OpSpecs, tentatively designated § 129.XXg.

The ARC recommends moving language in existing subparagraph (b) regarding use of military airports to a separate section, tentatively designated § 129.XXq, pending a recommendation for numbering of a proposed revised part 129.

Recommended Revisions

§ 129.~~115~~11 ~~Operations specifications~~General Requirements.

~~(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 markings of each U.S.-registered aircraft.~~

~~(5) Registration and markings of each aircraft that meets equipment requirements of §129.28(a).~~

~~(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.~~

~~(c) No~~ (a) Each ~~foreign air carrier~~foreign commercial air transport operator conducting operations ~~within the United States~~into, within, or out of the territory of the United States, and each ~~foreign air carrier~~foreign commercial air transport operator or foreign person operating U.S.-registered aircraft solely outside the United States in common carriage, will conduct its

operations in accordance with its Air Operator Certificate and associated operations specifications, together with the operations specifications issued by the FAA under this part.
(b) Each ~~foreign air carrier~~foreign commercial air transport operator conducting operations ~~within the United States~~into, within, or out of the territory of the United States will conduct its operations in accordance with:
(i) the applicable Standards contained in Annex 1 (Personnel Licensing), Annex 6 (Operation of Aircraft), Part I (International Commercial Air Transport — Aeroplanes) or Part III (International Operations — Helicopters), as appropriate, ~~and in~~ Annex 8 (Airworthiness of Aircraft), and Annex 18 (Safe Transport of Dangerous Good by Air) to the Convention on International Civil Aviation~~.~~;
(ii) the applicable provisions of Title 14 of the Code of Federal Regulations (14 CFR) parts 91 and 129;
(iii) Title 49 CFR part 175; and
(iv) any other applicable regulations, laws, and orders of the United States.
(c) No ~~foreign air carrier~~foreign commercial air transport operator may operate to or from locations within the United States without, or in violation of, appropriate operations specifications.
(d) No ~~foreign air carrier~~foreign commercial air transport operator or foreign person will operate U.S.-registered aircraft solely outside the United States in common carriage without, or in violation of, appropriate operations specifications.
~~(e) Each foreign air carrier or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal place of business.~~
~~(f) Each foreign air carrier will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.~~
(~~e~~e) Operations specifications issued under this part are effective until surrendered, suspended, revoked, or amended.~~:~~
~~(1) The foreign air carrier or foreign person surrenders them to the FAA; or~~
~~(2) The FAA suspends, revokes, or otherwise terminates the operations specifications; or~~
~~(3) The operations specifications are amended as provided in §129.11.~~
(~~f~~f) Within 30 days after a ~~foreign air carrier~~foreign commercial air transport operator terminates operations under part 129 of this subchapter, the operations specifications must be surrendered by the ~~foreign air carrier~~foreign commercial air transport operator or foreign person to the ~~operations specification holding international field office~~assigned FAA office.
(~~g~~g) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under 14 CFR part 125.
(h) At all times the foreign commercial air transport operator must have appropriate economic authority issued by the U.S. Department of Transportation (DOT) and an appropriate security program or waiver as approved by the Transportation Security Administration (TSA).
(i) The Administrator may amend, suspend, or revoke any or all provisions of a foreign commercial air transport operator's operations specifications upon a determination that safety in air commerce and the public interest requires such action.

Resulting Text

§ 129.11 General Requirements.
(a) Each foreign commercial air transport operator conducting operations into, within, or out of the territory of the United States, and each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft solely outside the United States in common carriage,

will conduct its operations in accordance with its Air Operator Certificate and associated operations specifications, together with the operations specifications issued by the FAA under this part.
(b) Each foreign commercial air transport operator conducting operations into, within, or out of the territory of the United States will conduct its operations in accordance with:
(i) the applicable Standards contained in Annex 1 (Personnel Licensing), Annex 6 (Operation of Aircraft), Part I (International Commercial Air Transport — Aeroplanes) or Part III (International Operations — Helicopters), as appropriate, Annex 8 (Airworthiness of Aircraft), and Annex 18 (Safe Transport of Dangerous Good by Air) to the Convention on International Civil Aviation;
(ii) the applicable provisions of Title 14 of the Code of Federal Regulations (14 CFR) parts 91 and 129;
(iii) Title 49 CFR part 175; and
(iv) any other applicable regulations, laws, and orders of the United States.
(c) No foreign commercial air transport operator may operate to or from locations within the United States without, or in violation of, appropriate operations specifications.
(d) No foreign commercial air transport operator or foreign person will operate U.S.-registered aircraft solely outside the United States in common carriage without, or in violation of, appropriate operations specifications.
(e) Operations specifications issued under this part are effective until surrendered, suspended, revoked, or amended.
(f) Within 30 days after a foreign commercial air transport operator terminates operations under part 129 of this subchapter, the operations specifications must be surrendered by the foreign commercial air transport operator or foreign person to the assigned FAA office.
(g) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under 14 CFR part 125.
(h) At all times the foreign commercial air transport operator must have appropriate economic authority issued by the U.S. Department of Transportation (DOT) and an appropriate security program or waiver as approved by the Transportation Security Administration (TSA).
(i) The Administrator may amend, suspend, or revoke any or all provisions of a foreign commercial air transport operator's operations specifications upon a determination that safety in air commerce and the public interest requires such action.

§ 129.XXc	Pending Text	Discussion	Recommended Revisions	Resulting Text

Pending Text

§129.7 Application, issuance, or denial of operations specifications.
(a) A foreign air carrier or foreign person applying to the FAA for operations specifications under this part must submit an application—
(1) In a form and manner prescribed by the FAA; and
(2) At least 90 days before the intended date of operation.
(b) A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—
(1) Meets the applicable requirements of this part;
(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;

(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and
(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.
(c) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.

Discussion

Section 129.7 in the pending rulemaking addresses application for, and issuance and denial of OpSpecs. The ARC recommends that application and issuance or denial be addressed in two separate sections, tentatively designated §§ 129.XXc and 129.XXe, respectively.

Recommended Revisions

§129.~~7~~XXc Application~~, issuance, or denial of~~ for operations specifications.
(a) A ~~foreign air carrier~~foreign commercial air transport operator or foreign person applying to the FAA for operations specifications under this part must submit an application—
(1) In a form and manner prescribed by the FAA; and
(2) At least 90 days before the intended date of operation.
~~(b) A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—~~
~~(1) Meets the applicable requirements of this part;~~
~~(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;~~
~~(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and~~
~~(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.~~
~~(c) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.~~
(b) General. Each application must be executed by an authorized officer, employee, or representative of the applicant having knowledge of the matter set forth therein, and must have attached thereto the written authority issued to that officer, employee, or representative by the applicant.

Resulting Text

§129.XXc Application for operations specifications.
(a) A foreign commercial air transport operator or foreign person applying to the FAA for operations specifications under this part must submit an application—
(1) In a form and manner prescribed by the FAA; and
(2) At least 90 days before the intended date of operation.
(b) General. Each application must be executed by an authorized officer, employee, or representative of the applicant having knowledge of the matter set forth therein, and must have attached thereto the written authority issued to that officer, employee, or representative by the applicant.

Pending Text

§129.9 Contents of operations specifications.

(a) A foreign air carrier or foreign person authorized operations under this part will be issued only one set of operations specifications regardless of whether the operation is conducted under the provisions of §129.1(a), §129.1(b) or both.

(b) The contents of operations specifications issued to a foreign air carrier conducting operations within the United States under §129.1(a) will include but is not limited to—

(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the foreign air carrier;

(2) The designation of an agent for service who is a permanent resident of, and located within the United States, including the agent's full name and the address of its office or usual place of residence;

(3) The identifying number and validity of the foreign air carrier's Air Operator Certificate issued by the State of the Operator;

(4) The reference to the economic or exemption authority issued by the Department of Transportation;

(5) Any other business names under which the foreign air carrier may operate;

(6) The management personnel;

(7) Any authorized deviation and exemption granted from the requirements of this chapter;

(8) The kinds of operations authorized;

(9) Any special authorizations and limitations;

(10) Any airport limitations;

(11) The scheduled operations, regular, alternate and provisional airports to be used;

(12) The routes or airways to be flown;

(13) Any aircraft interchange agreements and requirements;

(14) Any aircraft wet lease agreements and requirements;

(15) Any limitations and provisions as are necessary to prevent collisions between foreign aircraft and other aircraft;

(16) The type, registration markings, serial number, category and class of each aircraft authorized for use, including aircraft that meet the equipment requirements of §129.28(a);

(17) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and

(18) Any other item the FAA determines is necessary.

(c) The contents of operations specifications issued to a foreign air carrier or foreign person operating U.S.-registered aircraft operated solely outside the United States in common carriage in accordance with §129.1(b) will include but is not limited to—

(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the foreign air carrier or foreign person;

(2) In the case of a foreign air carrier, the identifying number and validity of the foreign air carrier's Air Operator Certificate issued by the State of the Operator;

(3) Any other business names under which the foreign air carrier or foreign person may operate;

(4) Any authorized deviation and exemption granted from the requirements of this chapter;

(5) The type, registration markings, serial number, category and class of each United States registered aircraft authorized for use;

(6) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and
(7) Any other item the FAA determines is necessary.

Discussion

Section 129.9 in the pending rulemaking addresses contents of Opspecs. The ARC recommends that, pending its final recommendations, the section be designated § 129.XXd.

The ARC recommends the elimination of certain requirements contained in pending § 129.9, such as a listing of management personnel, special authorizations and limitations, and the specific routes or airways to be flown, as unnecessary or outdated. The ARC also recommends minor revisions to the language of the section to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

The ARC has tentatively recommended elimination of the requirement that an operator's agent for service be a permanent resident of and located within the United States. The ARC is not aware of a statutory or regulatory basis for the existing requirement, and believes some foreign operators, including some Canadian operators, do not maintain an agent for service located within the United States. The ARC recommends that this matter be further reviewed by the FAA's legal counsel.

Recommended Revisions

§129.9XXd Contents of operations specifications.
(a) A ~~foreign air carrier~~foreign commercial air transport operator or foreign person authorized operations under this part will be issued only one set of operations specifications regardless of whether the operation is conducted under the provisions of §129.1(a), §129.1(b) or both.
(b) The contents of operations specifications issued to a ~~foreign air carrier~~foreign commercial air transport operator conducting operations ~~within the United States~~into, within, or out of the territory of the United States under §129.1(a) will include ~~but is not limited to~~—
(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the ~~foreign air carrier~~foreign commercial air transport operator;
(2) The designation of an agent for service ~~who is a permanent resident of, and located within the United States~~, including the agent's full name and the address of its office or usual place of residence;
(3) The ~~identifying~~ certificate number and validity of the ~~foreign air carrier~~foreign commercial air transport operator's Air Operator Certificate issued by the State of the Operator;
(4) The reference to the economic or exemption authority issued by the Department of Transportation;
(5) Any other business names under which the ~~foreign air carrier~~foreign commercial air transport operator may operate;
~~(6) The management personnel;~~
(~~7~~6) Any authorized deviation and exemption granted from the requirements of this chapter;
(~~8~~7) The kinds of operations authorized;
~~(9) Any special authorizations and limitations;~~
(~~10~~8) Any airport limitations;

(119) The scheduled operations, regular, alternate and provisional airports to be used;
~~(12) The routes or airways to be flown;~~
(1310) Any aircraft interchange agreements and requirements;
(1411) Any aircraft wet lease agreements and requirements;
~~(15) Any limitations and provisions as are necessary to prevent collisions between foreign aircraft and other aircraft;~~
(1612) The type, registration markings~~,~~ and serial number~~, category and class~~ of each aircraft ~~authorized for use, including aircraft~~ that meets the equipment requirements of §129.28(a);
(1713) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and
(1814) Any other item the FAA determines is necessary.
(c) The contents of operations specifications issued to a ~~foreign air carrier~~foreign commercial air transport operator or foreign person operating U.S.-registered aircraft operated solely outside the United States ~~in common carriage~~ for purposes of commercial air transport in accordance with §129.1(b) will include~~ but is not limited to~~—
(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the ~~foreign air carrier~~foreign commercial air transport operator or foreign person;
(2) In the case of a ~~foreign air carrier~~foreign commercial air transport operator, the identifying number and validity of the ~~foreign air carrier~~foreign commercial air transport operator's Air Operator Certificate issued by the State of the Operator;
(3) Any other business names under which the ~~foreign air carrier~~foreign commercial air transport operator or foreign person may operate;
(4) Any authorized deviation and exemption granted from the requirements of this chapter;
(5) The type, registration markings, serial number, category and class of each United States registered aircraft authorized for use;
(6) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and
(7) Any other item the FAA determines is necessary.

Resulting Text

§129.XXd Contents of operations specifications.
(a) A foreign commercial air transport operator or foreign person authorized operations under this part will be issued only one set of operations specifications regardless of whether the operation is conducted under the provisions of §129.1(a), §129.1(b) or both.
(b) The contents of operations specifications issued to a foreign commercial air transport operator conducting operations into, within, or out of the territory of the United States under §129.1(a) will include—
(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the foreign commercial air transport operator;
(2) The designation of an agent for service, including the agent's full name and the address of its office or usual place of residence;
(3) The certificate number and validity of the foreign commercial air transport operator's Air Operator Certificate issued by the State of the Operator;
(4) The reference to the economic or exemption authority issued by the Department of Transportation;
(5) Any other business names under which the foreign commercial air transport operator may operate;

(6) Any authorized deviation and exemption granted from the requirements of this chapter;
(7) The kinds of operations authorized;
(8) Any airport limitations;
(9) The scheduled operations, regular, alternate and provisional airports to be used;
(10) Any aircraft interchange agreements and requirements;
(11) Any aircraft wet lease agreements and requirements;
(12) The type, registration markings and serial number of each aircraft that meets the equipment requirements of §129.28(a);
(13) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and
(14) Any other item the FAA determines is necessary.
(c) The contents of operations specifications issued to a foreign commercial air transport operator or foreign person operating U.S.-registered aircraft operated solely outside the United States for purposes of commercial air transport in accordance with §129.1(b) will include—
(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the foreign commercial air transport operator or foreign person;
(2) In the case of a foreign commercial air transport operator, the identifying number and validity of the foreign commercial air transport operator's Air Operator Certificate issued by the State of the Operator;
(3) Any other business names under which the foreign commercial air transport operator or foreign person may operate;
(4) Any authorized deviation and exemption granted from the requirements of this chapter;
(5) The type, registration markings, serial number, category and class of each United States registered aircraft authorized for use;
(6) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and
(7) Any other item the FAA determines is necessary.

§ 129.XXe	Existing Text	Discussion	Recommended Revisions	Resulting Text

Pending Text

§129.7 Application, issuance, or denial of operations specifications.
(a) A foreign air carrier or foreign person applying to the FAA for operations specifications under this part must submit an application—
(1) In a form and manner prescribed by the FAA; and
(2) At least 90 days before the intended date of operation.
(b) A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—
(1) Meets the applicable requirements of this part;
(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;
(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and
(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.

(c) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.

Discussion

Section 129.7 in the pending rulemaking addresses application for, and issuance and denial of OpSpecs. The ARC recommends that application and issuance or denial be addressed in two separate sections, tentatively designated §§ 129.XXc and 129.XXe, respectively.

Recommended Revisions

§129.~~7~~ XXe ~~Application, i~~Issuance~~,~~ or denial of operations specifications.
(a) ~~A foreign air carrier or foreign person applying to the FAA for operations specifications under this part must submit an application—~~
~~(1) In a form and manner prescribed by the FAA; and~~
~~(2) At least 90 days before the intended date of operation.~~
~~(b)~~ A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—
(1) Meets the applicable requirements of this part;
(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;
(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and
(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.
(~~e~~b) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.

Resulting Text

§129.XXe Issuance or denial of operations specifications.
(a) A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—
(1) Meets the applicable requirements of this part;
(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;
(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and
(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.
(b) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.

Pending Text

§ 129.~~11~~ 5 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 markings of each U.S.-registered aircraft.~~

~~(5) Registration and markings of each aircraft that meets equipment requirements of §129.28(a).~~

~~(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.~~

~~(c) No~~ (a) Each foreign air carrier conducting operations within the United States, and each foreign air carrier or foreign person operating U.S. registered aircraft solely outside the United States in common carriage, will conduct its operations in accordance with operations specifications issued by the FAA under this part.

(b) Each foreign air carrier conducting operations within the United States will conduct its operations in accordance with the Standards contained in Annex 1 (Personnel Licensing), Annex 6 (Operation of Aircraft), Part I (International Commercial Air Transport — Aeroplanes) or Part III (International Operations — Helicopters), as appropriate, and in Annex 8 (Airworthiness of Aircraft) to the Convention on International Civil Aviation.

(c) No foreign air carrier may operate to or from locations within the United States without, or in violation of, appropriate operations specifications.

(d) No foreign air carrier or foreign person will operate U.S. registered aircraft solely outside the United States in common carriage without, or in violation of, appropriate operations specifications.

(e) Each foreign air carrier or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal place of business.

(f) Each foreign air carrier will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.

(g) Operations specifications issued under this part are effective until:

(1) The foreign air carrier or foreign person surrenders them to the FAA; or

(2) The FAA suspends, revokes, or otherwise terminates the operations specifications; or

(3) The operations specifications are amended as provided in §129.11.

(h) Within 30 days after a foreign air carrier terminates operations under part 129 of this subchapter, the operations specifications must be surrendered by the foreign air carrier or foreign person to the operations specification-holding international field office.
(i) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under 14 CFR part 125.

Discussion

Section 129.5 (e) and (f) in the pending rulemaking addresses an operator's duty to maintain Opspecs. The ARC recommends that these requirements be moved to a separate section, tentatively designated § 129.XXg.

The ARC recommends minor revisions to the language of the section to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator. The ARC also recommends a verbiage change to reflect that an operator's principal base of operations may differ from its principal place of business.

Recommended Revisions

§ 129.~~115~~XXg Foreign commercial air transport operator's duty to maintain 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 markings of each U.S. registered aircraft.~~
~~(5) Registration and markings of each aircraft that meets equipment requirements of §129.28(a).~~
~~(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.~~
~~(c) No (a) Each foreign air carrier conducting operations within the United States, and each foreign air carrier or foreign person operating U.S. registered aircraft solely outside the United States in common carriage, will conduct its operations in accordance with operations specifications issued by the FAA under this part.~~
~~(b) Each foreign air carrier conducting operations within the United States will conduct its operations in accordance with the Standards contained in Annex 1 (Personnel Licensing),~~

~~Annex 6 (Operation of Aircraft), Part I (International Commercial Air Transport — Aeroplanes) or Part III (International Operations — Helicopters), as appropriate, and in Annex 8 (Airworthiness of Aircraft) to the Convention on International Civil Aviation.~~
~~(c) No foreign air carrier may operate to or from locations within the United States without, or in violation of, appropriate operations specifications.~~
~~(d) No foreign air carrier or foreign person will operate U.S. registered aircraft solely outside the United States in common carriage without, or in violation of, appropriate operations specifications.~~
(~~e~~a) Each foreign ~~air carrier~~ commercial air transport operator or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal~~place of business~~ base of operations.
(~~f~~b) Each foreign ~~air carrier~~ commercial air transport operator will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.
~~(g) Operations specifications issued under this part are effective until:~~
~~(1) The foreign air carrier or foreign person surrenders them to the FAA; or~~
~~(2) The FAA suspends, revokes, or otherwise terminates the operations specifications; or~~
~~(3) The operations specifications are amended as provided in §129.11.~~
~~(h) Within 30 days after a foreign air carrier terminates operations under part 129 of this subchapter, the operations specifications must be surrendered by the foreign air carrier or foreign person to the operations specification holding international field office.~~
~~(i) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under 14 CFR part 125.~~

Resulting Text

§ 129.XXg Foreign commercial air transport operator's duty to maintain Operations Specifications.
(a) Each foreign commercial air transport operator or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal base of operations.
(b) Each foreign commercial air transport operator will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.

§ 129.XXf	Existing Text	Discussion	Recommended Revisions	Resulting Text

Pending Text

§ 129.11 Amending operations specifications.
(a) The FAA may amend any operations specifications issued under this part if -
(1) The FAA determines that safety in air commerce and the public interest require the amendment; or
(2) The foreign air carrier or foreign person applies for the amendment, and the FAA determines that safety in air commerce and the public interest allows the amendment.

(b) Except as provided in paragraph (e) of this section, when the FAA initiates an amendment to a foreign air carrier or foreign person's operations specifications, the following procedure applies:
(1) The operations specification-holding international field office notifies the foreign air carrier or foreign person in writing of the proposed amendment.
(2) The operations specification-holding international field office sets a reasonable period (but not less than 7 days) within which the foreign air carrier or foreign person may submit written information, views, and arguments on the amendment.
(3) After considering all material presented, the operations specification-holding international field office notifies the foreign air carrier or foreign person of --
(i) The adoption of the proposed amendment;
(ii) The partial adoption of the proposed amendment; or
(iii) The withdrawal of the proposed amendment.
(4) If the operations specification-holding international field office issues an amendment to the operations specifications, it becomes effective not less than 30 days after the foreign air carrier or foreign person receives notice of it unless -
(i) The operations specification-holding international field office finds under paragraph (e) of this section that there is an emergency requiring immediate action with respect to safety in air commerce; or
(ii) The foreign air carrier or foreign person petitions for reconsideration of the amendment under paragraph (d) of this section.
(c) When the foreign air carrier or foreign person applies for an amendment to its operations specifications, the following procedure applies:
(1) The foreign air carrier or foreign person must file an application to amend its operations specifications --
(i) At least 90 days before the date proposed by the applicant for the amendment to become effective in cases of mergers; acquisitions of airline operational assets that require an additional showing to Department of Transportation for economic authority; major changes in the type of operation and resumption of operations following a suspension of operations as a result of bankruptcy actions, unless a shorter time is approved by the FAA.
(ii) At least 30 days before the date proposed by the applicant for the amendment to become effective in all other cases.
(2) The application must be submitted to the operations specification-holding international field office in a form and manner prescribed by the FAA.
(3) After considering all material presented, the operations specification-holding international field office notifies the foreign air carrier or foreign person of --
(i) The adoption of the applied for amendment;
(ii) The partial adoption of the applied for amendment; or
(iii) The denial of the applied for amendment.
(4) If the operations specification-holding international field office approves the amendment, following coordination with the foreign air carrier or foreign person regarding its implementation, the amendment is effective on the date the FAA approves it. (d) The foreign air carrier or foreign person may petition for reconsideration of a full or partial adoption of an amendment or a denial of an amendment. When a foreign air carrier or foreign person seeks reconsideration of a decision from the operations specification-holding international field office concerning the amendment of operations specifications, the following procedure applies:
(1) The foreign air carrier or foreign person must petition for reconsideration of that decision within 30 days of the date that the foreign air carrier or foreign person receives a notice of the decision.
(2) The foreign air carrier or foreign person must address its petition to the Director, Flight Standards Service.

(3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of any amendment issued by the operations specification-holding international field office unless the operations specification-holding international field office has found, under paragraph (e) of this section, that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce.
(e) If the operations specification-holding international field office finds that an emergency exists requiring immediate action with respect to safety in air commerce or air transportation that makes the procedures set out in this section impracticable or contrary to the public interest, that office may make the amendment effective the day the foreign carrier or foreign person receives notice of it. In the notice to the foreign air carrier or foreign person, the operations specification-holding international field office will articulate the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment.

Discussion

Section 129.11 in the pending rulemaking addresses amendment of OpSpecs. The ARC recommends that, pending its final recommendations, the section be designated § 129.XXf.

The ARC recommends some changes to the pending language of the section to modify the time periods in which parties must act under various circumstances. The ARC also recommends minor revisions to the language of the section to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Recommended Revisions

§ 129.~~11~~XXf Amend~~ing~~ment of operations specifications.
~~(a) The FAA may amend any operations specifications issued under this part if –~~
~~(1) The FAA determines that safety in air commerce and the public interest require the amendment; or~~
~~(2) The foreign air carrier or foreign person applies for the amendment, and the FAA determines that safety in air commerce and the public interest allows the amendment.~~
~~(b) Except as provided in paragraph (e) of this section, when the FAA initiates an amendment to a foreign air carrier or foreign person's operations specifications, the following procedure applies:~~
~~(1) The operations specification-holding international field office notifies the foreign air carrier or foreign person in writing of the proposed amendment.~~
~~(2) The operations specification-holding international field office sets a reasonable period (but not less than 7 days) within which the foreign air carrier or foreign person may submit written information, views, and arguments on the amendment.~~
~~(3) After considering all material presented, the operations specification-holding international field office notifies the foreign air carrier or foreign person of –~~
~~(i) The adoption of the proposed amendment;~~
~~(ii) The partial adoption of the proposed amendment; or~~
~~(iii) The withdrawal of the proposed amendment.~~
~~(4) If the operations specification-holding international field office issues an amendment to the operations specifications, it becomes effective not less than 30 days after the foreign air carrier or foreign person receives notice of it unless –~~

(i) The operations specification-holding international field office finds under paragraph (e) of this section that there is an emergency requiring immediate action with respect to safety in air commerce; or

(ii) The foreign air carrier or foreign person petitions for reconsideration of the amendment under paragraph (d) of this section.

(c) When the foreign air carrier or foreign person applies for an amendment to its operations specifications, the following procedure applies:

(1) The foreign air carrier or foreign person must file an application to amend its operations specifications --

(i) At least 90 days before the date proposed by the applicant for the amendment to become effective in cases of mergers; acquisitions of airline operational assets that require an additional showing to Department of Transportation for economic authority; major changes in the type of operation and resumption of operations following a suspension of operations as a result of bankruptcy actions, unless a shorter time is approved by the FAA.

(ii) At least 30 days before the date proposed by the applicant for the amendment to become effective in all other cases.

(2) The application must be submitted to the operations specification-holding international field office in a form and manner prescribed by the FAA.

(3) After considering all material presented, the operations specification-holding international field office notifies the foreign air carrier or foreign person of --

(i) The adoption of the applied for amendment;

(ii) The partial adoption of the applied for amendment; or

(iii) The denial of the applied for amendment.

(4) If the operations specification-holding international field office approves the amendment, following coordination with the foreign air carrier or foreign person regarding its implementation, the amendment is effective on the date the FAA approves it. (d) The foreign air carrier or foreign person may petition for reconsideration of a full or partial adoption of an amendment or a denial of an amendment. When a foreign air carrier or foreign person seeks reconsideration of a decision from the operations specification-holding international field office concerning the amendment of operations specifications, the following procedure applies:

(1) The foreign air carrier or foreign person must petition for reconsideration of that decision within 30 days of the date that the foreign air carrier or foreign person receives a notice of the decision.

(2) The foreign air carrier or foreign person must address its petition to the Director, Flight Standards Service.

(3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of any amendment issued by the operations specification-holding international field office unless the operations specification-holding international field office has found, under paragraph (e) of this section, that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce.

(e) If the operations specification-holding international field office finds that an emergency exists requiring immediate action with respect to safety in air commerce or air transportation that makes the procedures set out in this section impracticable or contrary to the public interest, that office may make the amendment effective the day the foreign carrier or foreign person receives notice of it. In the notice to the foreign air carrier or foreign person, the operations specification-holding international field office will articulate the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment.

(a) The assigned FAA office may amend any operations specifications issued under this part if—

(1) It determines that safety in air commerce requires that amendment; or
(2) Upon application by the holder, the assigned FAA office determines that safety in air commerce allows that amendment.
(b) The foreign air carrier or foreign person must file an application to amend operations specifications at least 15 days before the date proposed by the applicant for the amendment to become effective, unless a shorter filing period is approved. The application must be on a form and in a manner prescribed by the Administrator and be submitted to the assigned FAA office.
(c) Within 30 days after a notice of refusal to approve a foreign air carrier or foreign person's application for amendment is received, the foreign air carrier or foreign person may petition the responsible regional division manager of the Flight Standards Service, to reconsider the refusal to amend.
(d) When the assigned FAA office amends operations specifications, that office gives notice in writing to the foreign air carrier or foreign person of a proposed amendment to the operations specifications, fixing a period of not less than 7 days within which the foreign air carrier or foreign person may submit written information, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the assigned FAA office notifies the foreign air carrier or foreign person of any amendment adopted, or a rescission of the notice. That amendment becomes effective not less than 30 days after the foreign air carrier or foreign person receives notice of the adoption of the amendment, unless the foreign air carrier or foreign person petitions the responsible regional division manager of the Flight Standards Service for reconsideration of the amendment. In that case, the effective date of the amendment is stayed pending a decision by the division manager. If the assigned FAA office finds there is an emergency requiring immediate action as to safety in air commerce that makes the provisions of this paragraph impracticable or contrary to the public interest, the assigned FAA office notifies the foreign air carrier or foreign person that the amendment is effective on the date of receipt, without previous notice.

Resulting Text

§ 129.XXf Amendment of operations specifications.
(a) The assigned FAA office may amend any operations specifications issued under this part if—
(1) It determines that safety in air commerce requires that amendment; or
(2) Upon application by the holder, the assigned FAA office determines that safety in air commerce allows that amendment.
(b) The foreign air carrier or foreign person must file an application to amend operations specifications at least 15 days before the date proposed by the applicant for the amendment to become effective, unless a shorter filing period is approved. The application must be on a form and in a manner prescribed by the Administrator and be submitted to the assigned FAA office.
(c) Within 30 days after a notice of refusal to approve a foreign air carrier or foreign person's application for amendment is received, the foreign air carrier or foreign person may petition the responsible regional division manager of the Flight Standards Service, to reconsider the refusal to amend.
(d) When the assigned FAA office amends operations specifications, that office gives notice in writing to the foreign air carrier or foreign person of a proposed amendment to the operations specifications, fixing a period of not less than 7 days within which the foreign air carrier or foreign person may submit written information, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the assigned FAA office notifies the foreign air carrier or foreign person of any amendment adopted, or a rescission of the notice. That amendment becomes effective not less than 30 days after the foreign air carrier

or foreign person receives notice of the adoption of the amendment, unless the foreign air carrier or foreign person petitions the responsible regional division manager of the Flight Standards Service for reconsideration of the amendment. In that case, the effective date of the amendment is stayed pending a decision by the division manager. If the assigned FAA office finds there is an emergency requiring immediate action as to safety in air commerce that makes the provisions of this paragraph impracticable or contrary to the public interest, the assigned FAA office notifies the foreign air carrier or foreign person that the amendment is effective on the date of receipt, without previous notice.

§ 129.XXf1 | Existing Text | Discussion | Recommended Revisions | Proposed Text

Discussion

The ARC recommends the inclusion of a section in proposed subpart B specifically addressing how and under what circumstances the FAA may suspend or revoke OpSpecs.

The ARC notes that, unlike domestic operators, which hold operating certificates as well as OpSpecs, the sole authorization that the FAA issues to a part 129 operator is its OpSpecs. As a result, the suspension or revocation of a part 129 operator's OpSpecs is, arguably, akin to the suspension of a domestic operator's operating certificate. The language recommended by the ARC therefore parallels language applicable to suspension or revocation of a domestic operator's operating certificate.

The ARC may also recommend further revisions to the section to address the consequences of changes to IASA status of foreign operators.

Proposed Text

§ 129.XXf1 Suspension and revocation of Operations Specifications and changes to IASA status

(a) The FAA may amend, suspend or revoke any operations specifications issued under this part if —

(1) The FAA determines that safety in air commerce and the public interest require the amendment, suspension, or revocation; or

(2) The foreign commercial air transport operator or foreign person applies for the amendment, and the FAA determines that safety in air commerce and the public interest allows the amendment.

(b) Except as provided in paragraph (e) of this section, when the FAA initiates an amendment to or a suspension or revocation of a foreign commercial air transport operator or foreign person's operations specifications, the following procedure applies:

(1) The assigned FAA office notifies the foreign commercial air transport operator or foreign person in writing of the proposed amendment, suspension or revocation.

(2) The assigned FAA office sets a reasonable period (but not less than 7 days after the foreign commercial air transport operator or foreign person receives the written notification of the proposed amendment) within which the foreign commercial air transport operator or foreign person may submit written information, views, and arguments on the amendment, suspension or revocation.

(3) After considering all material presented, the assigned FAA office notifies the foreign commercial air transport operator or foreign person of --

(i) The adoption of the proposed amendment or the suspension or revocation;
(ii) The partial adoption of the proposed amendment; or
(iii) The withdrawal of the proposed amendment or the suspension or revocation.

(4) If the assigned FAA office issues an amendment to, or a suspension or revocation of the operations specifications, it becomes effective not less than 30 days after the foreign commercial air transport operator or foreign person receives notice of it unless --

(i) The assigned FAA office finds under paragraph (f) of this section that there is an emergency requiring immediate action with respect to safety in air commerce; or
(ii) The foreign commercial air transport operator or foreign person petitions for reconsideration of the amendment, suspension or revocation under paragraph (d) of this section.

(c) When the foreign commercial air transport operator or foreign person applies for an amendment to its operations specifications, the following procedure applies:

(1) The foreign commercial air transport operator or foreign person must file an application to amend its operations specifications in a form and manner prescribed by the FAA.

(2) After considering all material presented, the assigned FAA office notifies the foreign commercial air transport operator or foreign person of --

(i) The adoption of the applied for amendment;
(ii) The partial adoption of the applied for amendment; or
(iii) The denial of the applied for amendment.

(3) If the assigned FAA office approves the amendment, following coordination with the foreign commercial air transport operator or foreign person regarding its implementation, the amendment is effective on the date the FAA approves it.

(d) The foreign commercial air transport operator or foreign person may petition for reconsideration of a full or partial adoption of an amendment or a denial of an amendment, and may petition for reconsideration of a suspension or revocation. When a foreign commercial air transport operator or foreign person seeks reconsideration of a decision from the assigned FAA office concerning the amendment, suspension or revocation of operations specifications, the following procedure applies:

(1) The foreign commercial air transport operator or foreign person must petition for reconsideration of that decision within 30 days of the date that the foreign commercial air transport operator or foreign person receives a notice of the decision.

(2) The foreign commercial air transport operator or foreign person must address its petition to the Director, Flight Standards Service.

(3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of any amendment, suspension or revocation issued by the assigned FAA office unless the assigned FAA office has found, under paragraph (f) of this section, that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce.

(e) Before the assigned FAA office may suspend or revoke a foreign commercial air transport operator or foreign person's operations specifications, it must first provide an opportunity for the foreign commercial air transport operator or foreign person to:

(1) surrender its operations specifications;

(2) request an opportunity to be heard in an informal conference with the FAA Counsel; or

(3) request a hearing to be conducted in accordance with the procedures established by Subpart D of 14 CFR Part 13.

(f) If the assigned FAA office finds that an emergency exists requiring immediate action with respect to safety in air commerce or air transportation that makes the procedures set out in this section impracticable or contrary to the public interest, that office may make the amendment, suspension or revocation effective the day the foreign air transport operator or foreign person receives notice of the amendment, suspension or revocation in writing. In the notice to the foreign commercial air transport operator or foreign person, the assigned FAA office will

articulate the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment, suspension or revocation. Under these circumstances, the foreign air transport operator or foreign person may request a hearing to be conducted in accordance with the procedures established by Subpart D of 14 CFR Part 13. That hearing shall be conducted within seven (7) days after the FAA receives the request in writing. The amendment, suspension or revocation shall remain in effect unless or until the amendment, suspension or revocation is modified or reversed by the administrative law judge.

(g) Appeal of emergency amendment, suspension or revocation.

(1) Any party to the hearing may appeal from the order of the administrative law judge by filing a notice of appeal with the Administrator within 20 days after the date of issuance of the order.

(2) Any foreign commercial air transport operator or foreign person against whom an order of emergency amendment, suspension or revocation has been issued may appeal from the order of the administrative law judge upholding that emergency amendment, suspension or revocation by filing a notice of appeal with the Administrator within three days after the date of issuance of the order by the administrative law judge.

(3) Unless the Administrator expressly so provides, the filing of a notice of appeal does not stay the effectiveness of an order of emergency amendment, suspension or revocation.

(4) If a notice of appeal is not filed from the order issued by the administrative law judge upholding the emergency amendment, suspension or revocation, such order is the final agency order of compliance.

(5) Any person filing an appeal authorized by paragraph (1) of this section shall file an appeal brief with the Administrator within 40 days after the date of the issuance of the order, and serve a copy on the other party. Any reply brief must be filed within 20 days after service of the appeal brief. A copy of the reply brief must be served on the appellant.

(6) Any person filing an appeal authorized by paragraph (2) of this section shall file an appeal brief with the Administrator with the notice of appeal and serve a copy on the other party. Any reply brief must be filed within 3 days after receipt of the appeal brief. A copy of the reply brief must be served on the appellant.

(7) On appeal the Administrator reviews the available record of the proceeding, and issues an order dismissing, reversing, modifying or affirming the emergency amendment, suspension or revocation. The Administrator's order includes the reasons for the action.

(8) In cases involving an emergency amendment, suspension or revocation, the Administrator's order on appeal shall be issued within ten days after the filing of the notice of appeal.

(h) Changes to IASA Status.

[To be drafted pending NPRM promulgation]

§ 129.13	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~§ 129.13 Airworthiness and registration certificates.~~[Moved to new subpart D]

§ 129.14	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 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 FAA in FAA operations specifications.

(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.

(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 operations specification permitting the operator to use an approved minimum equipment list is carried aboard the aircraft. The minimum equipment list and the operations specification 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 operations specification authorizing the use of the list.

Discussion

The ARC recommends revisions to part 129 that consolidate all maintenance requirements applicable to foreign operators of U.S.-registered aircraft outside the United States under a single subpart, designated subpart I. Subpart I will contain all applicable requirements of existing § 129.14. The ARC therefore recommends the deletion of § 129.14.

Recommended Revisions

~~**§ 129.14 Operation of U.S.-registered aircraft by foreign commercial air transport operators.**~~

~~(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 FAA in FAA operations specifications.~~

~~(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.~~
~~(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 operations specification permitting the operator to use an approved minimum equipment list is carried aboard the aircraft. The minimum equipment list and the operations specification 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 operations specification authorizing the use of the list.~~
[Deletion recommended – see proposed subpart I]

Resulting Text

[Deletion recommended – see proposed subpart I]

§ 129.15	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~**§ 129.15 Flight crewmember certificates.**~~[Moved to new subpart F]

§ 129.17	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~**§ 129.17 Aircraft communication and navigation equipment for operations under IFR or over the top**~~**Radio Equipment**~~.~~[Moved to new subpart D]

§ 129.18	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~§ 129.18 Collision avoidance system.~~[Moved to new subpart D]

§ 129.19	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~§ 129.19 Air traffic rules and procedures.~~[Moved to new subpart E]

§ 129.20	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~§ 129.20 Digital flight data recorders.~~[Moved to new subpart I]

§ 129.21	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~§ 129.21 Control of traffic.~~[Moved to new subpart F]

§ 129.22	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~§ 129.22 Communication and navigation equipment for rotorcraft operations under VFR over routes navigated by pilotage.~~[Moved to new subpart H]

§ 129.23	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 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 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.

Discussion

The ARC recommends that § 129.23 be deleted, pending concurrence of AFS–300, because no aircraft addressed by the rule are believed to be in service under part 129.

Recommended Revisions

~~§ 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 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.~~

Resulting Text

[Deletion recommended]

§ 129.24	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~**§ 129.24 Cockpit voice recorders.**~~[Moved to new subpart I]

§ 129.25	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~**§ 129.25 Airplane security.**~~[Moved to new subpart G]

§ 129.28	Existing Text	Discussion	Recommended Revisions	Resulting Text

~~**§ 129.28 Flightdeck security.**~~[Moved to new subpart G]

Subpart C—Authorizations and Limitations

Discussion

The ARC recommends the creation of a new subpart, tentatively designated subpart C, consolidating the existing and proposed rule sections addressing operating authorizations and limitations.

§ 129.XXq	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

In conjunction with proposed revisions to § 129.11, the ARC proposes moving language from subparagraph (b) of that section to a new section, tentatively designated as § 129.XXq.

Proposed Text

§ 129.XXq Airport approvals – military airports.
If a military airport of the United States is to be used as a regular, alternate, refueling, or provisional airport, the foreign commercial air transport operator must obtain written permission to do so from the military organization concerned and submit a copy of that written permission to the Administrator.

§ 129.XXr	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

Existing OpSpecs paragraph C050 addresses use of special pilot-in-command (SPIC) airports by part 129 operators. The ARC recommends that paragraph C050 be retained, but that a rule section addressing SPIC airports be drafted. The ARC's recommended rule is tentatively designated as § 129.XXr.

Proposed Text

§ 129.XXr Airport approvals – Special Pilot-in-Command (SPIC) airports.
The foreign commercial air transport operator is only authorized to conduct IFR operations into airports requiring special qualification by the pilot-in-command, as designated by the Administrator, in accordance with the provisions and limitations contained in the operations specifications issued by the Administrator.

§ 129.29	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 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 during any scheduled passenger interstate or intrastate air transportation.

Discussion

The ARC recommends minor changes to the language of § 129.29 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Recommended Revisions

§ 129.29 Smoking prohibitions.

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

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

Resulting Text

§ 129.29 Smoking prohibitions.

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

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

§ 129.XXs	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC anticipates the need for a section addressing wet leasing of aircraft and other arrangements under 83 *bis*. The ARC has not yet drafted language for this section.

Proposed Text

§ 129.XXs Wet leasing of aircraft and other arrangements [83 *bis*].

[To be drafted]

§ 129.XXag	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC notes that the introduction into service of large airplanes meeting airplane design group VI (ADG–VI) criteria requires the addition of new authorizations and limitations to

operators' OpSpecs in accordance with Annex 14 to the Convention on International Civil Aviation (ICAO Annex 14). The ARC recommends a rule section containing general language addressing operation of ADG–VI airplanes under part 129.

Proposed Text

§ 129.XXag Operation of Airplane Design Group VI (ICAO Code F) Airplanes.
Foreign commercial air transport operators conducting operations of Airplane Design Group VI (ADG-VI) airplanes under this part must conduct such operations in accordance with the special authorizations and limitations contained in the operations specifications issued under this part.

Subpart D—Aircraft Equipment and Documentation

Discussion

The ARC recommends the creation of a new subpart, tentatively designated subpart D, consolidating the existing and proposed rule sections addressing aircraft equipment and documentation requirements.

§ 129.17	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.17 Aircraft communication and navigation equipment for operations under IFR or over the top.
(a) Aircraft navigation equipment requirements—General. No foreign air carrier may conduct operations under IFR or over the top unless—
(1) The en route navigation aids necessary for navigating the aircraft along the route (e.g., ATS routes, arrival and departure routes, and instrument approach procedures, including missed approach procedures if a missed approach routing is specified in the procedure) are available and suitable for use by the aircraft navigation equipment required by this section;
(2) The aircraft used in those operations is equipped with at least the following—
(i) Except as provided in paragraph (c) of this section, two approved independent navigation systems suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC;
(ii) One marker beacon receiver providing visual and aural signals; and
(iii) One ILS receiver; and
(3) Any RNAV system used to meet the navigation equipment requirements of this section is authorized in the foreign air carrier's operations specifications.
(b) Aircraft communication equipment requirements. No foreign air carrier may operate an aircraft under IFR or over the top, unless it is equipped with—
(1) At least two independent communication systems necessary under normal operating conditions to fulfill the functions specified in §121.347(a) of this chapter; and
(2) At least one of the communication systems required by paragraph (b)(1) of this section must have two-way voice communication capability.
(c) Use of a single independent navigation system for operations under IFR or over the top. Notwithstanding the requirements of paragraph (a)(2)(i) of this section, the aircraft may be

equipped with a single independent navigation system suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC if:

(1) It can be shown that the aircraft is equipped with at least one other independent navigation system suitable, in the event of loss of the navigation capability of the single independent navigation system permitted by this paragraph at any point along the route, for proceeding safely to a suitable airport and completing an instrument approach; and

(2) The aircraft has sufficient fuel so that the flight may proceed safely to a suitable airport by use of the remaining navigation system, and complete an instrument approach and land.

(d) VOR navigation equipment. If VOR navigation equipment is required by paragraph (a) or (c) of this section, no foreign air carrier may operate an aircraft unless it is equipped with at least one approved DME or suitable RNAV system.

Pending Amendments

§ 129.17 Aircraft communication and navigation equipment ~~for operations under IFR or over the top~~.

(a) ~~Aircraft navigation equipment requirements—General. No foreign air carrier may conduct operations under IFR or over the top unless—~~

~~(1) The en route navigation aids necessary for navigating the aircraft along the route (e.g., ATS routes, arrival and departure routes, and instrument approach procedures, including missed approach procedures if a missed approach routing is specified in the procedure) are available and suitable for use by the aircraft navigation equipment required by this section;~~

~~(2) The aircraft used in those operations is equipped with at least the following—~~

~~(i) Except as provided in paragraph (c) of this section, two approved independent navigation systems suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC;~~

~~(ii) One marker beacon receiver providing visual and aural signals; and~~

~~(iii) One ILS receiver; and~~

~~(3) Any RNAV system used to meet the navigation equipment requirements of this section is authorized in the foreign air carrier's operations specifications.~~ Subject to the applicable laws and regulations governing ownership and operation of navigation and communication equipment and to the operations specifications issued under this part, each foreign air carrier will equip its aircraft with such navigation and communication equipment as is necessary to properly use the air navigation facilities and to maintain communications within United States airspace.

(b) Aircraft communication equipment requirements. No foreign air carrier may operate an aircraft under IFR or over the top, unless it is equipped with—

(1) At least two independent communication systems necessary under normal operating conditions to fulfill the functions specified in §121.347(a) of this chapter; and

(2) At least one of the communication systems required by paragraph (b)(1) of this section must have two-way voice communication capability.

(c) Use of a single independent navigation system for operations under IFR or over the top. Notwithstanding the requirements of paragraph (a)(2)(i) of this section, the aircraft may be equipped with a single independent navigation system suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC if:

(1) It can be shown that the aircraft is equipped with at least one other independent navigation system suitable, in the event of loss of the navigation capability of the single independent navigation system permitted by this paragraph at any point along the route, for proceeding safely to a suitable airport and completing an instrument approach; and

(2) The aircraft has sufficient fuel so that the flight may proceed safely to a suitable airport by use of the remaining navigation system, and complete an instrument approach and land.
(d) VOR navigation equipment. If VOR navigation equipment is required by paragraph (a) or (c) of this section, no foreign air carrier may operate an aircraft unless it is equipped with at least one approved DME or suitable RNAV system.

Discussion

The ARC recommends minor revisions to the language of § 129.17 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

The ARC notes that the pending rulemaking revises the text of § 129.17 to state the requirements for navigation and communication equipment in broad terms. The ARC recommends that the associated OpSpecs paragraphs be reviewed for necessity.

There is some question of whether additional rule sections prescribing specific equipment requirements, such as terrain awareness and warning systems (TAWS), traffic alert and collision avoidance systems (TCAS) are necessary in light of the proposed general language of § 129.17. One option available would be to cross-reference other sources or equipment requirements, such as the ICAO Annexes and Aeronautical Information Publication (AIP).

Recommended Revisions

§ 129.17 Radio Equipment.
Subject to the applicable laws and regulations governing ownership and operation of radio equipment and to the operations specifications issued under this part, each foreign commercial air ~~carrier~~ transport operator will 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.

Resulting Text

§ 129.17 Navigation and communication equipment.
(a) Subject to the applicable laws and regulations governing ownership and operation of radio and other communication equipment and to the operations specifications issued under this part, each foreign commercial air transport operator will equip its aircraft with such 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.

§ 129.18	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.18 Collision Avoidance System.
Effective January 1, 2005, any airplane you, as a foreign air carrier, operate under part 129 must be equipped and operated according to the following table:

Collision Avoidance Systems	
If you operate in the United States any . . .	**Then you must operate that airplane with:**
(a) Turbine-powered airplane of more than 33,000 pounds maximum certificated takeoff weight	(1) An appropriate class of Mode S transponder that meets Technical Standard Order (TSO) C–112, or a later version, and one of the followign approved units; (i) TCAS II that meets TSO C–119b (version 7.0), or takeoff weight a later version.
	(ii) TCAS II that meets TSO C–119a (version 6.04A Enhanced) that was installed in that airplane before May 1, 2003. If that TCAS II version 6.04A Enhanced no longer can be repaired to TSO C–119a standards, it must be replaced with a TCAS II that meets TSO C–119b (version 7.0), or a later version. (iii) A collision avoidance system equivalent to TSO C–119b (version 7.0), or a later version, capable of coordinating with units that meet TSO C–119a (version 6.04A Enhanced), or a later version.
(b) Turbine-powered airplane with a passenger-seat configuration, excluding any pilot seat, or 10–30 seats	(1) TCAS I that meets TSO C–118, or a later version, or (2) A collision avoidance system equivalent to excluding any TSO C–118, or a later version, or (3) A collision avoidance system and Mode S transponder that meet paragraph (a)(1) of this section.

Discussion

Considering requirements contained in other parts of 14 CFR, including § 129.17, and ICAO requirements, the necessity of § 129.18, addressing TCAS requirements is in question.

If it is determined that § 129.13 is necessary, the ARC recommends creation of a section, tentatively designated § 129.XXp, addressing similar requirements for TAWS.

Paragraph (a)(1)(ii) of the section refers to use of legacy TSO C–119a (version 6.04A Enhanced) equipment. It is believed that no such equipment is in use in part 129 operations. The need for provision for such equipment should be reviewed by the technical branch (AFS–200 or –300), and, if appropriate, the language referring to such equipment should be eliminated.

Paragraph (a)(1)(i) of the section contains the following text: "TCAS II that meets TSO C–119b (version 7.0) or takeoff weight a later version." The inclusion of the words "takeoff weight" appears to be in error. The ARC recommends their removal. It is noted that § 121.356 in part 121 contains the same error.

Recommended Revisions

§ 129.18 Collision avoidance system.

~~Effective January 1, 2005, a~~Any airplane ~~you, as a foreign air carrier,~~ operated under part 129 must be equipped and operated according to the following table:

Collision Avoidance Systems

If you operate in the United States any . . .	Then you must operate that airplane with~~:~~ —
(a) Turbine-powered airplane of more than 33,000 pounds maximum certificated takeoff weight	(1) An appropriate class of Mode S transponder that meets Technical Standard Order (TSO) C–112, or a later version, and one of the following~~n~~ approved units~~:~~: (i) TCAS II that meets TSO C–119b (version 7.0), or ~~takeoff weight~~ a later version.
	(ii) TCAS II that meets TSO C–119a (version 6.04A Enhanced) that was installed in that airplane before May 1, 2003. If that TCAS II version 6.04A Enhanced no longer can be repaired to TSO C–119a standards, it must be replaced with a TCAS II that meets TSO C–119b (version 7.0), or a later version. (iii) A collision avoidance system equivalent to TSO C–119b (version 7.0), or a later version, capable of coordinating with units that meet TSO C–119a (version 6.04A Enhanced), or a later version.
(b) Turbine-powered airplane with a passenger-seat configuration, excluding any pilot seat, or 10–30 seats	(1) TCAS I that meets TSO C–118, or a later version, or (2) A collision avoidance system equivalent to excluding any TSO C–118, or a later version, or (3) A collision avoidance system and Mode S transponder that meet paragraph (a)(1) of this section.

Resulting Text

§ 129.18 Collision avoidance system.

Any airplane operated under part 129 must be equipped and operated according to the following table:

Collision Avoidance Systems

If you operate in the United States any . . .	Then you must operate that airplane with—
(a) Turbine-powered airplane of more than 33,000 pounds maximum certificated takeoff weight	(1) An appropriate class of Mode S transponder that meets Technical Standard Order (TSO) C–112, or a later version, and one of the following approved units: (i) TCAS II that meets TSO C–119b (version 7.0), or a later version.
	(ii) TCAS II that meets TSO C–119a (version 6.04A Enhanced) that was installed in that airplane before May 1, 2003. If that TCAS II version 6.04A Enhanced no longer can be repaired to TSO C–119a standards, it must be replaced with a TCAS II that meets TSO C–119b (version 7.0), or a later version. (iii) A collision avoidance system equivalent to TSO C–119b (version 7.0), or a later version, capable of coordinating with units that meet TSO C–119a (version 6.04A Enhanced), or a later version.
(b) Turbine-powered airplane with a passenger-seat configuration, excluding any pilot seat, or 10–30 seats	(1) TCAS I that meets TSO C–118, or a later version, or (2) A collision avoidance system equivalent to excluding any TSO C–118, or a later version, or (3) A collision avoidance system and Mode S transponder that meet paragraph (a)(1) of this section.

§ 129.XXp	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

Some question exists as to whether the ARC's recommended revisions to part 129 will continue to contain requirements regarding TCAS equipment. (See § 129.18.) If the ARC's recommended revisions do actually include TCAS provisions, the ARC recommends that the revised rule also include rule language setting basic requirements for TAWS equipment. The ARC has drafted general language prescribing TAWS requirements, tentatively designated as § 129.XXp.

It is noted that there is potential overlap between this section and the general requirements contained in proposed § 129.17.

Proposed Text

§ 129.XXp Terrain Awareness and Warning System (TAWS).
Each foreign commercial air transport operator must comply with the requirements of ICAO Annex 6 for the provision of a terrain awareness warning system.

§ 129.13	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.13 Airworthiness and registration certificates.
(a) Except as provided in §129.28(b) of this part, 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.

Pending Amendments

§ 129.13 Airworthiness and registration certificates.
~~(a) Except as provided in §129.28(b) of this part, no~~No foreign air carrier may operate any aircraft within the United States unless that aircraft carries a current registration ~~and airworthiness certificates issued or validated by the country of registry~~certificate and displays the nationality and registration markings of ~~that country.~~State of Registry, and an airworthiness certificate issued or validated
~~(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.~~
(a) By the State of Registry; or

(b) By the State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.

Discussion

The ARC recommends minor revisions to the language of § 129.13 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Recommended Revisions

§ 129.13 Airworthiness and registration certificates.

~~(a) Except as provided in §129.28(b) of this part, no~~No ~~foreign air carrier~~foreign commercial air transport operator may operate any aircraft ~~within the United States~~into, within, or out of the territory of the United States unless that aircraft carries a current registration ~~and airworthiness certificates issued or validated by the country of registry~~certificate and displays the nationality and registration markings of ~~that country.~~the State of Registry, and an airworthiness certificate issued or validated

~~(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.~~

(a) By the State of Registry; or

(b) By the State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.

Resulting Text

§ 129.13 Airworthiness and registration certificates.

No foreign commercial air transport operator may operate any aircraft into, within, or out of the territory of the United States unless that aircraft carries a current registration certificate and displays the nationality and registration markings of State of Registry, and an airworthiness certificate issued or validated

(a) By the State of Registry; or

(b) By the State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 bis to the Convention on International Civil Aviation that covers the aircraft.

Subpart E—Operating Procedures

Discussion

The ARC recommends the creation of a new subpart, tentatively designated subpart E, consolidating the existing and proposed rule sections addressing operating procedures.

§ 129.XXh	Existing Text	Discussion	Recommended Revisions	Proposed Text

Discussion

The ARC believes that OpSpecs paragraph A023 contains universal requirements applicable to all foreign commercial air transport operators. The ARC refers the paragraph to the OpSpecs Working Group (OSWG) with a recommendation that it be eliminated, and recommends that language addressing its subject matter be included in § 129.XXh.

Proposed Text

§ 129.XXh Procedures for operations during ground icing conditions.
(a) The foreign commercial air transport operator shall use a system to conduct operations during ground icing conditions in accordance with ICAO Annex 6 and as approved by the State of the operator.
(b) The foreign commercial air transport operator shall ensure that all personnel, including contract personnel, who are used in the conduct of aircraft deicing procedures, use the carrier's system referenced above.
(c) The foreign commercial air transport operator is responsible for initial and recurrent training and qualification for all affected personnel e.g., flight crew, aircraft dispatchers if applicable, maintenance representatives, ground crews, contract personnel, etc.

§ 129.XXi	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC believes that the preamble language of paragraph A027 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that this language be removed from the OpSpecs, and that language addressing its subject matter be included in § 129.XXi.

Proposed Text

§ 129.XXi Land and hold short operations.
The foreign commercial air transport operator shall conduct Land and Hold Short Operations (LAHSO) only when authorized by the State of the Operator and at designated airports and specified runway configurations as identified by Air Traffic Services.

§ 129.XXj	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

With respect to operation of aircraft within the United States, the ARC believes subparagraph (a) of OpSpecs paragraph B046 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends the addition of § 129.XXj

incorporating some subject matter of paragraph B046. The ARC believes a large portion of the content of existing paragraph B046 is unnecessary, as reduced vertical separation minimums (RVSM) are now the norm worldwide, rather than the exception. RVSM approvals are contained in paragraph A003.

Proposed Text

§ 129.XXj Operations in Reduced Vertical Separation Minimum (RVSM) airspace of the United States.
The foreign commercial air transport operator shall not conduct operations in United States airspace designated as RVSM airspace unless authorized in accordance with the operations specifications issued by the State of the operator.

§ 129.XXk | Existing Text | Discussion | Recommended Revisions | Resulting Text

Discussion

The ARC believes that OpSpec paragraph C051 contains universal requirements applicable to all foreign commercial air transport operators. The ARC refers the paragraph to the OSWG with a recommendation that it be eliminated, and recommends that language addressing its subject matter be included in § 129.XXk.

The ARC notes that table 1 in paragraph C051 indicates that 75 meters is the appropriate conversion for a 300-foot runway visual range (RVR). The ARC notes that use of this conversion would result in use of an RVR significantly less than 300 feet, and recommends that the conversion for 300 feet be 100 meters.

Proposed Text

§ 129.XXk Terminal instrument procedures.
(a) The foreign commercial air transport operator shall conduct terminal instrument operations provided:
(1) The procedure used is approved or accepted by the State of the operator; and
(2) One of the following conditions is met:
(i) The terminal instrument procedure used is prescribed by Title 14 Code of Federal Regulations Part 97, Standard Instrument Approach Procedures; or
(ii) At authorized U.S. military airports, the terminal instrument procedure used is prescribed by the U.S. military agency operating the airport.
(b) The foreign commercial air transport operator shall use the following conversion tables to convert any takeoff and landing minimum expressed in the metric linear measurement system to the U.S. standard linear measurement system.

Table 1

RVR Conversion	
Feet	**Meters**
300 ft	100 m
400 ft	125 m
500 ft	150 m
600 ft	175 m
700 ft	200 m
1000 ft	300 m
1200 ft	350 m
1600 ft	500 m
1800 ft	550 m
2000 ft	600 m
2100 ft	650 m
2400 ft	750 m
3000 ft	1000 m
4000 ft	1200 m
4500 ft	1400 m
5000 ft	1500 m
6000 ft	1800 m

Table 2

Meteorological Visibility Conversion		
Statute Miles	**Meters**	**Nautical Miles**
¼ sm	400 m	¼ nm
3/8 sm	600 m	3/8 nm
1/2 sm	800 m	1/2 nm
5/8 sm	1000 m	5/8 nm
3/4 sm	1200 m	7/10 nm
7/8 sm	1400 m	7/8 nm
1 sm	1600 m	9/10 nm
1 1/8 sm	1800 m	1 1/8 nm
1 ¼ sm	2000 m	1 1/10 nm
1 ½ sm	2400 m	1 3/10 nm
1 ¾ sm	2800 m	1 ½ nm
2 sm	3200 m	1 ¾ nm
2 ¼ sm	3600 m	2 nm
2 ½ sm	4000 m	2 2/10 nm
2 ¾ sm	4400 m	2 4/10 nm
3 sm	4800 m	2 6/10 nm

§ 129.XXl | Existing Text | Discussion | Recommended Revisions | Resulting Text

Discussion

The ARC believes that the preamble language of paragraph C063 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that this language be removed from the OpSpecs, and that language addressing its subject matter be included in § 129.XXl.

Proposed Text

§ 129.XXl IFR RNAV Departure Procedures (DP) and Standard Terminal Arrivals (STARs). The foreign commercial air transport operator is authorized to conduct IFR area navigation (RNAV) Instrument Departure Procedures (DPs) and Standard Terminal Arrivals (STARs) published as prescribed by 14 CFR Part 97, using approved area navigation systems to the airports and runways approved for such operations and shall conduct all such operations as approved by the State of the operator, and in accordance with the operations specifications issued by the Administrator.

§ 129.XXn	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a new rule section, tentatively designated as § 129.XXn, to clarify that operators may not use takeoff minimums lower than those specified in the operator's OpSpecs. Minimums lower than those approved by the CAA of the State of the operator are also unauthorized. Specific requirements regarding takeoff minimums continue to be contained in OpSpecs paragraphs C056, C057, H106, and H116.

Proposed Text

§ 129.XXn Takeoff minimums.
The foreign commercial air transport operator shall not use any takeoff minimums lower than those prescribed in the operations specifications issued by the Administrator, and shall not use any takeoff minimums lower than those approved by the State of the operator.

§ 129.XXm	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC believes that the preamble language of paragraphs C053, C074, and C075 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that this language be removed from the OpSpecs, and that language addressing its subject matter be included in § 129.XXm. The verbiage of § 129.XXm is general, prescribing guidance on landing minimums for all types of instrument approaches.

Proposed Text

§ 129.XXm IFR landing minimums.
The foreign commercial air transport operator shall not use any IFR landing minimum lower than those prescribed by the applicable published instrument approach procedure and shall not use any IFR landing minimums lower than those prescribed in the operations specifications issued by the Administrator.

§ 129.XXo	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section to part 129 addressing terminal visual flight rules (VFR) operations, limitations, and provisions. The recommended section, tentatively designated § 129.XXo, clarifies that terminal VFR operations must be conducted in accordance with the operator's OpSpecs. Specific requirements regarding terminal VFR, limitations, and provisions continue to be contained in OpSpecs paragraph C077.

Proposed Text

§ 129.XXo Terminal Visual Flight Rules, Limitations, and Provisions. [Proposed Text]
The foreign commercial air transport operator shall conduct terminal area visual and charted visual operations in accordance with its Operations Specifications issued by the Administrator.

§ 129.19	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 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.

Discussion

The necessity of § 129.19, which requires carriers and pilots to conform to air traffic rules and procedures, is in question. It has been suggested that the section is duplicative of § 129.11(a), and of ICAO Annex 6. However, the FAA cannot directly enforce violations of ICAO Annexes, and there is some question of whether § 129.11(a) applies to pilots. The consensus of the ARC is to recommend no substantive change to the section at this time.

Also see the discussion for proposed revisions to § 129.17, regarding incorporation of other materials by reference.

Recommended Revisions

§ 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~~into, within, or out of the territory of the United States.
(b) Each ~~foreign air carrier~~foreign commercial air transport operator 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~~foreign commercial air transport operator 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~~of operation.

Resulting Text

§ 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 into, within, or out of the territory of the United States.
(b) Each foreign commercial air transport operator 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 commercial air transport operator shall conform to the practices, procedures, and other requirements prescribed by the Administrator for the areas of operation.

Subpart F—Crew Requirements

Discussion

The ARC recommends the creation of a new subpart, tentatively designated subpart F, consolidating the existing and proposed rule sections addressing crew requirements for part 129 operations.

§ 129.12	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC determines the age limitation requirements contained in subparagraph i. of OpSpecs paragraph A001 to be universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that subparagraph i. be eliminated and its subject matter be moved to a new rule section, tentatively designated § 129.12. The verbiage of the new section does not include specific limitations, but refers to the limitations prescribed by ICAO Annex 1 and 14 CFR § 61.3.

Proposed Text

§ 129.12 Pilot age limitations.
Foreign commercial air transport operators shall comply with the current age limitations of ICAO Annex 1 and 14 CFR Section 61.3, or as amended.

§ 129.15 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

§ 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.

Pending Amendments

§ 129.15 Flight crewmember certificates.
~~No~~Each person ~~may act~~acting as a flight crewmember ~~unless he holds a current~~ must hold a certificate or license ~~issued or validated by~~that shows the ~~country in which that aircraft is registered, showing his~~person's ability to perform ~~his~~ duties ~~connected~~in connection with ~~operating that aircraft.~~ the operation of the aircraft. The certificate or license will have been issued or rendered valid by:
(a) The State in which the aircraft is registered; or
(b) The State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.

Discussion

The ARC tentatively recommends the addition of a paragraph to § 129.15 stating the requirement that flight crewmembers hold and be in possession of a medical certificate as required by the State of the operator. The ARC recommends that the necessity of such a provision be researched, in light of the requirements of § 61.77. The ARC also recommends minor revisions to the language of § 129.15 to reflect updated terminology and to avoid conflict with ICAO Annex 9 (Facilitation). The ARC notes that some States do not use the term license for flight crewmember certification documents.

Recommended Revisions

§ 129.15 Flight crewmember ~~certificates~~licenses.
~~No~~(a) Each person ~~may act~~acting as a flight crewmember ~~unless he holds a current~~ must hold and be in possession of a ~~certificate or~~ license or its equivalent~~issued or validated by~~that shows the ~~country in which that aircraft is registered, showing his~~person's ability to perform ~~his~~ duties ~~connected~~in connection with ~~operating that aircraft.~~the operation of the aircraft. The ~~certificate or~~ license or equivalent document will have been issued or rendered valid by:
(~~a~~1) The State in which the aircraft is registered; or
(~~b~~2) The State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.
(b) Each person acting as a flight crewmember must hold and be in possession of a medical certificate or its equivalent as required by the State of the operator.

Resulting Text

§ 129.15 Flight crewmember licenses.
(a) Each person acting as a flight crewmember must hold and be in possession of a license or its equivalent that shows the person's ability to perform duties in connection with the operation of the aircraft. The license or equivalent document will have been issued or rendered valid by:
(1) The State in which the aircraft is registered; or
(2) The State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.
(b) Each person acting as a flight crewmember must hold and be in possession of a medical certificate or its equivalent as required by the State of the operator.

§ 129.21 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

§ 129.21 Control of traffic.
(a) Subject to applicable immigration laws and regulations, each foreign air carrier shall furnish sufficient personnel necessary to provide two-way voice communications between its aircraft and stations at places where the Administrator finds that communication is necessary but cannot be maintained in a language with which station operators are familiar.
(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak English and the language necessary to maintain communications with its aircraft, and must assist station operators in directing traffic.

Discussion

The ARC recommends that § 129.21(a) be deleted to reflect changes in air-to-ground communications technologies and procedures. The ARC recommends that the language of § 129.21(b) be revised to reference ICAO English language proficiency standards as of March 5, 2008.

Recommended Revisions

§ 129.21 ~~Control of traffic~~Language proficiency.
~~(a) Subject to applicable immigration laws and regulations, each foreign air carrier must furnish sufficient personnel necessary to provide two-way voice communications between its aircraft and stations at places where the FAA finds that communication is necessary but cannot be maintained in a language with which station operators are familiar.~~
~~(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak English and the language necessary to maintain communications with its aircraft and must assist station operators in directing traffic.~~
Each foreign commercial air transport operator shall ensure that each flight crewmember demonstrates the ability to speak and understand the English language, for the purpose of the use of communication equipment, to an operational level 4 or higher proficiency as specified in ICAO Annex 1.

Resulting Text

§ 129.21 Language proficiency.
Each foreign commercial air transport operator shall ensure that each flight crewmember demonstrates the ability to speak and understand the English language, for the purpose of the use of communication equipment, to an operational level 4 or higher proficiency as specified in ICAO Annex 1.

Subpart G—Security

Discussion

The ARC recommends the creation of a new subpart, tentatively designated subpart G, consolidating the rule sections addressing security requirements for part 129 operations.

§ 129.25	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.25 Airplane security.
Foreign air carriers conducting operations under this part must comply with the applicable security requirements in 49 CFR chapter XII.

Discussion

The ARC recommends that §§ 129.25 and 129.28 be moved to subpart G. The ARC recommends minor changes to the language of § 129.25 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator and to more accurately specify the applicable security requirements.

Recommended Revisions

§ 129.25 Airplane security.
~~Foreign air carrier~~Foreign commercial air transport operators conducting operations under this part must comply with the applicable security requirements in 49 CFR chapter XII, part 1546.

Resulting Text

§ 129.25 Airplane security.
Foreign commercial air transport operators conducting operations under this part must comply with the applicable security requirements in 49 CFR chapter XII, part 1546.

Existing Text

§ 129.28 Flightdeck security.

(a) After August 20, 2002, except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by Sec. 129.1(a), may operate:

(1) A passenger carrying transport category airplane within the United States, except for overflights, unless the airplane is equipped with a door between the passenger and pilot compartment that incorporates features to restrict the unwanted entry of persons into the flightdeck that are operable from the flightdeck only; or

(2) A transport category all-cargo airplane within the United States, except for overflights, that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, unless the door incorporates features to restrict the unwanted entry of persons into the flightdeck that are operable from the flightdeck only.

(b) To the extent necessary to meet the requirements of paragraph (a) of this section, the requirements of Sec. 129.13(a) to maintain airworthiness certification are waived until April 9, 2003. After that date, the requirements of Sec. 129.13(a) apply in full.

(c) After April 9, 2003, except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by Sec. 129.1(a) may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, within the United States, except for overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (c)(1) and(2) of this section or an alternative standard found acceptable to the Administrator.

(1) Except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by §129.1(a) may operate:

(i) After April 9, 2003, a passenger carrying transport category airplane within the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (c)(2) and (c)(3) of this section or an alternative standard found acceptable to the Administrator.

(ii) After October 1, 2003, a transport category all-cargo airplane that had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, within the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (c)(2) and (c)(3) of this section or an alternative standard found acceptable to the Administrator; or the operator must implement a security program approved by the Transportation Security Administration (TSA) for the operation of all airplanes in that operator's fleet.

(2) The door must resist forcible intrusion by unauthorized persons and be capable of withstanding impacts of 300 joules (221.3 foot-pounds) at the critical locations on the door, as well as a 1,113-newton (250 pounds) constant tensile load on the knob or handle, and

(3) The door must resist penetration by small arms fire and fragmentation devices to a level equivalent to Level IIIa of the National Institute of Justice Standard (NIJ) 0101.04.

(d) After August 20, 2002, no foreign air carrier covered by Sec. 129.1 may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, within the United States, except for overflights, unless the carrier has procedures in place that are acceptable to the civil aviation authority responsible for oversight of the foreign air carriers operating under this part to prevent access to the flightdeck except as authorized as follows:

(1) No person other than a person who is assigned to perform duty on the flight deck may have a key to the flight deck door that will provide access to the flightdeck.

(2) Except when it is necessary to permit access and egress by persons authorized in accordance with paragraph (d)(3) of this section, a pilot in command of an airplane that has a lockable flight deck door in accordance with Sec. 129.28(a) and that is carrying passengers shall ensure that the door separating the flight crew compartment from the passenger compartment is closed and locked at all times when the airplane is being operated.

(3) No person may admit any person to the flight deck of an airplane unless the person being admitted is--

(i) A crewmember,

(ii) An inspector of the civil aviation authority responsible for oversight of the part 129 operator, or

(iii) Any other person authorized by the civil aviation authority responsible for oversight of the part 129 operator.

(e) The requirements of paragraph (a) through (d) except (d)(3), do not apply to transport category passenger carrying airplanes originally type certificated with a maximum passenger seating configuration of 19 seats or less, or to all-cargo airplanes with a payload capacity of 7,500 pounds or less.

Discussion

The ARC recommends that §§ 129.25 and 129.28 be relocated to subpart G. The ARC recommends revisions to the language of § 129.28 to remove date-limited provisions that are no longer valid and to correct duplicative language in existing § 129.28(c). The ARC recommends the addition of a subparagraph requiring the submission of registration numbers of aircraft compliant with the requirements of § 129.28.

Recommended Revisions

§ 129.28 Flightdeck security.

(a) ~~After August 20, 2002, except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by §129.1(a), may operate:~~

~~(1) A passenger carrying transport category airplane within the United States, except for overflights, unless the airplane is equipped with a door between the passenger and pilot compartment that incorporates features to restrict the unwanted entry of persons into the flightdeck that are operable from the flightdeck only; or~~

~~(2) A transport category all-cargo airplane within the United States, except for overflights, that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, unless the door incorporates features to restrict the unwanted entry of persons into the flightdeck that are operable from the flightdeck only.~~

~~(b) To the extent necessary to meet the requirements of paragraph (a) of this section, the requirements of §129.13(a) to maintain airworthiness certification are waived until April 9, 2003. After that date, the requirements of §129.13(a) apply in full.~~

~~(c) After April 9, 2003, except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by §129.1(a) may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, within the United States, except for overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (c)(1) and(2) of this section or an alternative standard found acceptable to the Administrator.~~

— (1) Except for a newly manufactured airplane on a non-revenue delivery flight, no ~~foreign air carrier~~foreign commercial air transport operator covered by §129.1(a) may operate:

(i) ~~After April 9, 2003, a~~ A passenger carrying transport category airplane ~~within the United States~~into, within, or out of the territory of the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (~~c~~a)(2) and (~~c~~a)(3) of this section or an alternative standard found acceptable to the Administrator.

(ii) ~~After October 1, 2003, a~~A transport category all-cargo airplane that had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, ~~within the United States~~into, within, or out of the territory of the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (~~c~~a)(2) and (~~c~~a)(3) of this section or an alternative standard found acceptable to the Administrator; or the operator ~~must~~has implemented a security program approved by the Transportation Security Administration (TSA) for the operation of all airplanes in that operator's fleet.

(2) The door must resist forcible intrusion by unauthorized persons and be capable of withstanding impacts of 300 joules (221.3 foot-pounds) at the critical locations on the door, as well as a 1,113-newton (250 pounds) constant tensile load on the knob or handle, and

(3) The door must resist penetration by small arms fire and fragmentation devices to a level equivalent to Level IIIa of the National Institute of Justice Standard (NIJ) 0101.04.

(~~d~~b) ~~After August 20, 2002, n~~No ~~foreign air carrier~~foreign commercial air transport operator covered by §129.1 may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that ~~has~~ had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, ~~within the United States~~into, within, or out of the territory of the United States, except for overflights, unless the ~~carrier~~ operator has procedures in place that are acceptable to the ~~civil aviation authority responsible for oversight of the foreign air carriers operating under this part~~ State of the operator to prevent access to the flightdeck except as authorized as follows:

(1) No person other than a person who is assigned to perform duty on the flight deck may have a key to the flight deck door that will provide access to the flightdeck.

(2) Except when it is necessary to permit access and egress by persons authorized in accordance with paragraph (d)(3) of this section, a pilot in command of an airplane that has a lockable flight deck door in accordance with §129.28(a) and that is carrying passengers shall ensure that the door separating the flight crew compartment from the passenger compartment is closed and locked at all times when the airplane is being operated.

(3) No person may admit any person to the flight deck of an airplane unless the person being admitted is—

(i) A crewmember,

(ii) An inspector of the civil aviation authority responsible for oversight of the part 129 operator, or

(iii) Any other person authorized by the ~~civil aviation~~ State authority responsible for oversight of the part 129 operator with respect to flightdeck access.

(c) Each foreign commercial air transport operator shall provide the Administrator with the registration numbers of each aircraft that meets the requirements of paragraph (a) of this section.

(~~e~~d) The requirements of paragraph (a) through (~~d~~c) except (~~d~~b)(3), do not apply to transport category passenger carrying airplanes originally type certificated with a maximum passenger seating configuration of 19 seats or less, or to all-cargo airplanes with a payload capacity of 7,500 pounds or less.

Resulting Text

§ 129.28 Flightdeck security.

(a)(1) Except for a newly manufactured airplane on a non-revenue delivery flight, no foreign commercial air transport operator covered by §129.1(a) may operate:

(i) A passenger carrying transport category airplane into, within, or out of the territory of the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (a)(2) and (a)(3) of this section or an alternative standard found acceptable to the Administrator.

(ii) A transport category all-cargo airplane that had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, into, within, or out of the territory of the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (a)(2) and (a)(3) of this section or an alternative standard found acceptable to the Administrator; or the operator has implemented a security program approved by the Transportation Security Administration (TSA) for the operation of all airplanes in that operator's fleet.

(2) The door must resist forcible intrusion by unauthorized persons and be capable of withstanding impacts of 300 joules (221.3 foot-pounds) at the critical locations on the door, as well as a 1,113-newton (250 pounds) constant tensile load on the knob or handle, and

(3) The door must resist penetration by small arms fire and fragmentation devices to a level equivalent to Level IIIa of the National Institute of Justice Standard (NIJ) 0101.04.

(b) No foreign commercial air transport operator covered by §129.1 may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, into, within, or out of the territory of the United States, except for overflights, unless the operator has procedures in place that are acceptable to the State of the operator to prevent access to the flightdeck except as authorized as follows:

(1) No person other than a person who is assigned to perform duty on the flight deck may have a key to the flight deck door that will provide access to the flightdeck.

(2) Except when it is necessary to permit access and egress by persons authorized in accordance with paragraph (d)(3) of this section, a pilot in command of an airplane that has a lockable flight deck door in accordance with §129.28(a) and that is carrying passengers shall ensure that the door separating the flight crew compartment from the passenger compartment is closed and locked at all times when the airplane is being operated.

(3) No person may admit any person to the flight deck of an airplane unless the person being admitted is—

(i) A crewmember,

(ii) An inspector of the civil aviation authority responsible for oversight of the part 129 operator, or

(iii) Any other person authorized by the State authority responsible for oversight of the part 129 operator with respect to flightdeck access.

(c) Each foreign commercial air transport operator shall provide the Administrator with the registration numbers of each aircraft that meets the requirements of paragraph (a) of this section.

(d) The requirements of paragraph (a) through (c) except (b)(3), do not apply to transport category passenger carrying airplanes originally type certificated with a maximum passenger seating configuration of 19 seats or less, or to all-cargo airplanes with a payload capacity of 7,500 pounds or less.

Subpart H—Helicopter Operations

Discussion

The ARC recommends the creation of a new subpart, tentatively designated subpart H, consolidating the existing and proposed rule sections addressing requirements for rotorcraft operations under part 129.

§ 129.XXt	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

Existing OpSpecs paragraphs H101 through H122 apply to foreign commercial air transport operators involving helicopters. The ARC recommends that general language requiring conduct of such operations in accordance with the foreign commercial air transport operator's OpSpecs be included in part 129. The ARC has tentatively designated a proposed section containing this requirement as § 129.XXt.

Proposed Text

Subpart X1—Helicopter Operations

§ 129.XXt Helicopter Operations.
A foreign commercial air transport operator is authorized to conduct helicopter operations in accordance with the Operations Specifications issued by the Administrator.

§ 129.22	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.22 Communication and navigation equipment for rotorcraft operations under VFR over routes navigated by pilotage.
(a) No foreign air carrier may operate a rotorcraft under VFR over routes that can be navigated by pilotage unless the rotorcraft is equipped with the radio communication equipment necessary under normal operating conditions to fulfill the following:
(1) Communicate with at least one appropriate station from any point on the route;
(2) Communicate with appropriate air traffic control facilities from any point within Class B, Class C, or Class D airspace, or within a Class E surface area designated for an airport in which flights are intended; and
(3) Receive meteorological information from any point en route.
(b) No foreign air carrier may operate a rotorcraft at night under VFR over routes that can be navigated by pilotage unless that rotorcraft is equipped with—
(1) Radio communication equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section; and
(2) Navigation equipment suitable for the route to be flown.

Discussion

The ARC recommends minor revisions to the language of § 129.22 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator, and recommends that the section be moved to subpart H.

Recommended Revisions

§ 129.22 Communication and navigation equipment for rotorcraft operations under VFR over routes navigated by pilotage.

(a) No ~~foreign air carrier~~foreign commercial air transport operator may operate a rotorcraft under VFR over routes that can be navigated by pilotage unless the rotorcraft is equipped with the radio communication equipment necessary under normal operating conditions to fulfill the following:

(1) Communicate with at least one appropriate station from any point on the route;

(2) Communicate with appropriate air traffic control facilities from any point within Class B, Class C, or Class D airspace, or within a Class E surface area designated for an airport in which flights are intended; and

(3) Receive meteorological information from any point en route.

(b) No ~~foreign air carrier~~foreign commercial air transport operator may operate a rotorcraft at night under VFR over routes that can be navigated by pilotage unless that rotorcraft is equipped with—

(1) Radio communication equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section; and

(2) Navigation equipment suitable for the route to be flown.

Resulting Text

§ 129.22 Communication and navigation equipment for rotorcraft operations under VFR over routes navigated by pilotage.

(a) No foreign commercial air transport operator may operate a rotorcraft under VFR over routes that can be navigated by pilotage unless the rotorcraft is equipped with the radio communication equipment necessary under normal operating conditions to fulfill the following:

(1) Communicate with at least one appropriate station from any point on the route;

(2) Communicate with appropriate air traffic control facilities from any point within Class B, Class C, or Class D airspace, or within a Class E surface area designated for an airport in which flights are intended; and

(3) Receive meteorological information from any point en route.

(b) No foreign commercial air transport operator may operate a rotorcraft at night under VFR over routes that can be navigated by pilotage unless that rotorcraft is equipped with—

(1) Radio communication equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section; and

(2) Navigation equipment suitable for the route to be flown.

Subpart ~~B~~I—~~Continued Airworthiness and Safety Improvements~~Maintenance, Preventive Maintenance, and Alterations of U.S.-Registered Aircraft

Discussion

Recent revisions to part 129 relocated all provisions applicable to the operation of U.S.-registered aircraft outside the United States to subpart B of the part. In conjunction with other recommended revisions to part 129, the ARC recommends that subpart B be redesignated. For purposes of recommended revisions, the subpart is designated subpart I. In addition to redesignating the subpart, the ARC recommends that the subpart be reorganized and expanded to include requirements governing maintenance, preventive maintenance, and alterations. The recommended additions to the subpart largely parallel the content of subpart L of part 121, as well as certain other sections of part 121.

§ 129.101	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.101 Purpose and definition.
(a) This subpart requires a foreign person or foreign air carrier operating a U.S. registered airplane in common carriage to support the continued airworthiness of each airplane. These requirements may include, but are not limited to, revising the maintenance program, incorporating design changes, and incorporating revisions to Instructions for Continued Airworthiness.
(b) For purposes of this subpart, the "FAA Oversight Office" is the aircraft certification office or office of the Transport Airplane Directorate with oversight responsibility for the relevant type certificate or supplemental type certificate, as determined by the Administrator.

Discussion

The ARC recommends the addition of § 129.101(c) through (e), requiring foreign operators of U.S.-registered aircraft to observe the maintenance requirements set forth in the subpart. The ARC also recommends minor changes to the language of § 129.101(a) for clarity and to reflect updated terminology.

Recommended Revisions

§ 129.101 ~~Purpose~~ Applicability and definitions.
(a) This subpart applies to operation of U.S.-registered aircraft in commercial air transport operations by ~~requires~~ a foreign person or foreign commercial air ~~carrier~~ transport operator ~~operating a U.S. registered airplane~~ aircraft ~~in common carriage~~ and requires such persons and operators to support the continued airworthiness of each ~~airplane~~U.S.-registered aircraft. These requirements may include, but are not limited to, approving and revising the maintenance program, incorporating design changes, and incorporating revisions to Instructions for Continued Airworthiness.
(b) For purposes of this subpart, the "FAA Oversight Office" is the aircraft certification office or office of the Transport Airplane Directorate with oversight responsibility for the relevant type certificate or supplemental type certificate, as determined by the Administrator.

(c) Except as provided by paragraph (d) of this section, this subpart prescribes requirements for maintenance, preventive maintenance, and alterations for all Operations Specifications holders.
(d) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft must assure that all work performed is accomplished in accordance with its manual.
(e) Operations of U.S.-registered aircraft solely outside the United States.
In addition to the operations specified under paragraph (c) and (d) of this section, sections 129.XXv [Maintenance, preventive maintenance and alterations programs], 129.20 [Digital Flight Data Recorders], 129.111 [Electrical wiring interconnection systems (EWIS) maintenance program] and 129.113 [Fuel Tank System Maintenance Program] of this part also apply to U.S.-registered aircraft operated solely outside the United States in common carriage by a foreign person or foreign commercial air transport operator.

Resulting Text

§ 129.101 Applicability and definitions.
(a) This subpart applies to operation of U.S.-registered aircraft in commercial air transport operations by a foreign person or foreign commercial air transport operator and requires such persons and operators to support the continued airworthiness of each U.S.-registered aircraft. These requirements may include, but are not limited to, approving and revising the maintenance program, incorporating design changes, and incorporating revisions to Instructions for Continued Airworthiness.
(b) For purposes of this subpart, the "FAA Oversight Office" is the aircraft certification office or office of the Transport Airplane Directorate with oversight responsibility for the relevant type certificate or supplemental type certificate, as determined by the Administrator.
(c) Except as provided by paragraph (d) of this section, this subpart prescribes requirements for maintenance, preventive maintenance, and alterations for all Operations Specifications holders.
(d) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft must assure that all work performed is accomplished in accordance with its manual.
(e) Operations of U.S.-registered aircraft solely outside the United States.
In addition to the operations specified under paragraph (c) and (d) of this section, sections 129.XXv [Maintenance, preventive maintenance and alterations programs], 129.20 [Digital Flight Data Recorders], 129.111 [Electrical wiring interconnection systems (EWIS) maintenance program] and 129.113 [Fuel Tank System Maintenance Program] of this part also apply to U.S.-registered aircraft operated solely outside the United States in common carriage by a foreign person or foreign commercial air transport operator.

§ 129.103 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

§ 129.103 [Reserved]

Discussion

The ARC recommends the addition of a section imposing a responsibility for airworthiness upon foreign operators of U.S.-registered aircraft. Recommended § 129.103 parallels the language of § 121.363.

Recommended Revisions

§ 129.103 ~~[Reserved]~~ Responsibility for airworthiness.
(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations is responsible for --
(1) The airworthiness of its aircraft, including airframes, aircraft engines, propellers, appliances, and parts thereof; and
(2) The performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, in accordance with its manual and the regulations of this chapter.
(b) A foreign commercial air transport operator or foreign person may make arrangements with another person for the performance of any maintenance, preventive maintenance, or alterations. However, this does not relieve the foreign commercial air transport operator or foreign person of the responsibility specified in paragraph (a) of this section.

Resulting Text

§ 129.103 Responsibility for airworthiness.
(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations is responsible for --
(1) The airworthiness of its aircraft, including airframes, aircraft engines, propellers, appliances, and parts thereof; and
(2) The performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, in accordance with its manual and the regulations of this chapter.
(b) A foreign commercial air transport operator or foreign person may make arrangements with another person for the performance of any maintenance, preventive maintenance, or alterations. However, this does not relieve the foreign commercial air transport operator or foreign person of the responsibility specified in paragraph (a) of this section.

§ 129.XXu	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing basic requirements for maintenance, preventive maintenance, and alteration of U.S.-registered aircraft operated by foreign operators. Recommended § 129.XXu parallels the language of § 121.365.

Proposed Text

§ 129.XXu Maintenance, preventive maintenance, and alterations.
(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations that performs any of its maintenance (other than required inspections), preventive maintenance, or alterations, and each person with whom it arranges for the performance of that work must be authorized by the Administrator to perform that work.
(b) Each foreign commercial air transport operator or foreign person that performs any inspections required by its manual in accordance with §129.XXx [Manual requirements] (b)(2) or

(3) (in this subpart referred to as required inspections) and each person with whom it arranges for the performance of that work must be authorized by the Administrator to perform that work.
(c) Each person performing required inspections in addition to other maintenance, preventive maintenance, or alterations, shall organize the performance of those functions so as to separate the required inspection functions from the other maintenance, preventive maintenance, and alteration functions. The separation shall be below the level of administrative control at which overall responsibility for the required inspection functions and other maintenance, preventive maintenance, and alteration functions are exercised.

§ 129.XXv	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing requirements for a foreign operator's maintenance, preventive maintenance, and alterations program. Recommended § 129.XXv parallels the language of § 121.367.

Proposed Text

§ 129.XXv Maintenance, preventive maintenance, and alterations programs.
Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall have an inspection program and a program covering other maintenance, preventive maintenance, and alterations approved by Administrator that ensures that --
(a) Maintenance, preventive maintenance, and alterations performed by it, or by other persons, are performed in accordance with the foreign commercial air transport operator's or foreign person's manual;
(b) Competent personnel and authorized facilities and equipment are provided for the proper performance of maintenance, preventive maintenance, and alterations; and
(c) Each aircraft released to service is airworthy and has been properly maintained for operation under this part.

§ 129.XXw	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing minimum equipment list (MEL) requirements for foreign operators of U.S.-registered aircraft. Recommended § 129.XXw parallels the language of § 121.628.

Proposed Text

§ 129.XXw Minimum equipment list.
No foreign commercial air transport operator or foreign person conducting commercial air transport operations may operate a U.S.-registered aircraft with inoperable instruments or equipment unless the following conditions are met:
(a) A master minimum equipment list exists for the aircraft type.
(b) The foreign commercial air transport operator or foreign person submits for review and approval its aircraft minimum equipment list based on the master minimum equipment list, to the assigned FAA office. The foreign commercial air transport operator or foreign person must show, before minimum equipment list approval can be obtained, that the maintenance procedures used under its maintenance program are authorized to support the use of its minimum equipment list.
(c) A copy of the applicable operations specifications paragraph permitting the foreign commercial air transport operator or foreign person to use an approved minimum equipment list is carried aboard the aircraft.
(d) The aircraft records available to the pilot must include an entry describing the inoperable instruments and equipment.
(e) The aircraft is operated under all applicable conditions and limitations contained in the minimum equipment list and operations specifications paragraph D095 authorizing the use of the list.

§ 129.XXx	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing requirements for a foreign operator's maintenance manual. Recommended § 129.XXx parallels the language of § 121.369.

Proposed Text

§ 129.XXx Manual requirements.
(a) Each foreign commercial air transport operator or foreign person operating U.S-registered aircraft in commercial air transport operations shall put in its manual a chart or description of its organization and a list of persons with whom it has arranged for the performance of any of its required inspections, other maintenance, preventive maintenance, or alterations, including a general description of that work.
(b) The foreign commercial air transport operator's or foreign person's manual must contain the programs required by §129.XXv [Maintenance, preventive maintenance and alterations programs] that must be followed in performing maintenance, preventive maintenance, and alterations of that foreign commercial air transport operator's or foreign person's aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, and must include at least the following:
(1) The method of performing routine and nonroutine maintenance (other than required inspections), preventive maintenance, and alterations.
(2) A designation of the items of maintenance and alteration that must be inspected (required inspections), including at least those that could result in a failure, malfunction, or defect

endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used.

(3) The method of performing required inspections and a designation by occupational title of personnel authorized to perform each required inspection.

(4) Procedures for the reinspection of work performed pursuant to previous required inspection findings.

(5) Procedures, standards, and limits necessary for required inspections and acceptance or rejection of the items required to be inspected and for periodic inspection and calibration of precision tools, measuring devices, and test equipment.

(6) Procedures to ensure that all required inspections are performed.

(7) Instructions to prevent any person who performs any item of work from performing any required inspection of that work.

(8) Instructions and procedures to prevent any decision of an inspector, regarding any required inspection from being countermanded by persons other than supervisory personnel of the inspection unit, or a person at that level of administrative control that has overall responsibility for the management of both the required inspection functions and the other maintenance, preventive maintenance, and alterations functions.

(9) Procedures to ensure that required inspections, other maintenance, preventive maintenance, and alterations that are not completed as a result of shift changes or similar work interruptions are properly completed before the aircraft is released to service.

(c) The foreign commercial air transport operator or foreign person must set forth in its manual a suitable system (which may include a coded system) that provides for preservation and retrieval of information in a manner acceptable to the Administrator and that provides --

(1) A description (or reference to data acceptable to the Administrator) of the work performed;

(2) The name of the person performing the work; and

(3) The name or other positive identification of the individual approving the work.

~~**§ 129.105 Aging airplane inspections and records reviews for U.S.-registered multiengine aircraft.**~~[Moved within subpart]

~~**§ 129.107 Repairs assessment for pressurized fuselages.**~~[Moved within subpart]

§ 129.109	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.109 Supplemental inspections for U.S.-registered aircraft.

(a) Applicability. This section applies to U.S.-registered, transport category, turbine powered airplanes with a type certificate issued after January 1, 1958 that as a result of original type certification or later increase in capacity have—

(1) A maximum type certificated passenger seating capacity of 30 or more; or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) General requirements. After December 20, 2010, a certificate holder may not operate an airplane under this part unless the following requirements have been met:

(1) *Baseline Structure*. The certificate holder's maintenance program for the airplane includes FAA-approved damage-tolerance-based inspections and procedures for airplane structure susceptible to fatigue cracking that could contribute to a catastrophic failure. For the purpose of this section, this structure is termed “fatigue critical structure.”

(2) *Adverse effects of repairs, alterations, and modifications*. The maintenance program for the airplane includes a means for addressing the adverse effects repairs, alterations, and modifications may have on fatigue critical structure and on inspections required by paragraph (b)(1) of this section. The means for addressing these adverse effects must be approved by the FAA Oversight Office.

(3) *Changes to maintenance program*. The changes made to the maintenance program required by paragraph (b)(1) and (b)(2) of this section, and any later revisions to these changes, must be submitted to the Principal Maintenance Inspector for review and approval.

Discussion

The ARC recommends minor revisions to the language of § 129.109 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Recommended Revisions

§ 129.109 Supplemental inspections for U.S.-registered aircraft.

(a) Applicability. This section applies to U.S.-registered, transport category, turbine powered airplanes with a type certificate issued after January 1, 1958 that as a result of original type certification or later increase in capacity have—

(1) A maximum type certificated passenger seating capacity of 30 or more; or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) General requirements. After December 20, 2010, a ~~certificate holder~~ foreign commercial air transport operator or foreign person conducting commercial air transport operations may not operate a~~n~~ U.S.-registered airplane under this part unless the following requirements have been met:

(1) Baseline Structure. The ~~certificate holder's~~foreign commercial air transport operator’s or foreign person’s maintenance program for the airplane includes FAA-approved damage-tolerance-based inspections and procedures for airplane structure susceptible to fatigue cracking that could contribute to a catastrophic failure. For the purpose of this section, this structure is termed “fatigue critical structure.”

(2) Adverse effects of repairs, alterations, and modifications. The maintenance program for the airplane includes a means for addressing the adverse effects repairs, alterations, and modifications may have on fatigue critical structure and on inspections required by paragraph (b)(1) of this section. The means for addressing these adverse effects must be approved by the FAA Oversight Office.

(3) Changes to maintenance program. The changes made to the maintenance program required by paragraph (b)(1) and (b)(2) of this section, and any later revisions to these changes, must be submitted to the Principal Maintenance Inspector for review and approval.

Resulting Text

§ 129.109 Supplemental inspections for U.S.-registered aircraft.

(a) Applicability. This section applies to U.S.-registered, transport category, turbine powered airplanes with a type certificate issued after January 1, 1958 that as a result of original type certification or later increase in capacity have—

(1) A maximum type certificated passenger seating capacity of 30 or more; or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) General requirements. After December 20, 2010, a foreign commercial air transport operator or foreign person conducting commercial air transport operations may not operate a U.S.-registered airplane under this part unless the following requirements have been met:

(1) Baseline Structure. The foreign commercial air transport operator's or foreign person's maintenance program for the airplane includes FAA-approved damage-tolerance-based inspections and procedures for airplane structure susceptible to fatigue cracking that could contribute to a catastrophic failure. For the purpose of this section, this structure is termed "fatigue critical structure."

(2) Adverse effects of repairs, alterations, and modifications. The maintenance program for the airplane includes a means for addressing the adverse effects repairs, alterations, and modifications may have on fatigue critical structure and on inspections required by paragraph (b)(1) of this section. The means for addressing these adverse effects must be approved by the FAA Oversight Office.

(3) Changes to maintenance program. The changes made to the maintenance program required by paragraph (b)(1) and (b)(2) of this section, and any later revisions to these changes, must be submitted to the Principal Maintenance Inspector for review and approval.

§ 129.107	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.107 Repairs 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 60,00 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) [Reserved]

Discussion

The ARC recommends minor revisions to the language of § 129.107 to correct a typographical error and to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Recommended Revisions

§ 129.107 Repairs assessment for pressurized fuselages.
(a) No ~~foreign air carrier~~ foreign commercial air transport operator or foreign person~~s~~ operating a U.S~~.~~.-registered airplane in commercial air transport operations 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) [Reserved]

Resulting Text

§ 129.107 Repairs assessment for pressurized fuselages.
(a) No foreign commercial air transport operator or foreign person operating a U.S.-registered airplane in commercial air transport operations 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) [Reserved]

§ 129.105 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

§ 129.105 Aging airplane inspections and records reviews for U.S.-registered multiengine aircraft.
(a) Operation after inspection and records review. After the dates specified in this paragraph, a foreign air carrier or foreign person may not operate a U.S.-registered multiengine airplane under this part unless the Administrator has notified the foreign air carrier or foreign person that the Administrator has completed the aging airplane inspection and records review required by this section. During the inspection and records review, the foreign air carrier or foreign person must demonstrate to the Administrator that the maintenance of age sensitive parts and components of the airplane has been adequate and timely enough to ensure the highest degree of safety.
(1) Airplanes exceeding 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 24 years in service on December 8, 2003, no later than December 5, 2007, and thereafter at intervals not to exceed 7 years.
(2) Airplanes exceeding 14 years in service but not 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 14 years in service, but not 24 years in service, on December 8, 2003, no later than December 4, 2008, and thereafter at intervals not to exceed 7 years.
(3) Airplanes not exceeding 14 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has not exceeded 14 years in service on December 8, 2003, no later than 5 years after the start of the airplane's 15th year in service and thereafter at intervals not to exceed 7 years.
(b) Unforeseen schedule conflict. In the event of an unforeseen scheduling conflict for a specific airplane, the Administrator may approve an extension of up to 90 days beyond an interval specified in paragraph (b) of this section.
(c) Airplane and records availability. The foreign air carrier or foreign person must make available to the Administrator each U.S.-registered multiengine airplane for which an inspection and records review is required under this section, in a condition for inspection specified by the Administrator, together with the records containing the following information:
(1) Total years in service of the airplane;
(2) Total time in service of the airframe;
(3) Total flight cycles of the airframe;
(4) Date of the last inspection and records review required by this section;
(5) Current status of life-limited parts of the airframe;
(6) Time since the last overhaul of all structural components required to be overhauled on a specific time basis;
(7) Current inspection status of the airplane, including the time since the last inspection required by the inspection program under which the airplane is maintained;

(8) Current status of applicable airworthiness directives, including the date and methods of compliance, and if the airworthiness directive involves recurring action, the time and date when the next action is required;
(9) A list of major structural alterations; and
(10) A report of major structural repairs and the current inspection status for those repairs.
(d) Notification to Administrator. Each foreign air carrier or foreign person must notify the Administrator at least 60 days before the date on which the airplane and airplane records will be made available for the inspection and records review.

Discussion

The ARC recommends minor revisions to the language of § 129.105 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Recommended Revisions

§ 129.105 Aging airplane inspection~~s~~ and records review~~s~~ for U.S.-registered multiengine ~~aircraft~~airplanes.
(a) Operation after airplane inspection and records review. After the dates specified in this paragraph, a ~~foreign air carrier~~ foreign commercial air transport operator or foreign person may not operate a U.S.-registered multiengine airplane under this part unless the Administrator has notified the ~~foreign air carrier~~ foreign commercial air transport operator or foreign person that the Administrator has completed the aging airplane inspection and records review required by this section. During the inspection and records review, the ~~foreign air carrier~~foreign commercial air transport operator or foreign person must demonstrate to the Administrator that the maintenance of age sensitive parts and components of the airplane has been adequate and timely enough to ensure the highest degree of safety.
(1) Airplanes exceeding 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 24 years in service on December 8, 2003, no later than December 5, 2007, and thereafter at intervals not to exceed 7 years.
(2) Airplanes exceeding 14 years in service but not 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 14 years in service, but not 24 years in service, on December 8, 2003, no later than December 4, 2008, and thereafter at intervals not to exceed 7 years.
(3) Airplanes not exceeding 14 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has not exceeded 14 years in service on December 8, 2003, no later than 5 years after the start of the airplane's 15th year in service and thereafter at intervals not to exceed 7 years.
(b) Unforeseen schedule conflict. In the event of an unforeseen scheduling conflict for a specific airplane, the Administrator may approve an extension of up to 90 days beyond an interval specified in paragraph (~~b~~a) of this section.
(c) Airplane and records availability. The ~~foreign air carrier~~foreign commercial air transport operator or foreign person must make available to the Administrator each U.S.-registered multiengine airplane for which an inspection and records review is required under this section, in a condition for inspection specified by the Administrator, together with the records containing the following information:

(1) Total years in service of the airplane;
(2) Total time in service of the airframe;
(3) Total flight cycles of the airframe;
(4) Date of the last inspection and records review required by this section;
(5) Current status of life-limited parts of the airframe;
(6) Time since the last overhaul of all structural components required to be overhauled on a specific time basis;
(7) Current inspection status of the airplane, including the time since the last inspection required by the inspection program under which the airplane is maintained;
(8) Current status of applicable airworthiness directives, including the date and methods of compliance, and if the airworthiness directive involves recurring action, the time and date when the next action is required;
(9) A list of major structural alterations; and
(10) A report of major structural repairs and the current inspection status for those repairs.
(d) Notification to Administrator. Each ~~foreign air carrier~~ foreign commercial air transport operator or foreign person must notify the Administrator at least 60 days before the date on which the airplane and airplane records will be made available for the inspection and records review.

Resulting Text

§ 129.105 Aging airplane inspection and records review for U.S.-registered multiengineairplanes.
(a) Operation after airplane inspection and records review. After the dates specified in this paragraph, a foreign commercial air transport operator or foreign person may not operate a U.S.-registered multiengine airplane under this part unless the Administrator has notified the foreign commercial air transport operator or foreign person that the Administrator has completed the aging airplane inspection and records review required by this section. During the inspection and records review, the foreign commercial air transport operator or foreign person must demonstrate to the Administrator that the maintenance of age sensitive parts and components of the airplane has been adequate and timely enough to ensure the highest degree of safety.
(1) Airplanes exceeding 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 24 years in service on December 8, 2003, no later than December 5, 2007, and thereafter at intervals not to exceed 7 years.
(2) Airplanes exceeding 14 years in service but not 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 14 years in service, but not 24 years in service, on December 8, 2003, no later than December 4, 2008, and thereafter at intervals not to exceed 7 years.
(3) Airplanes not exceeding 14 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has not exceeded 14 years in service on December 8, 2003, no later than 5 years after the start of the airplane's 15th year in service and thereafter at intervals not to exceed 7 years.
(b) Unforeseen schedule conflict. In the event of an unforeseen scheduling conflict for a specific airplane, the Administrator may approve an extension of up to 90 days beyond an interval specified in paragraph (a) of this section.
(c) Airplane and records availability. The foreign commercial air transport operator or foreign person must make available to the Administrator each U.S.-registered multiengine airplane for which an inspection and records review is required under this section, in a condition for inspection specified by the Administrator, together with the records containing the following information:

(1) Total years in service of the airplane;
(2) Total time in service of the airframe;
(3) Total flight cycles of the airframe;
(4) Date of the last inspection and records review required by this section;
(5) Current status of life-limited parts of the airframe;
(6) Time since the last overhaul of all structural components required to be overhauled on a specific time basis;
(7) Current inspection status of the airplane, including the time since the last inspection required by the inspection program under which the airplane is maintained;
(8) Current status of applicable airworthiness directives, including the date and methods of compliance, and if the airworthiness directive involves recurring action, the time and date when the next action is required;
(9) A list of major structural alterations; and
(10) A report of major structural repairs and the current inspection status for those repairs.
(d) Notification to Administrator. Each foreign commercial air transport operator or foreign person must notify the Administrator at least 60 days before the date on which the airplane and airplane records will be made available for the inspection and records review.

§ 129.XXy	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing inspection personnel requirements for foreign operators of U.S.-registered aircraft. Recommended § 129.XXy parallels the language of § 121.371.

Proposed Text

§ 129.XXy Required inspection personnel.
(a) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may use any person to perform required inspections unless the person performing the inspection is appropriately certificated, properly trained, qualified, and authorized to do so.
(b) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may allow any person to perform a required inspection unless, at that time, the person performing that inspection is under the supervision and control of an inspection department or unit.
(c) No person may perform a required inspection if he performed the item of work required to be inspected.
(d) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall maintain, or shall determine that each person with whom it arranges to perform its required inspections maintains a current listing of persons who have been trained, qualified, and authorized to conduct required inspections. The persons must be identified by name, occupational title, and the inspections that they are authorized to perform. The foreign commercial air transport operator or foreign person (or person with whom it arranges to perform its required inspections) shall give written information to each person so authorized describing the extent of his responsibilities, authorities, and inspectional limitations. The list shall be available for inspection by the Administrator.

§ 129.XXz	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing requirements for a foreign operator's maintenance training program. Recommended § 129.XXz parallels the language of § 121.375.

Proposed Text

§ 129.XXz Maintenance and preventive maintenance training program.
Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations and each person performing maintenance or preventive maintenance functions for that foreign commercial air transport operator or foreign person, shall have a training program to ensure that each person (including inspection personnel) who determines the adequacy of work done is fully informed about procedures and techniques and new equipment in use and is competent to perform his duties.

§ 129.XXaa	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing certificate requirements for maintenance personnel employed by foreign operators of U.S.-registered aircraft. Recommended § 129.XXaa parallels the language of § 121.378.

Proposed Text

§ 129.XXaa Certificate Requirements
(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by repair stations certificated under the provisions of part 145, each person who is directly in charge of maintenance, preventive maintenance, or alteration, and each person performing required inspections must hold an appropriate airman certificate under part 65.
(b) For the purposes of this section, a person *directly in charge* is each person assigned to a position in which he is responsible for the work of a shop or station that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness. A person who is *directly in charge* need not physically observe and direct each worker constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

§ 129.XXab	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing maintenance recording requirements for foreign operators of U.S.-registered aircraft. Recommended § 129.XXab parallels the language of § 121.380.

Proposed Text

§ 129.XXab Maintenance recording requirements.

(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall keep (using the system specified in the manual required in §129.XXx [Manual Requirements]) the following records for the periods specified in paragraph (b) of this section:

(1) All the records necessary to show that all requirements for the issuance of an airworthiness release under §129.XXad [Airworthiness Release or Aircraft Log Entry] have been met.

(2) Records containing the following information:

(i) The total time in service of the airframe.

(ii) The total time in service of each engine and propeller.

(iii) The current status of life-limited parts of each airframe, engine, propeller, and appliance.

(iv) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.

(v) The identification of the current inspection status of the aircraft, including the times since the last inspections required by the inspection program under which the aircraft and its appliances are maintained.

(vi) The current status of applicable airworthiness directives, including the date and methods of compliance, and, if the airworthiness directive involves recurring action, the time and date when the next action is required.

(vii) A list of current major alterations to each airframe, engine, propeller, and appliance.

(b) Each foreign commercial air transport operator or foreign person shall retain the records required to be kept by this section for the following periods:

(1) Except for the records of the last complete overhaul of each airframe, engine, propeller, and appliance, the records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for one year after the work is performed.

(2) The records of the last complete overhaul of each airframe, engine, propeller, and appliance shall be retained until the work is superseded by work of equivalent scope and detail.

(3) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(c) The foreign commercial air transport operator or foreign person shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 129.XXac	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing requirements for the transfer of maintenance records upon the sale of a U.S.-registered aircraft by a foreign operator. Recommended § 129.XXac parallels the language of § 121.380a.

Proposed Text

§ 129.XXac Transfer of Maintenance Records.
Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations who transfers possession of a U.S.-registered aircraft shall transfer to the person taking possession the following records of that aircraft, in plain language form or in coded form at the election of the person taking possession, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:
(a) The record specified in §129.XXab(a)(2).
(b) The records specified in §129.XXab(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the person taking possession may permit the foreign commercial air transport operator or foreign person to keep physical custody of such records. However, custody of records in the foreign commercial air transport operator or foreign person does not relieve the person taking possession of his responsibility under §129.XXab(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 129.20	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 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.

Discussion

The ARC recommends that the content of § 129.20 be relocated to subpart I with other requirements applicable to the operation of U.S.-registered aircraft in commercial air transport operations outside the United States.

Recommended Revisions

§ 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.

Resulting Text

§ 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 or 135 of this chapter, and must be installed by the compliance times required by those parts, as applicable to the aircraft.

§ 129.24 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

§ 129.24 Cockpit voice recorders.
No person may operate an aircraft under this part that is registered in the United States unless it is equipped with an approved cockpit voice recorder that meets the standards of TSO–C123a, or later revision. The cockpit voice recorder must record the information 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 that part, as applicable to the aircraft.

Discussion

The ARC recommends that the content of § 129.24 be relocated to subpart I with other requirements applicable to the operation of U.S.-registered aircraft in commercial air transport operations outside the United States.

Recommended Revisions

§ 129.24 Cockpit voice recorders.
No person may operate an aircraft under this part that is registered in the United States unless it is equipped with an approved cockpit voice recorder that meets the standards of TSO–C123a, or later revision. The cockpit voice recorder must record the information 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 that part, as applicable to the aircraft.

Resulting Text

§ 129.24 Cockpit voice recorders.
No person may operate an aircraft under this part that is registered in the United States unless it is equipped with an approved cockpit voice recorder that meets the standards of TSO–C123a, or later revision. The cockpit voice recorder must record the information that would be required to be recorded if the aircraft were operated under part 121 or 135 of this chapter, and must be installed by the compliance times required by that part, as applicable to the aircraft.

Existing Text

§ 129.111 Electrical wiring interconnection systems (EWIS) maintenance program.
(a) Except as provided in paragraph (f) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of original type certification or later increase in capacity, have—
(1) A maximum type-certificated passenger capacity of 30 or more, or
(2) A maximum payload capacity of 7500 pounds or more.
(b) After March 10, 2011, no foreign person or foreign air carrier may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane includes inspections and procedures for EWIS.
(c) The proposed EWIS maintenance program changes must be based on EWIS Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the provisions of Appendix H of part 25 of this chapter applicable to each affected airplane (including those ICA developed for supplemental type certificates installed on each airplane) and that have been approved by the FAA Oversight Office.
(1) For airplanes subject to §26.11 of this chapter, the EWIS ICA must comply with paragraphs H25.5(a)(1) and (b).
(2) For airplanes subject to §25.1729 of this chapter, the EWIS ICA must comply with paragraph H25.4 and all of paragraph H25.5.
(d) After March 10, 2011, before returning a U.S.-registered airplane to service after any alterations for which EWIS ICA are developed, the foreign person or foreign air carrier must include in the maintenance program for that airplane inspections and procedures for EWIS based on those ICA.
(e) The EWIS maintenance program changes identified in paragraphs (c) and (d) of this section and any later EWIS revisions must be submitted to the Principal Inspector or Flight Standards International Field Office responsible for review and approval.
(f) This section does not apply to the following airplane models:
(1) Lockheed L–188
(2) Bombardier CL–44
(3) Mitsubishi YS–11
(4) British Aerospace BAC 1–11
(5) Concorde
(6) deHavilland D.H. 106 Comet 4C
(7) VFW–Vereinigte Flugtechnische Werk VFW–614
(8) Illyushin Aviation IL 96T
(9) Bristol Aircraft Britannia 305

(10) Handley Page Herald Type 300
(11) Avions Marcel Dassault—Breguet Aviation Mercure 100C
(12) Airbus Caravelle
(13) Lockheed L–300

Discussion

The ARC recommends minor revisions to the language of § 129.111 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Recommended Revisions

§ 129.111 Electrical wiring interconnection systems (EWIS) maintenance program.
(a) Except as provided in paragraph (f) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of original type certification or later increase in capacity, have—
(1) A maximum type-certificated passenger capacity of 30 or more, or
(2) A maximum payload capacity of 7500 pounds or more.
(b) After March 10, 2011, no foreign person or ~~foreign air carrier~~ foreign commercial air transport operator may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane includes inspections and procedures for EWIS.
(c) The proposed EWIS maintenance program changes must be based on EWIS Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the provisions of Appendix H of part 25 of this chapter applicable to each affected airplane (including those ICA developed for supplemental type certificates installed on each airplane) and that have been approved by the FAA Oversight Office.
(1) For airplanes subject to §26.11 of this chapter, the EWIS ICA must comply with paragraphs H25.5(a)(1) and (b).
(2) For airplanes subject to §25.1729 of this chapter, the EWIS ICA must comply with paragraph H25.4 and all of paragraph H25.5.
(d) After March 10, 2011, before returning a U.S.-registered airplane to service after any alterations for which EWIS ICA are developed, the foreign person or ~~foreign air carrier~~foreign commercial air transport operator must include in the maintenance program for that airplane inspections and procedures for EWIS based on those ICA.
(e) The EWIS maintenance program changes identified in paragraphs (c) and (d) of this section and any later EWIS revisions must be submitted to the ~~Principal Inspector or Flight Standards International Field Office responsible for review and approval~~assigned FAA office.
(f) This section does not apply to the following airplane models:
(1) Lockheed L–188
(2) Bombardier CL–44
(3) Mitsubishi YS–11
(4) British Aerospace BAC 1–11
(5) Concorde
(6) deHavilland D.H. 106 Comet 4C
(7) VFW–Vereinigte Flugtechnische Werk VFW–614
(8) Illyushin Aviation IL 96T
(9) Bristol Aircraft Britannia 305
(10) Handley Page Herald Type 300
(11) Avions Marcel Dassault—Breguet Aviation Mercure 100C

(12) Airbus Caravelle
(13) Lockheed L–300

Resulting Text

§ 129.111 Electrical wiring interconnection systems (EWIS) maintenance program.
(a) Except as provided in paragraph (f) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of original type certification or later increase in capacity, have—
(1) A maximum type-certificated passenger capacity of 30 or more, or
(2) A maximum payload capacity of 7500 pounds or more.
(b) After March 10, 2011, no foreign person or foreign commercial air transport operator may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane includes inspections and procedures for EWIS.
(c) The proposed EWIS maintenance program changes must be based on EWIS Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the provisions of Appendix H of part 25 of this chapter applicable to each affected airplane (including those ICA developed for supplemental type certificates installed on each airplane) and that have been approved by the FAA Oversight Office.
(1) For airplanes subject to §26.11 of this chapter, the EWIS ICA must comply with paragraphs H25.5(a)(1) and (b).
(2) For airplanes subject to §25.1729 of this chapter, the EWIS ICA must comply with paragraph H25.4 and all of paragraph H25.5.
(d) After March 10, 2011, before returning a U.S.-registered airplane to service after any alterations for which EWIS ICA are developed, the foreign person or foreign commercial air transport operator must include in the maintenance program for that airplane inspections and procedures for EWIS based on those ICA.
(e) The EWIS maintenance program changes identified in paragraphs (c) and (d) of this section and any later EWIS revisions must be submitted to the assigned FAA office.
(f) This section does not apply to the following airplane models:
(1) Lockheed L–188
(2) Bombardier CL–44
(3) Mitsubishi YS–11
(4) British Aerospace BAC 1–11
(5) Concorde
(6) deHavilland D.H. 106 Comet 4C
(7) VFW–Vereinigte Flugtechnische Werk VFW–614
(8) Illyushin Aviation IL 96T
(9) Bristol Aircraft Britannia 305
(10) Handley Page Herald Type 300
(11) Avions Marcel Dassault—Breguet Aviation Mercure 100C
(12) Airbus Caravelle
(13) Lockheed L–300

§ 129.113	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

§ 129.113 Fuel tank system maintenance program.

(a) Except as provided in paragraph (g) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of original type certification or later increase in capacity, have—

(1) A maximum type-certificated passenger capacity of 30 or more, or

(2) A maximum payload capacity of 7500 pounds or more.

(b) For each U.S.-registered airplane on which an auxiliary fuel tank is installed under a field approval, before June 16, 2008, the foreign person or foreign air carrier operating the airplane must submit to the FAA Oversight Office proposed maintenance instructions for the tank that meet the requirements of Special Federal Aviation Regulation No. 88 (SFAR 88) of this chapter.

(c) After December 16, 2008, no foreign person or foreign air carrier may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane has been revised to include applicable inspections, procedures, and limitations for fuel tank systems.

(d) The proposed fuel tank system maintenance program revisions must be based on fuel tank system Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the applicable provisions of SFAR 88 of this chapter or §25.1529 and part 25, Appendix H, of this chapter, in effect on June 6, 2001 (including those developed for auxiliary fuel tanks, if any, installed under supplemental type certificates or other design approval) and that have been approved by the FAA Oversight Office.

(e) After December 16, 2008, before returning a U.S.-registered airplane to service after any alteration for which fuel tank ICA are developed under SFAR 88, or under §25.1529 in effect on June 6, 2001, the foreign person or foreign air carrier must include in the maintenance program for the airplane inspections and procedures for the fuel tank system based on those ICA.

(f) The fuel tank system maintenance program changes identified in paragraphs (d) and (e) of this section and any later fuel tank system revisions must be submitted to the Principal Inspector or Flight Standards International Field Office responsible for review and approval.

(g) This section does not apply to the following airplane models:

(1) Bombardier CL–44

(2) Concorde

(3) deHavilland D.H. 106 Comet 4C

(4) VFW–Vereinigte Flugtechnische Werk VFW–614

(5) Illyushin Aviation IL 96T

(6) Bristol Aircraft Britannia 305

(7) Handley Page Herald Type 300

(8) Avions Marcel Dassault—Breguet Aviation Mercure 100C

(9) Airbus Caravelle

(10) Lockheed L–300

Discussion

The ARC recommends minor revisions to the language of § 129.113 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator. The ARC also recommends the elimination of inapplicable provisions of § 129.113.

The ARC is unclear from a reading of § 129.113 whether paragraph (b) remains in effect. The ARC recommends that AFS–300 review SFAR 88 and find out whether any further Critical Design Control Configuration Limitations (CDCCL) affecting fuel tank maintenance are being promulgated.

Recommended Revisions

§ 129.113 Fuel tank system maintenance program.

(a) ~~Except as provided in paragraph (g) of this section, t~~This section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958~~,~~ that, as a result of original type certification or later increase in capacity, have—

(1) A maximum type-certificated passenger capacity of 30 or more, or

(2) A maximum payload capacity of 7500 pounds or more.

(b) For each U.S.-registered airplane on which an auxiliary fuel tank is installed under a field approval, before June 16, 2008, the foreign person or ~~foreign air carrier~~ foreign commercial air transport operator operating the airplane must submit to the FAA Oversight Office proposed maintenance instructions for the tank that meet the requirements of Special Federal Aviation Regulation No. 88 (SFAR 88) of this chapter.

(c) ~~After December 16, 2008, n~~No foreign person or ~~foreign air carrier~~foreign commercial air transport operator may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane has been revised to include applicable inspections, procedures, and limitations for fuel tank systems.

~~(d) The proposed fuel tank system maintenance program revisions must be based on fuel tank system Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the applicable provisions of SFAR 88 of this chapter or §25.1529 and part 25, Appendix H, of this chapter, in effect on June 6, 2001 (including those developed for auxiliary fuel tanks, if any, installed under supplemental type certificates or other design approval) and that have been approved by the FAA Oversight Office.~~

~~(e) After December 16, 2008, before returning a U.S.-registered airplane to service after any alteration for which fuel tank ICA are developed under SFAR 88, or under §25.1529 in effect on June 6, 2001, the foreign person or foreign air carrier must include in the maintenance program for the airplane inspections and procedures for the fuel tank system based on those ICA.~~

~~(f) The fuel tank system maintenance program changes identified in paragraphs (d) and (e) of this section and any later fuel tank system revisions must be submitted to the Principal Inspector or Flight Standards International Field Office responsible for review and approval.~~

~~(g) This section does not apply to the following airplane models:~~

~~(1) Bombardier CL–44~~

~~(2) Concorde~~

~~(3) deHavilland D.H. 106 Comet 4C~~

~~(4) VFW–Vereinigte Flugtechnische Werk VFW–614~~

~~(5) Illyushin Aviation IL 96T~~

~~(6) Bristol Aircraft Britannia 305~~

~~(7) Handley Page Herald Type 300~~

~~(8) Avions Marcel Dassault—Breguet Aviation Mercure 100C~~

~~(9) Airbus Caravelle~~

~~(10) Lockheed L–300~~

Resulting Text

§ 129.113 Fuel tank system maintenance program.
(a) This section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958 that, as a result of original type certification or later increase in capacity, have—
(1) A maximum type-certificated passenger capacity of 30 or more, or
(2) A maximum payload capacity of 7500 pounds or more.
(b) For each U.S.-registered airplane on which an auxiliary fuel tank is installed under a field approval, before June 16, 2008, the foreign person or foreign commercial air transport operator operating the airplane must submit to the FAA Oversight Office proposed maintenance instructions for the tank that meet the requirements of Special Federal Aviation Regulation No. 88 (SFAR 88) of this chapter.
(c) No foreign person or foreign commercial air transport operator may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane has been revised to include applicable inspections, procedures, and limitations for fuel tank systems.

§ 129.XXad	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing requirements for preparation of an airworthiness release or log entry following maintenance on U.S.-registered aircraft by or on behalf of a foreign operator. Recommended § 129.XXad parallels the language of § 121.709.

Proposed Text

§ 129.XXad Airworthiness release or aircraft log entry.
(a) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may operate an aircraft after maintenance, preventive maintenance or alterations are performed on the aircraft unless it, or the person with whom it arranges for the performance of the maintenance, preventive maintenance, or alterations, prepares or causes to be prepared --
(1) An airworthiness release; or
(2) An appropriate entry in the aircraft log.
(b) The airworthiness release or log entry required by paragraph (a) of this section must --
(1) Be prepared in accordance with the procedures set forth in the foreign commercial air transport operator's or foreign person's approved maintenance program;
(2) Include a certification that --
(i) The work was performed in accordance with the requirements of the foreign commercial air transport operator's or foreign person's approved maintenance program;
(ii) All items required to be inspected were inspected by an authorized person who determined that the work was satisfactorily completed;
(iii) No known condition exists that would make the airplane unairworthy; and

(iv) So far as the work performed is concerned, the aircraft is in condition for safe operation; and

(3) Be signed by an authorized mechanic certificated under part 65.

(c) Notwithstanding paragraph (b)(3) of this section, after maintenance, preventive maintenance, or alterations performed by a repair station certificated under the provisions of part 145, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by that repair station.

(d) When an airworthiness release form is prepared, the foreign commercial air transport operator or foreign person must give a copy to the pilot in command and must keep a record thereof for at least two months.

(e) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the foreign commercial air transport operator or foreign person may state in its approved maintenance program that the signature of an authorized certificated mechanic constitutes that certification.

§ 129.XXae	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing requirements for foreign operators of U.S.-registered aircraft to submit mechanical interruption summary reports. Recommended § 129.XXae parallels the language of § 121.705.

Proposed Text

§ 129.XXae Mechanical Interruption Summary Report.

Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall submit to the assigned FAA office, before the end of the 10th day of each month, a summary report for the previous month of:

(a) Each interruption to a flight, caused by known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

§ 129.XXaf	Existing Text	Discussion	Recommended Revisions	Resulting Text

Discussion

The ARC recommends the addition of a section addressing requirements for foreign operators of U.S.-registered aircraft to submit structural service difficulty reports. Recommended § 129.XXaf parallels the language of § 121.703.

Proposed Text

§ 129.XXaf Service Difficulty Reports (Structural).

(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall report the occurrence or detection of each failure or defect related to --

(1) Corrosion, cracks, or disbonding that requires replacement or repair of the affected part;

(2) Corrosion, cracks, or disbonding that requires rework or blendout because the corrosion, cracks, or disbonding exceeds the manufacturer's established allowable damage limits;

(3) Cracks, fractures, or disbonding in a composite structure that the equipment manufacturer has designated as a primary structure or a principal structural element; or

(4) Repairs made in accordance with approved data not contained in the manufacturer's maintenance manual.

(b) In addition to the reports required by paragraph (a) of this section, each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall report any other failure or defect in aircraft structure that occurs or is detected at any time if that failure or defect has endangered or may endanger the safe operation of an aircraft.

(c) Each foreign commercial air transport operator or foreign person shall submit each report required by this section, covering each 24-hour period beginning at 0900 local time of each day and ending at 0900 local time on the next day, to a centralized collection point as specified by the Administrator. Each report of occurrences during a 24-hour period shall be submitted to the FAA within the next 96 hours. However, a report due on Saturday or Sunday may be submitted on the following Monday, and a report due on a holiday may be submitted on the next workday. Each foreign commercial air transport operator or foreign person also shall make the report data available in a form and manner acceptable to the Administrator for examination by the assigned FAA office.

(d) The foreign commercial air transport operator or foreign person holder shall submit the reports required by this section on a form or in another format acceptable to the Administrator. The reports shall include the following information:

(1) The manufacturer, model, serial number, and registration number of the aircraft;

(2) The foreign commercial air transport operator’s or foreign person’s designator;

(3) The date on which the failure or defect was discovered;

(4) The stage of ground operation during which the failure or defect was discovered;

(5) The part name, part condition, and location of the failure or defect;

(6) The applicable Joint Aircraft System/Component Code;

(7) The total cycles, if applicable, and total time of the aircraft;

(8) Other information necessary for a more complete analysis of the cause of the failure or defect, including corrosion classification, if applicable, or crack length and available information pertaining to type designation of the major component and the time since the last maintenance overhaul, repair, or inspection; and

(9) A unique control number for the occurrence, in a form acceptable to the Administrator.

(e) A report required by this section may be submitted by a certificated repair station when the reporting task has been assigned to that repair station by the foreign commercial air transport operator or foreign person. However, the foreign commercial air transport operator or foreign person is responsible for ensuring compliance with the provisions of this section. The foreign commercial air transport operator or foreign person shall receive a copy of each report submitted by the repair station.

(f) No person may withhold a report required by this section.

(g) If all information required by this section is not available, the foreign commercial air transport operator or foreign person shall submit available information. Upon receipt of additional information the foreign commercial air transport operator or foreign person shall submit that information using the unique control number from the original report.

Appendix A	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

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. Communications facilities. List all 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 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.)

Discussion

The ARC recommends the creation of a new subpart B addressing application for, and issuance or denial, amendment, suspension, and revocation of OpSpecs. Proposed § 129.XXc requires submission of an application "[i]n a form and manner prescribed by the FAA." The ARC

recommends eliminating appendix A, to permit greater flexibility for both the FAA and applications in setting and meeting application requirements.

Recommended Revisions

~~**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. Communications facilities. List all 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 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.)~~
[Deletion recommended]

Resulting Text

[Deletion recommended]

Selected Part 129 Operations Specifications

The ARC's charter does not explicitly direct it to make recommendations regarding changes to the part 129 OpSpecs paragraphs.[5] The charter does, however, direct the ARC to incorporate portions of the part 129 OpSpecs language into the rule. As a result, the ARC undertook a review of the OpSpecs paragraphs to identify related language.

The ARC has recommended that language and subject matter from several OpSpecs paragraphs be incorporated into part 129. The ARC recommends such language be eliminated from the OpSpecs for purposes of simplicity.

In the course of its review of the OpSpecs paragraphs, the ARC also developed additional recommendations regarding the OpSpecs that were outside the scope of identifying material to be moved to part 129. Those recommendations are presented here by way of advice to the part 129 OpSpecs Working Group (OSWG).

The ARC also recommends that the language of the OpSpecs be updated to reflect recommended changes in terminology, such as replacing foreign air carrier with foreign commercial air transport operator. For purposes of brevity, where the ARC's recommendations are limited to minor revisions, such recommendations are not included in this report. This does not include paragraph A002, which contains definitions.

When viewing this document electronically, clicking the OpSpecs paragraph numbers in the table below will take the user to the discussion of the specified paragraph.

A001	B031	C050	H101
A002	B034	C051	H102
A023	B035	C052	H103
A027	B046	C053	H104
A036		C054	H106
A040		C056	H116
		C057	H117
		C059	H118
		C060	
		C063	
		C067	
		C068	
		C074	
		C075	
		C077	
		C384	

[5] The Part 129 OSWG is responsible for making recommendations regarding the part 129 OpSpecs. Recommendations made in this document regarding the OpSpecs are advisory in nature, and are subject to the consideration and judgment of the Part 129 OSWG.

Existing Text

A001. Issuance, Applicability and Reports **HQ Control: 10/19/06**
HQ Revision: 040

a. These operations specifications are issued to TEXT01, and shall hereafter be referred to as the foreign air carrier. The foreign air carrier's addresses:

TEXT02 TEXT03 TEXT04

The foreign air carrier is the holder of the following:

State of the Operator (Country)	State of the Operator Air Operator Certificate (Identification)	DOT Economic Authority (Type)	DOT Economic Authority (Expiration)
TABL05	TABL04	TABL06	TABL03

b. (1) The holder of these operations specifications shall conduct foreign air carrier operations in common carriage in the United States of America (USA) pursuant to the applicable provisions of Title 14 of the Code of Federal Regulations (14 CFR) Part 91 and 129; Title 49 CFR Part 175, and any other applicable regulations, laws, and orders of the USA.

(2) At all times the foreign air carrier must have appropriate economic authority issued by the U.S. Department of Transportation (DOT) and an appropriate security program as required by the Transportation Security Administration (TSA).

(3) These operations specifications shall become void and shall be surrendered on request of the FAA unless;

(i) the foreign air carrier complies with the terms and conditions of their DOT issued economic authority; and
(ii) any required TSA security program; and
(iii) the foreign air carrier is in possession of a valid Air Operator Certificate (AOC) or equivalent document issued by the State of the Operator.

(4) The foreign air carrier may conduct TEXT07, operations to the United States, utilizing regular destination and alternate airports, which are authorized by the State of the Operator CAA for operations, and which the carrier has determined to be operationally suitable.

c. The foreign air carrier shall TEXT05 TEXT06

d. The foreign air carrier shall use only the official business name or a name authorized by the DOT as shown in subparagraph a. and c. above in the conduct of foreign air transportation within the United States.

e. The foreign air carrier shall conduct each operation within the United States in accordance with their State of the Operator issued AOC and associated limitations and provisions, specific authorizations, limitations, and procedures contained in these FAA issued foreign operations specifications, and are limited to operating in the U.S. geographical areas of operations shown below. *United States*, in a geographical sense, means (1) the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of those areas.

Authorized Geographic Areas of U.S. Operation
TABL07

f. All radio communications with the Air Traffic Control system of the USA will utilize the appropriate call sign as indicated in International Civil Aviation Organization (ICAO) Document 8585/66 or Federal Aviation Administration (FAA) Directive 7340.1, as amended.

Authorized Radio Call Sign	ICAO 3 Letter Identifier
TABL08	TABL09

g. The following must be provided to the Federal Aviation Administration's (FAA) Flight Standards Field Office listed in subparagraph h below in a manner and form acceptable to the FAA.

(1) Required Reports and notifications – information and any changes thereto, required on a continuing basis to maintain currency of information.

(a) Foreign air carrier (company) ownership information,

(b) Addresses for the foreign air carrier, including Principal Business, Mailing and E-mail address, and telephone, fax, and other appropriate carrier personnel names, contact numbers and Email addresses at the principal operations and maintenance locations in the State of the Operator and the U.S. identified in these operations specifications,

(c) The foreign air carrier Agent for Service and management personnel information identified in paragraph A007 of these operations specifications and any changes thereto,

(d) A copy of any economic authority issued by the U.S. Department of Transportation.

(e) The complete list of regular destination and destination alternate airports authorized for scheduled operations to the United States by the State of the Operator.

(f) Prior notification of nonscheduled flights to the U.S. - This notification is required for any non-scheduled flights to the U.S. unless those flights are conducted to regular destination airports as provided in the listing supplied by the air carrier in accordance with subparagraph e above. This notification shall be by the method listed below.

Non-Scheduled Flight Notification Method
TABL10

(g) Prior notification of any wet lease or interchange operations conducted by the foreign air carrier to, from, or within the U.S. on behalf of other carriers,

(2) Required Reports and notifications – information and any changes thereto when requested by FAA

(a) The foreign air carrier's airmen crew list

(b) A copy of the valid Air Operator Certificate (AOC) or equivalent document issued by the State of the Operator

(c) For scheduled flights, the schedule and frequency of flights and any changes to those schedules and frequencies.

(d) The foreign air carrier's operations and maintenance liaison persons and contractors at any U.S. airport to be served on a scheduled basis,

h. FAA International Field Office assigned contact information

Assigned FAA office:
TABL11

US Post Office Mailing Address	Overnight Package Delivery Address
TABL12	TABL13

FAA Principal Inspector(s) Name/Title	Phone Number	Fax Number	E-mail Address
TABL14	TABL15	TABL16	TABL17

i. Pilot Age Requirements. – Foreign air carriers shall comply with the current age requirements of ICAO Annex 1 as amended, except that in accordance with 14 CFR Section 61.3 (j), the foreign air carrier shall not use the services of a pilot, nor shall any person act as a pilot of a civil airplane of U.S. registry, in any of the following operations under the authority of these operations specifications, if that person has reached his/her 60th birthday:

(1) Scheduled international air services carrying passengers in turbo-jet-powered airplanes;

(2) Scheduled international air services carrying passengers in airplanes having a passenger-seat configuration of more than nine passenger seats, excluding each crewmember seat;

(3) Nonscheduled international air transportation for compensation or hire in airplanes having a passenger-seat configuration of more than 30 seats, excluding each crewmember seat; or

(4) Scheduled international air services, or nonscheduled international air transportation for compensation or hire, in airplanes having a payload capacity of more than 7,500 pounds.

TEXT99

Discussion

The ARC believes that existing subparagraphs b.(1)-(3) and d. of OpSpec paragraph A001 contain universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that these paragraphs be removed from the OpSpecs, and that language addressing their subject matter be included in revisions to § 129.11 and in a new section tentatively designated § 129.XXf1. Similarly, the ARC believes that subparagraph i. of the paragraph A001 contains universal requirements, and recommends the creation of a new rule section, currently designated § 129.12, addressing its subject matter. The ARC believes that subparagraph e. of paragraph A001 is superfluous in light of limitations elsewhere in the OpSpecs on what airports in the United States a foreign operator may use, and recommends that it be eliminated.

Recommended Revisions

A001. Issuance, Applicability and Reports **HQ Control: ~~10/19/06~~**
HQ Revision: ~~040~~

a. These operations specifications are issued to TEXT01, and shall hereafter be referred to as the ~~foreign air carrier~~foreign commercial air transport operator. The ~~foreign air carrier~~foreign commercial air transport operator's addresses:

TEXT02 TEXT03 TEXT04

The ~~foreign air carrier~~foreign commercial air transport operator is the holder of the following:

State of the Operator (Country)	State of the Operator Air Operator Certificate (Identification)	DOT Economic Authority (Type)	DOT Economic Authority (Expiration)
TABL05	TABL04	TABL06	TABL03

~~b. (1) The holder of these operations specifications shall conduct foreign air carrier operations in common carriage in the United States of America (USA) pursuant to the applicable provisions of Title 14 of the Code of Federal Regulations (14 CFR) Part 91 and 129; Title 49 CFR Part 175, and any other applicable regulations, laws, and orders of the USA.~~

~~(2) At all times the foreign air carrier must have appropriate economic authority issued by the U.S. Department of Transportation (DOT) and an appropriate security program as required by the Transportation Security Administration (TSA).~~

~~(3) These operations specifications shall become void and shall be surrendered on request of the FAA unless;~~

~~(i) the foreign air carrier complies with the terms and conditions of their DOT issued economic authority; and~~
~~(ii) any required TSA security program; and~~
~~(iii) the foreign air carrier is in possession of a valid Air Operator Certificate (AOC) or equivalent document issued by the State of the Operator.~~

~~(4)~~b. The ~~foreign air carrier~~foreign commercial air transport operator may conduct TEXT07, operations ~~to~~ into, within, and out of the territory of the United States, utilizing regular destination and alternate airports, which are authorized by the State of the Operator CAA for operations, and which the ~~carrier~~ operator has determined to be operationally suitable.

c. The ~~foreign air carrier~~foreign commercial air transport operator shall TEXT05 TEXT06

~~d. The foreign air carrier shall use only the official business name or a name authorized by the DOT as shown in subparagraph a. and c. above in the conduct of foreign air transportation within the United States.~~

~~e. The foreign air carrier shall conduct each operation within the United States in accordance with their State of the Operator issued AOC and associated limitations and provisions, specific authorizations, limitations, and procedures contained in these FAA issued foreign operations specifications, and are limited to operating in the U.S. geographical areas of operations shown below. *United States*, in a geographical sense, means (1) the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of those areas.~~

d. Commercial air transport operations conducted by the foreign commercial air transport operator in the United States are limited to the following geographic areas:

Authorized Geographic Areas of U.S. Operation
TABL07

~~f~~e. All radio communications with the Air Traffic Control system of the USA will utilize the appropriate call sign as indicated in International Civil Aviation Organization (ICAO) Document 8585/66 or Federal Aviation Administration (FAA) Directive 7340.1, as amended.

Authorized Radio Call Sign	ICAO 3 Letter Identifier
TABL08	TABL09

~~g~~f. The following must be provided to the Federal Aviation Administration's (FAA) ~~Flight Standards~~International Field Office/Unit listed in subparagraph ~~h~~ g below in a manner and form acceptable to the FAA.

(1) Required Reports and notifications – information and any changes thereto, required on a continuing basis to maintain currency of information.

(a) ~~Foreign air carrier~~Foreign commercial air transport operator (company) ownership information,

(b) Addresses for the ~~foreign air carrier~~foreign commercial air transport operator, including Principal Business, Mailing and E-mail address, and telephone, fax, and other appropriate ~~carrier~~ operator personnel names, contact numbers and Email addresses at the principal operations and maintenance locations in the State of the Operator and the U.S. identified in these operations specifications,

(c) The ~~foreign air carrier~~foreign commercial air transport operator Agent for Service and management personnel information identified in paragraph A007 of these operations specifications and any changes thereto,

(d) A copy of any economic authority issued by the U.S. Department of Transportation.

(e) The complete list of regular destination and destination alternate airports authorized for scheduled operations to the United States by the State of the Operator.

(f) Prior notification of nonscheduled flights to the U.S. - This notification is required for any non-scheduled flights to the U.S. unless those flights are conducted to regular destination airports as provided in the listing supplied by the ~~air carrier~~operator in accordance with subparagraph e above. This notification shall be by the method listed below.

Non-Scheduled Flight Notification Method
TABL10

(g) Prior notification of any wet lease or interchange operations conducted by the ~~foreign air carrier~~foreign commercial air transport operator ~~to, from, or within the U.S.~~into, within, or out of the territory of the United States on behalf of other carriers,

(2) Required Reports and notifications – information and any changes thereto when requested by FAA

(a) The ~~foreign air carrier~~foreign commercial air transport operator's airmen crew list

(b) A copy of the valid Air Operator Certificate (AOC) ~~or equivalent document~~ and operations specifications as issued by the State of the ~~Operator~~operator

(c) For scheduled flights, the schedule and frequency of flights and any changes to those schedules and frequencies.

(d) The ~~foreign air carrier~~foreign commercial air transport operator's operations and maintenance liaison persons and contractors at any U.S. airport to be served on a scheduled basis,

~~h~~g. FAA International Field Office/Unit assigned contact information

Assigned FAA office/unit:

TABL11

US Post Office Mailing Address	Overnight Package Delivery Address
TABL12	TABL13

FAA Principal Inspector(s) Name/Title	Phone Number	Fax Number	E-mail Address
TABL14	TABL15	TABL16	TABL17

~~i. Pilot Age Requirements. – Foreign air carriers shall comply with the current age requirements of ICAO Annex 1 as amended, except that in accordance with 14 CFR Section 61.3 (j), the foreign air carrier shall not use the services of a pilot, nor shall any person act as a pilot of a civil airplane of U.S. registry, in any of the following operations under the authority of these operations specifications, if that person has reached his/her 60th birthday:~~

~~(1) Scheduled international air services carrying passengers in turbo-jet-powered airplanes;~~

~~(2) Scheduled international air services carrying passengers in airplanes having a passenger-seat configuration of more than nine passenger seats, excluding each crewmember seat;~~

~~(3) Nonscheduled international air transportation for compensation or hire in airplanes having a passenger-seat configuration of more than 30 seats, excluding each crewmember seat; or~~

~~(4) Scheduled international air services, or nonscheduled international air transportation for compensation or hire, in airplanes having a payload capacity of more than 7,500 pounds.~~

TEXT99

Resulting Text

A001. Issuance, Applicability and Reports **HQ Control:**
HQ Revision:

a. These operations specifications are issued to TEXT01, and shall hereafter be referred to as the foreign commercial air transport operator. The foreign commercial air transport operator's addresses:

TEXT02 TEXT03 TEXT04

The foreign commercial air transport operator is the holder of the following:

State of the Operator (Country)	State of the Operator Air Operator Certificate (Identification)	DOT Economic Authority (Type)	DOT Economic Authority (Expiration)
TABL05	TABL04	TABL06	TABL03

b. The foreign commercial air transport operator may conduct TEXT07, operations into, within, and out of the territory of the United States, utilizing regular destination and alternate

airports, which are authorized by the State of the Operator CAA for operations, and which the operator has determined to be operationally suitable.
c. The foreign commercial air transport operator shall TEXT05 TEXT06
d. Commercial air transport operations conducted by the foreign commercial air transport operator in the United States are limited to the following geographic areas:

Authorized Geographic Areas of U.S. Operation
TABL07

e. All radio communications with the Air Traffic Control system of the USA will utilize the appropriate call sign as indicated in International Civil Aviation Organization (ICAO) Document 8585/66 or Federal Aviation Administration (FAA) Directive 7340.1, as amended.

Authorized Radio Call Sign	ICAO 3 Letter Identifier
TABL08	TABL09

f. The following must be provided to the Federal Aviation Administration's (FAA) International Field Office/Unit listed in subparagraph g below in a manner and form acceptable to the FAA.
(1) Required Reports and notifications – information and any changes thereto, required on a continuing basis to maintain currency of information.
(a) Foreign commercial air transport operator (company) ownership information,
(b) Addresses for the foreign commercial air transport operator, including Principal Business, Mailing and E-mail address, and telephone, fax, and other appropriate operator personnel names, contact numbers and Email addresses at the principal operations and maintenance locations in the State of the Operator and the U.S. identified in these operations specifications,
(c) The foreign commercial air transport operator Agent for Service and management personnel information identified in paragraph A007 of these operations specifications and any changes thereto,
(d) A copy of any economic authority issued by the U.S. Department of Transportation.
(e) The complete list of regular destination and destination alternate airports authorized for scheduled operations to the United States by the State of the Operator.
(f) Prior notification of nonscheduled flights to the U.S. - This notification is required for any non-scheduled flights to the U.S. unless those flights are conducted to regular destination airports as provided in the listing supplied by the operator in accordance with subparagraph e above. This notification shall be by the method listed below.

Non-Scheduled Flight Notification Method
TABL10

(g) Prior notification of any wet lease or interchange operations conducted by the foreign commercial air transport operator into, within, or out of the territory of the United States on behalf of other carriers,
(2) Required Reports and notifications – information and any changes thereto when requested by FAA
(a) The foreign commercial air transport operator's airmen crew list
(b) A copy of the valid Air Operator Certificate (AOC) and operations specifications as issued by the State of the operator
(c) For scheduled flights, the schedule and frequency of flights and any changes to those schedules and frequencies.

(d) The foreign commercial air transport operator's operations and maintenance liaison persons and contractors at any U.S. airport to be served on a scheduled basis,

g. FAA International Field Office/Unit assigned contact information

Assigned FAA office/unit:

TABL11

US Post Office Mailing Address	Overnight Package Delivery Address
TABL12	TABL13

FAA Principal Inspector(s) Name/Title	Phone Number	Fax Number	E-mail Address
TABL14	TABL15	TABL16	TABL17

TEXT99

Existing Text

A002. Definitions and Abbreviations **HQ Control: 05/30/03**
HQ Revision: 020

Unless otherwise defined in these operations specifications, all words, phrases, definitions, and abbreviations have identical meanings to those used in the Federal Aviation Regulations and in Title 49, Subtitle VII, United States Code, as amended. Additionally, the definitions listed below are applicable to operations conducted in accordance with these operations specifications.

Term or Terms	Definition
Air Ambulance Operations	(1) Air transportation of a person with a health condition that requires medical personnel as determined by a health care provider; or (2) Holding out to the public as willing to provide air transportation to a person with a health condition that requires medical personnel as determined by a health care provider including, but not limited to, advertisement, solicitation, association with a hospital or medical care provider.
Agent For Service	A person designated in writing by the foreign air carrier upon whom service of all notices, processes, decisions, and requirements of the Department of Transportation, Federal Aviation Administration, and National Transportation Safety Board shall be made for and on behalf of the foreign air carrier.
Airways Navigation Facilities	Airways navigation facilities are those International Civil Aviation Authority (ICAO) Standard Navigation Aids (VOR, VOR/DME, and/or NDB) which are used to establish the en route airway structure within the sovereign airspace of ICAO member states. These facilities are also used to establish the degree of navigation accuracy required for air traffic control and Class I navigation within that airspace.
Alternate Airport	An airport at which an aircraft may land if a landing at the intended airport becomes inadvisable.
Auto Flight Guidance System (AFGS)	Aircraft systems, such as an autopilot, autothrottles, displays, and controls, that are interconnected in such a manner so as to allow the crew to automatically control the aircraft's lateral and vertical flightpath and speed. A flight management system is sometimes associated with an AFGS.
Automatic Dependent Surveillance (ADS)	A function for use by air traffic services in which the ADS equipment in the aircraft automatically transmits data derived from on-board navigation systems via a datalink. As a minimum, the data include aircraft identification and three-dimensional position. ADS is sometimes referred to as ADS-A or ADS-Contract (e.g., a communications contract between the aircraft communications/surveillance system and an air traffic facility or service provider only).

Automatic Dependent Surveillance-Broadcast (ADS-B)	ADS-B is a function on an aircraft or surface vehicle operating within the surface movement area that periodically broadcasts via datalink its state vector (horizontal and vertical position, horizontal and vertical velocity) and other information. ADS-B is Automatic in that it requires no external stimulus to elicit a transmission. ADS-B is Dependent because it relies on on-board navigation sources. ADS-B Surveillance information is provided, via data link, to any users (either aircraft or ground-based) within range of the Broadcast signal.
Available Landing Distance (ALD)	ALD is that portion of a runway available for landing and roll-out for aircraft cleared for land and hold short operations (LAHSO). This distance is measured from the landing threshold to the hold-short point.
Category I Instrument Approach	A Category I instrument approach is any authorized precision or nonprecision instrument approach which is conducted with a minimum height for IFR flight not less than 200 feet (60 meters) above the touchdown zone and a minimum visibility/RVV not less than 1/2 statute mile or RVR 1800 (for helicopters, 1/4 statute mile or RVR 1600).
Class I Navigation	Class I navigation is any en route flight operation or portion of an operation that is conducted entirely within the designated Operational Service Volumes (or ICAO equivalents) of ICAO standard airway navigation facilities (VOR, VOR/DME, NDB). Class I navigation also includes en route flight operations over routes designated with a Minimum En route Altitude (MEA) Gap (MEA is established with a gap in navigation signal coverage) or ICAO equivalent. En route flight operations conducted within these areas are defined as "Class I navigation" operations irrespective of the navigation means used. Class I navigation includes operations within these areas using pilotage or any other means of navigation which does not rely on the use of VOR, VOR/DME, or NDB.
Class II Navigation	Class II navigation is any en route flight operation that is not defined as Class I navigation. Class II navigation is any en route flight operation or portion of an en route operation (irrespective of the means of navigation) which takes place outside (beyond) the designated Operational Service Volume (or ICAO equivalents) of ICAO standard airway navigation facilities (VOR, VOR/DME, NDB). However, Class II navigation does not include en route flight operations over routes designated with an MEA Gap (or ICAO equivalent).
Cockpit Display of Traffic Information (CDTI)	A CDTI is a generic display that provides a flightcrew with surveillance information about other aircraft including their position. Traffic information for a CDTI may be obtained from one or multiple sources (including ADS-B, TCAS, and traffic information services) to provide improved awareness of proximate aircraft and as an aid to visual acquisition as part of the normal see and avoid operations both in the air and on the ground.
Controller-pilot data link communications (CPDLC)	A means of communication between controller and pilot, using data link for ATC communications.
Decision Altitude (Height)	DA(H) is a specified minimum altitude in an instrument approach procedure by which a missed approach must be initiated if the required visual reference to continue the approach has not been established. The 'altitude' value is typically measured by a barometric altimeter; the 'height' value (H) is typically a radio altitude equivalent height above the touchdown zone (HAT) used only for advisory reference and does not necessarily reflect actual height above underlying terrain. [This definition is consistent with both current U.S. operator usage and ICAO international agreements.]

Dry Lease	Any agreement in which a lessor such as an air carrier, bank, or leasing company leases an aircraft without any crewmembers to a foreign air carrier (the lessee) and in which the lessee maintains operational control.
Dual-Certified-Noise Compliance	For purpose of noise compliance rules, dual-certificated airplanes are those that are certificated to operate in either a Stage 2 or Stage 3 configuration. The only airplanes dual certificated by the FAA were certain Boeing 747's -300 series or earlier. For noise compliance purposes, these airplanes are considered Stage 2 unless the operator gets a supplemental type certificate to make the airplane Stage 3 only, or unless the operator voluntarily limits the operation to Stage 3 only.
Fault Detection and Exclusion (FDE)	FDE technology allows onboard GPS equipment to automatically detect a satellite failure that effects navigation and to exclude that satellite from the navigation solution.
Flight Management Systems (FMS)	An integrated system used by flightcrews for flight planning, navigation, performance management, aircraft guidance, and flight progress monitoring.
Foreign Air Carrier	For the purpose of these operations specifications, the term "foreign air carrier" in these operations specifications shall mean the holder of the operations specifications described in Part A Paragraph A001, and that the authorizations, limitations, and procedures described in the operations specifications shall apply to the foreign air carrier as well as to any of its officers, employees, or agents used in the conduct of its operation.
Global Position System (GPS) Landing System (GLS)	GLS is a differential GPS-based landing system providing both vertical and lateral position fixing capability. The term GLS may also be applied to any GNSS-based differentially corrected landing system.
ILS-PRM	The simultaneous close parallel ILS approaches are enabled through the implementation of special precision runway monitoring (PRM) equipment operated by Air Traffic Control at certain airfields for some runways. These approaches are included in 14 CFR Part 97 as "ILS PRM."
Imported Airplane-Noise Compliance	For purposes of the noise compliance rules, an imported airplane is a Stage 2 airplane of 75,000 pounds or more that was purchased by a U.S. person from a non-U.S. owner on or after November 5, 1990. [Under the nonaddition rule (see 14 CFR Section 91.855), an imported airplane may not be operated to or from any airport in the contiguous United States. Such airplanes may be owned and registered by U.S. persons but are limited to operation outside the contiguous United States.]
Interchange Agreement	An interchange agreement (a subset of a dry lease) is a method of providing operational flexibility and greater utilization of aircraft. Interchange agreements permit a foreign air carrier to dry lease and take or relinquish operational control of an aircraft at an airport located either in the U.S. or in the State of the foreign air carrier.
International Air Service	Scheduled air service performed in airplanes for the public transport of passengers, mail, or cargo, between points in two or more countries.
International Air Transportation	Air transportation performed in airplanes for the public transport of passengers, mail, or cargo, between points in two or more countries.

JAA JAR-OPS-1	Joint Aviation Authorities (JAA) Joint Aviation Requirements (JAR) operational agreements (OPS). The European JAA adopted common operational guidance for all Member States in order to harmonize the rules within those States. The JAR-OPS-1, is part 1 of the operational agreement and comprises the operational requirements applicable to commercial air transportation fixed wing aircraft.
Land and Hold Short Operations LAHSO	LAHSO is an acronym for "Land and Hold Short Operations." These operations include landing and holding short of an intersecting runway, an intersecting taxiway, or some other designated point on a runway other than an intersecting runway or taxiway.
Large Aircraft	A large aircraft for the purposes of these operations specifications means an aircraft with a seating capacity of more than 30 passengers and/or a maximum payload of more than 7,500 pounds.
Minimum Descent Altitude (Height)	MDA(H) is the lowest altitude in an instrument approach procedure to which a descent is authorized on final approach or during circle-to-land maneuvering. The 'altitude' value is typically measured by a barometric altimeter; the 'height' value (H) is typically a radio altitude equivalent height above the touchdown zone (HAT) or height above airport (HAA) published elevation. The (H) is used only for advisory reference and does not necessarily reflect actual height above underlying terrain. [This definition is consistent with both current U.S. operator usage and ICAO international agreements.]
National Airspace System	The common network of U.S. airspace; air navigation facilities, equipment and services, airports or landing areas; aeronautical charts, information and services; rules, regulations and procedures, technical information, and manpower and material. Included are system components shared jointly with the military (for definition of U.S. airspace, see “United States”).
Operations Representative	A person designated by the foreign air carrier to whom all contacts regarding these operations specifications and the foreign air carrier’s operations within the United States shall be addressed for and on behalf of the foreign air carrier.
Operational Service Volume	The Operational Service Volume is that volume of airspace surrounding a NAVAID which is available for operational use and within which a signal of usable strength exists and where that signal is not operationally limited by co-channel interference. Operational Service Volume includes all of the following: (1) The officially designated Standard Service Volume excluding any portion of the Standard Service Volume which has been restricted. (2) The Expanded Service Volume. (3) Within the United States, any published instrument flight procedure (victor or jet airway, SID, STARS, SIAPS, or instrument departure). (4) Outside the United States, any designated signal coverage or published instrument flight procedure equivalent to U.S. standards.
Provisional Airport	An airport approved for use by an air carrier for the purpose of providing scheduled service to a community when the regular airport serving that community is not available. Additionally, for operations with airplanes having a seating capacity of more than 30 passengers and/or a maximum payload of more than 7,500 pounds, an airport certificated under 14 CFR Part 139 or the military equivalent.

Receiver Autonomous Integrity Monitoring (RAIM)	RAIM is a function that considers the availability of satisfactory signal integrity broadcasted from the particular GPS satellites used during a given flight. Onboard GPS navigators accomplish this automatically as the aircraft proceeds along its route. When insufficient signal integrity is detected an alarm is provided to the flightcrew. Using the predictive RAIM software flightcrews and dispatchers know in advance whether or not suitable GPS navigation will be available throughout the flight. This predictive information may also be determined during flight planning by contacting an FAA Flight Service Station.
Refueling Airport	An airport approved as an airport to which flights may be dispatched only for refueling. Additionally, for operations with airplanes having a seating capacity of more than 30 passengers and/or a maximum payload of more than 7,500 pounds, an airport certificated under 14 CFR Part 139 or the military equivalent.
Regular Airport	An airport approved under scheduled service to a community as the regular stop to that community. Additionally, for operations with airplanes having a seating capacity of more than 30 passengers and/or a maximum payload of more than 7,500 pounds, an airport certificated under 14 CFR Part 139 or the military equivalent.
Reliable Fix	A "reliable fix" means station passage of a VOR, VORTAC, or NDB. A reliable fix also includes a VOR/DME fix, an NDB/DME fix, a VOR intersection, an NDB intersection, and a VOR/NDB intersection provided course guidance is available from one of the facilities and the fix lies within the designated operational service volumes of both facilities which define the fix.
Required Navigation Performance (RNP)	A statement of navigation performance necessary for operations within a defined airspace.
Required Navigation Performance (RNP) Time Limit	Applies to aircraft equipped with INS or IRU systems where those systems provide the means of navigation to navigate to the degree of accuracy required by ATC. The FAA-approved time in hours--after the system is placed in navigation mode or is updated en route--that the specific INS or IRU make/model can meet a specific RNP type on a 95% probability basis. It is used to establish the area of operations or routes on which the aircraft/navigation system is qualified to operate.
Required Navigation Performance (RNP) Type	A value typically expressed as a distance in nautical miles from the intended position within which an aircraft would be for at least 95 percent of the total flying time. For example, RNP-4 represents a lateral and longitudinal navigation accuracy of 4 nm on a 95 percent basis. Note: Applications of RNP to terminal area and other operations may also include a vertical component.
Runway	In these operations specifications the term "runway" in the case of land airports, water airports, and heliports, shall mean that portion of the surface intended for the takeoff and landing of land airplanes, seaplanes, or rotorcraft, as appropriate.

RVR	Runway Visual Range (RVR)- An instrumentally derived value, based on standard calibrations, that represents the horizontal distance a pilot will see down the runway from the approach end. It is based on the sighting of either high intensity runway lights or on the visual contrast of other targets whichever yields the greater visual range. RVR, in contrast to prevailing or runway visibility, is based on what a pilot in a moving aircraft should see looking down the runway. RVR is horizontal visual range, not slant visual range. It is based on the measurement of a transmissometer made near the touchdown point of the instrument runway and is reported in hundreds of feet. RVR is used in lieu of RVV and/or prevailing visibility in determining minimums for a particular runway. (1) Touchdown RVR- The RVR visibility readout values obtained from RVR equipment serving the runway touchdown zone. (2) Mid-RVR- The RVR readout values obtained from RVR equipment located midfield of the runway. (3) Rollout RVR- The RVR readout values obtained from RVR equipment located nearest the rollout end of the runway.
RVV	Runway Visibility Value (RVV). The visibility determined for a particular runway by a transmissometer. A meter provides a continuous indication of the visibility (reported in miles or fractions of miles) for the runway. RVV is used in lieu of prevailing visibility in determining minimums for a particular runway.
United States	"United States" in a geographical sense, means (1) the states, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of those areas.
U.S. Special Airports.	Special Airports for the purposes of these operations specifications, are airports which the FAA has determined due to such items as surrounding terrain, obstructions, or complex approach procedures are special airports requiring special airport qualifications, and are listed in Appendix 1 of FAA Advisory Circular 121.445-1 as amended.
Surface Movement Guidance and Control System (SMGCS).	A SMGCS system consists of the provision of guidance to, and control or regulation of, all aircraft, ground vehicles and personnel on the movement area of an aerodrome. Guidance relates to facilities, information and advice necessary to enable the pilots of aircraft or the drivers of ground vehicles to find their way on the aerodrome and to keep the aircraft or vehicles on the surfaces or within the areas intended for their use. Control or regulation means the measures necessary to prevent collisions and to ensure that the traffic flows smooth and freely.
VFR Station-Referenced Class I Navigation	VFR station-referenced Class I navigation is any operation conducted within the operational service volumes of ICAO standard navigation aids under visual flight rules (VFR) which uses nonvisual navigation aids (stations), such as VOR, VOR/DME, or NDB as the primary navigation reference. VFR station-referenced Class I navigation includes Class I navigation conducted on-airways and off-airway routings predicated on airways navigation facilities. These operations also include Class I navigation using an area navigation system, which is certificated for IFR flights over the routes being flown.

Wet Lease	Any leasing or other agreement, other than a code-sharing arrangement, in which a lessor such as an air carrier leases an aircraft and at least one flight crewmember to another air carrier (the lessee) where the lessor retains operational control. A wet lease requires that a written agreement between the lessor and the lessee be executed by authorized officers of the two parties. Either a copy of the lease agreement or a written memorandum of the terms of the lease agreement must be provided to the Administrator.
Wide Area Augmentation System (WAAS)	WAAS has been developed to improve the accuracy, integrity, availability, and reliability of GPS signals. WAAS utilizes a fixed localized ground station to calculate GPS integrity and correction data, then broadcasts this information through the GPS satellites to GPS/WAAS users along with ranging signals. It is a safety critical system consisting of a ground network of reference and integrity monitor data processing sites which assess current GPS performance, as well as a space segment that broadcasts that assessment to GNSS users to support IFR navigation.
TEXT99	

Discussion

The ARC believes that the definition of Foreign Air Carrier should be broadened to include a wider range of operations. In recommended revisions to part 129, the ARC uses the term foreign commercial air transport operator. The ARC refers consideration of paragraph A002 to the OSWG with a recommendation to change the definition of Foreign Air Carrier accordingly.

Recommended Revisions

A002. Definitions and Abbreviations **HQ Control:** ~~05/30/03~~
HQ Revision: ~~020~~

Unless otherwise defined in these operations specifications, all words, phrases, definitions, and abbreviations have identical meanings to those used in the Federal Aviation Regulations and in Title 49, Subtitle VII, United States Code, as amended. Additionally, the definitions listed below are applicable to operations conducted in accordance with these operations specifications.

Term or Terms	Definition
* * *	
Agent For Service	A person designated in writing by the ~~foreign air carrier~~foreign commercial air transport operator upon whom service of all notices, processes, decisions, and requirements of the Department of Transportation, Federal Aviation Administration, and National Transportation Safety Board shall be made for and on behalf of the ~~foreign air carrier~~foreign commercial air transport operator.
* * *	
Dry Lease	Any agreement in which a lessor such as an air carrier, bank, or leasing company leases an aircraft without any crewmembers to a ~~foreign air carrier~~foreign commercial air transport operator (the lessee) and in which the lessee maintains operational control.

Term or Terms	Definition
* * *	
~~Foreign Air Carrier~~Foreign Commercial Air Transport Operator	For the purpose of these operations specifications, the term "foreign ~~air carrier~~commercial air transport operator" in these operations specifications shall mean the ~~holder~~ foreign commercial air operator holding~~of~~ the operations specifications described in Part A Paragraph A001, and that the authorizations, limitations, and procedures described in the operations specifications shall apply to the foreign ~~air carrier~~commercial air transport operator as well as to any of its officers, employees, or agents used in the conduct of its operation.
* * *	
Interchange Agreement	An interchange agreement (a subset of a dry lease) is a method of providing operational flexibility and greater utilization of aircraft. Interchange agreements permit a ~~foreign air carrier~~foreign commercial air transport operator to dry lease and take or relinquish operational control of an aircraft at an airport located either in the U.S. or in the State of the ~~foreign air carrier~~foreign commercial air transport operator.
* * *	
Operations Representative	A person designated by the ~~foreign air carrier~~foreign commercial air transport operator to whom all contacts regarding these operations specifications and the ~~foreign air carrier~~foreign commercial air transport operator's operations within the United States shall be addressed for and on behalf of the ~~foreign air carrier~~foreign commercial air transport operator.
* * *	
Provisional Airport	An airport approved for use by an air ~~carrier~~ operator for the purpose of providing scheduled service to a community when the regular airport serving that community is not available. Additionally, for operations with airplanes having a seating capacity of more than 30 passengers and/or a maximum payload of more than 7,500 pounds, an airport certificated under 14 CFR Part 139 or the military equivalent.
* * *	

Resulting Text

A002. Definitions and Abbreviations **HQ Control:**
HQ Revision:

Unless otherwise defined in these operations specifications, all words, phrases, definitions, and abbreviations have identical meanings to those used in the Federal Aviation Regulations and in Title 49, Subtitle VII, United States Code, as amended. Additionally, the definitions listed below are applicable to operations conducted in accordance with these operations specifications.

Term or Terms	Definition
* * *	
Agent For Service	A person designated in writing by the foreign commercial air transport operator upon whom service of all notices, processes, decisions, and requirements of the Department of Transportation, Federal Aviation Administration, and National Transportation Safety Board shall be made for and on behalf of the foreign commercial air transport operator.
* * *	
Dry Lease	Any agreement in which a lessor such as an air carrier, bank, or leasing company leases an aircraft without any crewmembers to a foreign commercial air transport operator (the lessee) and in which the lessee maintains operational control.
* * *	
Foreign Commercial Air Transport Operator	For the purpose of these operations specifications, the term “foreign commercial air transport operator” in these operations specifications shall mean the foreign commercial air operator holding the operations specifications described in Part A Paragraph A001, and that the authorizations, limitations, and procedures described in the operations specifications shall apply to the foreign commercial air transport operator as well as to any of its officers, employees, or agents used in the conduct of its operation.
* * *	
Interchange Agreement	An interchange agreement (a subset of a dry lease) is a method of providing operational flexibility and greater utilization of aircraft. Interchange agreements permit a foreign commercial air transport operator to dry lease and take or relinquish operational control of an aircraft at an airport located either in the U.S. or in the State of the foreign commercial air transport operator.
* * *	
Operations Representative	A person designated by the foreign commercial air transport operator to whom all contacts regarding these operations specifications and the foreign commercial air transport operator’s operations within the United States shall be addressed for and on behalf of the foreign commercial air transport operator.
* * *	
Provisional Airport	An airport approved for use by an air operator for the purpose of providing scheduled service to a community when the regular airport serving that community is not available. Additionally, for operations with airplanes having a seating capacity of more than 30 passengers and/or a maximum payload of more than 7,500 pounds, an airport certificated under 14 CFR Part 139 or the military equivalent.
* * *	

A023	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

A023. Procedure for Operations During Ground Icing Conditions **HQ Control: 10/26/06**
HQ Revision: 020

a. In accordance with ICAO Annex 6, Part 1, 4.3.5.4 for airplanes, or Annex 6, Part III, 2.3.5.4 for helicopters, when a flight is planned, or expected to operate in suspected or known ground icing conditions, such that frost, ice or snow may reasonably be expected to adhere to the aircraft, the foreign air carrier shall not take off unless the aircraft has been inspected for icing and, if necessary, has been given appropriate de-icing/anti-icing treatment. Accumulation of ice or other naturally occurring contaminants shall be removed so that the aircraft is kept in an airworthy condition prior to take-off.

b. The foreign air carrier shall have a system to conduct operations in accordance with the requirements of paragraph a. above and the carrier's system shall be contained in the manual required by ICAO Annex 6, Part I, 4.2.2 and Appendix 2, 2.1.15 for airplanes, or Annex 6, Part III, 2.2.2 and the Appendix, 5.6 for helicopters. The foreign air carrier's system shall not conflict with the aircraft approved flight manual, and shall have been accepted or approved by the foreign air carrier's State Civil Aviation Authority.

c. The foreign air carrier will ensure that all personnel, including contract personnel, who are used in the conduct of aircraft deicing procedures, use the carrier's system referenced above.

d. The foreign air carrier is responsible for initial and recurrent training and qualification for all affected personnel e.g., flight crew, aircraft dispatchers if applicable, maintenance representatives, ground crews, contract personnel, etc. (This subparagraph does not imply the foreign air carrier must conduct the training and qualification itself.)

TEXT01

TEXT99

Discussion

The ARC believes that paragraph A023 contains universal requirements applicable to all foreign commercial air transport operators. The ARC refers the paragraph to the OSWG with a recommendation that it be eliminated, and recommends that language addressing its subject matter be included in a new rule section under part 129. The ARC's draft rule section is currently designated § 129.XXh. To avoid conflicts in the event ICAO designations change in the future, the verbiage of § 129.XXh does not reference specific ICAO requirement designations.

It is noted that the ground icing programs of foreign carriers may be less restrictive than FAA requirements applicable to U.S.-certificated carriers, which may result in foreign operators being permitted to operate when U.S.-certificated carriers are unable to conduct operations.

Recommended Revisions

[Elimination of Paragraph]

Resulting Text

[None]

A027	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

A027. Land and Hold Short Operations **HQ Control: 05/06/02**
HQ Revision: 010

The foreign air carrier shall conduct Land and Hold Short Operations (LAHSO) only when authorized by the State of the Operator and at designated airports and specified runway configurations as identified by Air Traffic Services in accordance with the following provisions:

a. Landing Distance Computations.

(1) Landing distance will be the CAA-approved Aircraft Flight Manual (AFM) landing distance for the configuration, environment, and the weight (mass) actually used for landing, plus 1,000 feet. In no case shall LAHSO be conducted to a runway distance less than specified for an aircraft type as identified in FAA Order 7110.118, Appendix 1.

(2) The AFM distance is that determined in accordance with the appropriate Title 14 of the Code of Federal Regulations Sections 23.75, 25.125, and 121.195, and Part 135 Subpart I.

b. Limitations and Provisions.

(1) LAHSO on wet runways is prohibited.

(2) LAHSO shall not be conducted to a runway that does not have visual or electronic vertical guidance.

(a) LAHSO weather minima requires a prevailing weather condition consisting of:
(i) a ceiling of no less than 1,500 feet and
(ii) a visibility of no less than 5 statute miles.
(b) LAHSO weather minima may be lowered to a ceiling of no less than 1,000 feet and a visibility of no less than 3 statute miles where a Precision Approach Path Indicator (PAPI) or Visual Approach Slope Indicator (VASI) is installed and operational.
(c) At locations where a rejected landing procedure is published, the ceiling and visibility minima will be established in local flying directives and published.

(3) LAHSO shall not be conducted if windshear has been reported within the previous 20 minutes prior to the LAHSO clearance being issued.

(4) The tailwind on the hold short runway shall be calm (less than 3kts).

(5) Night LAHSO shall be conducted only where an approved FAA lighting configuration for LAHSO is installed.

c. Special Procedures.

TEXT01

TEXT99

Discussion

The ARC believes that the preamble language of paragraph A027 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that this language be removed from the OpSpecs, and that language addressing

its subject matter be included in a new rule section under part 129. The ARC's draft rule section is currently designated § 129.XXi.

Recommended Revisions

A027. Land and Hold Short Operations **HQ Control:** ~~05/06/02~~
HQ Revision: ~~010~~

The ~~foreign air carrier~~foreign commercial air transport operator shall conduct Land and Hold Short Operations (LAHSO) ~~only when authorized by the State of the Operator and at designated airports and specified runway configurations as identified by Air Traffic Services~~ in accordance with the following provisions:
* * *

Resulting Text

A027. Land and Hold Short Operations **HQ Control:**
HQ Revision:

The foreign commercial air transport operator shall conduct Land and Hold Short Operations (LAHSO) in accordance with the following provisions:
* * *

A036 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

A036. Traffic Alert and Collision Avoidance System (TCAS) **HQ Control: 04/12/05**
HQ Revision: 020

The foreign air carrier shall comply with the following requirements for TCAS in preparation for and during flight in U.S. airspace.

a. For turbine-powered airplanes of more than 33,000 pounds maximum certificated takeoff weight, where TCAS II is required by 14 CFR Section 129.18(a):

(1) An appropriate class of Mode S transponder that meets Federal Aviation Administration (FAA) Technical Standard Order (TSO) C-112, or a later version, integral to the aircraft TCAS II system, must be installed and operated on a suitable Mode A code specified by ATC. In addition, one of the following units must be installed and operated:

(a) TCAS II that meets FAA TSO C-119b (Version 7.0) or a later version.

(b) TCAS II that meets FAA TSO C-119a (Version 6.04A Enhanced) that was installed in that airplane before May 1, 2003. If that TCAS II Version 6.04A Enhanced no longer can be repaired to TSO C-119a standards, it must be replaced with a TCAS II that meets FAA TSO C-119b (Version 7.0), or a later version.

(c) A collision avoidance system equivalent to FAA TSO C-119b (Version 7.0), or a later version, capable of coordinating with units that meet FAA TSO C-119a (Version 6.04a Enhanced), or a later version.

(2) Not withstanding subparagraph (1)(a) through (c) above, To operate an airplane that is equipped with TCAS II in U.S. RVSM airspace or a U.S. registered airplane anywhere in RVSM airspace, the following unit must be installed and operated:

TCAS II that meets FAA TSO C-119b (Version 7.0), or a later version.

(3) A valid, unique aircraft-specific Mode S transponder identification address code must be assigned to each TCAS II-equipped airplane listed in these operations specifications and that address code must be set and operated for each flight in U.S. airspace.

(4) No aircraft operations under the authority of these operations specifications may be conducted if the TCAS II system, including its integral Mode S transponder, is inoperative unless:

(a) For U.S.-registered aircraft, the operator has obtained and uses an FAA-approved MEL containing the authority to dispatch the aircraft with a TCAS system or component temporarily inoperative; or

(b) For foreign-registered aircraft, the operator has obtained and uses an MEL, approved by the State of the operator, containing the authority to dispatch the aircraft with a TCAS system or component temporarily inoperative.

(5) Flight crewmembers must be properly trained and qualified in the procedures for the operational use of TCAS II as specified by ICAO Advisory Circular 120-55, as amended, or other equivalent criteria that is acceptable to the FAA. These procedures must be used when aircraft operations are conducted in U.S. airspace.

(6) Unsafe conditions or performance related to TCAS operation which potentially could affect continued safe operations in the U.S. National Airspace System must be reported to the foreign air carrier's FAA Principal Operations Inspector (POI) within 10 days of the time that such a hazard is identified.

b. For turbine-powered airplanes with a passenger-seat configuration of 10 to 30 seats, excluding any pilot seat, where TCAS is required by 14 CFR Section 129.18(b):

(1) The aircraft must be equipped with one of the following:

(a) TCAS I that meets FAA TSO C-118, or a later version, or

(b) A collision avoidance system equivalent to excluding any FAA TSO C-118, or a later version, or

(c) A collision avoidance system and Mode S transponder that meet subparagraph a. of this section.

(2) If TCAS II is installed the foreign carrier must comply with all of the provisions of subparagraph a.

(3) No aircraft operations under the authority of these operations specifications may be conducted if the TCAS system is inoperative unless:

(a) For U.S.-registered aircraft, the operator has obtained and uses an FAA-approved MEL containing the authority to dispatch the aircraft with a TCAS system or component temporarily inoperative; or

(b) For foreign-registered aircraft, the operator has obtained and uses an MEL, approved by the State of the operator, containing the authority to dispatch the aircraft with a TCAS system or component temporarily inoperative.

(4) Flight crewmembers must be properly trained and qualified in the procedures for the operational use of TCAS as contained in the foreign air carrier's operations manual. These procedures must be used when aircraft operations are conducted in U.S. airspace.

(5) Unsafe conditions or performance related to TCAS operation which potentially could affect continued safe operations in the U.S. National Airspace System must be reported to the foreign air carrier's FAA POI within 10 days of the time that such a hazard is identified.

TEXT99

Discussion

The ARC has determined that 14 CFR § 129.18 (Collision Avoidance System) and ICAO Annex 6, Chapter 6, §§ 6.18.1 and 6.18.2 adequately cover the requirements for TCAS operations in the U.S. The content of OpSpec paragraph A036 is superfluous to the rule and the ICAO Annex. The part 121 and part 135 standard OpSpecs contain no such paragraph. The ARC refers the paragraph to the OSWG with a recommendation that it be eliminated.

Recommended Revisions

[Elimination of Paragraph]

Resulting Text

[None]

A040 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

A040. Aircraft Radio Equipment **HQ Control: 04/06/06**
HQ Revision: 020

a. Applicability. For all operations the aircraft must have installed equipment as is necessary to properly use the air navigation facilities in accordance with 14 CFR Section 129.17 and ICAO Annex 6, Chapter 7. The requirements of paragraphs b and c apply only to the operation of large aircraft. A large aircraft for the purposes of these operations specifications means an aircraft with a seating capacity of more than 30 passengers and/or a maximum payload of more than 7,500 pounds.

b. Large Aircraft. The operator shall not dispatch aircraft under the provisions of these operations specifications to or from any airport or landing area within the United States, its territories or possessions, unless in accordance with 14 CFR Section 129.17 and ICAO Annex 6, Chapter 7, the aircraft has installed the following minimum items of radio communications and navigation equipment listed in subparagraph c.

c. Required Aircraft Radio Equipment.

Equipment	Frequency Specifications
Dual VHF Communications Transceivers	118.0 to 135.975 MHz (25 kHz separation)
Dual VHF VOR/ILS Receivers	108.00 to 117.95 MHz (50 kHz separation)
Dual UHF Glide Path Receivers	329.15 to 335.00 MHz
Automatic Radio Direction Finder Receivers (if required for route or approach to be flown)	200 to 415 KHz
ATC Transponder	Rx. 1030 MHz
Modes A, B, C, 4096 Code capability and Encoding Altimeter	Tx. 1090 MHz
Distance Measuring Equipment (DME) (One DME must be installed when operated above 24,000 feet)	962 to 1213 MHz
Marker Beacon (if required for route or approach to be flown)	75 MHz

TEXT99

Discussion

The ARC has determined that the requirements of OpSpec paragraph A040 are subject to obsolescence, and are superfluous to the requirements of § 129.17 and ICAO Annex 6. The ARC refers consideration of paragraph A040 to the OSWG with a recommendation that obsolete requirements be eliminated.

Recommended Revisions

[Elimination of Paragraph]

Resulting Text

[None]

B031	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

B031. VFR and IFR En Route Limitations and Provisions **HQ Control: 11/27/02**
HQ Revision: 020

TEXT01 TEXT02

TEXT03

TEXT99

Discussion

The ARC believes that ICAO Annex 6 adequately governs en route operations by foreign commercial air transport operators in the U.S. The ARC refers paragraph B031 to the OSWG recommending that it be eliminated.

Recommended Revisions

[Elimination of Paragraph]

Resulting Text

[None]

Existing Text

B034. IFR Class I En Route Navigation Using Area Navigation Systems **HQ Control: 05/06/02** **HQ Revision: 010**

The foreign air carrier shall conduct IFR Class I navigation (including operations outside positive radar control) using aircraft and area navigation systems described in this paragraph. Such operations shall be conducted only within the areas of en route operations where this paragraph is referenced in paragraph B050 of these operations specifications. Except as provided in these operations specifications, the foreign air carrier shall not conduct any other IFR Class I en route navigation using area navigation systems.

a. Authorized Aircraft Navigation Systems. The foreign air carrier shall conduct IFR Class I en route navigation using the following aircraft and area navigation systems approved by the State of Registry.

Aircraft M/M/S	Area Navigation System(s) Manufacturer/Model
TABL01	TABL02

b. Special En Route Limitations and Provisions. The foreign air carrier shall conduct all operations permitted by this paragraph in accordance with the following en route limitations and provisions:

(1) Except when navigation is performed under the supervision of a properly qualified check airman or check pilot, the flightcrew must be qualified in accordance with the foreign air carrier's approved training program for the system being used or have satisfactorily completed a flight check using the system. The flightcrew shall have satisfactorily completed the ground school portion of that training program before performing under the supervision of a check airman or check pilot.

(2) The navigation system shall be fully operational or operating in accordance with the foreign air carrier's approved Minimum Equipment List, when the system is used for any navigation.

(3) An approved area navigation system fix may be substituted for a required en route ground facility when that facility is temporarily out of service, provided the approved navigation system has sufficient accuracy to navigate the aircraft to the degree of accuracy required for air traffic control over that portion of the flight.

(4) The area navigation systems used must permit the flight to navigate to the degree of accuracy required for ATC; be approved for the particular area of en route operation as specified in paragraph B050 of these operations specifications; and be certificated for IFR flight.

(5) Except as provided in subparagraph b(6), IFR Class I navigation using a single area navigation system shall not be conducted unless Class I navigation with a single system is authorized in subparagraph a and all of the following conditions are met:

(a) The redundant airborne equipment required to conduct IFR Class I navigation using airways navigation facilities is installed and operational.

(b) The capability exists at any point along the planned route of flight to safely return to and use airways navigation facilities for navigation if the single area navigation system fails.

(c) The facilities, which define the airway or off-airway routing, are used as the primary navigation reference.

(d) Any flight operated over off-airway routing is operated under ATC radar control.

(6) IFR Class I navigation, using a single area navigation system, shall not be conducted without at least one pilot using the facilities which define the airway or off-airway routing as the primary navigation reference unless the following conditions are met:

(a) The aircraft's present position and its relationship to navigation aids, airways, and any other instrument flight procedure specified in the currently effective ATC clearance are continuously displayed on each pilot's flight instruments.

(b) An indication is immediately provided on the forward instrument panel, within the normal field of view of each pilot, when the area navigation system accuracy is insufficient to navigate to the degree of accuracy required for air traffic control.

TEXT99

Discussion

The ARC determines that the requirements of OpSpec paragraph B034 may be subject to obsolescence, and superfluous to the requirements of § 129.17 and ICAO Annex 6. The ARC refers consideration of paragraph B034 to the OSWG recommending that it be reviewed to determine necessity. It is recommended that the table in the OpSpec paragraph be deleted and the language of the paragraph reflect the verbiage "as approved by the State of the operator."

B035	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

B035. Class I Navigation in the U.S. Class A Airspace Using Area or Long-Range Navigation Systems **HQ Control: 05/06/02** **HQ Revision: 010**

The foreign air carrier shall conduct Class I navigation in U.S. Class A Airspace using the airplanes and area navigation or long-range navigation systems described in this paragraph, provided the special limitations and provisions of subparagraph b are met. Except as provided in these operations specifications, the foreign air carrier shall not conduct any other operation using area or long-range navigation systems in U.S. Class A Airspace.

a. Airplanes and Navigation Equipment. The foreign air carrier is authorized to conduct Class I navigation in U.S. Class A Airspace using the following airplanes and navigation systems approved by the State of Registry.

Airplane Type (Make/Model/Series)	Navigation Equipment (Manufacturer/Model)
TABL01	TABL02

b. Special Limitations and Provisions. The foreign air carrier shall comply with the following limitations and provisions when conducting any operation authorized by this paragraph.

(1) The foreign air carrier shall not conduct such operations unless the foreign air carrier's training program provides training for the equipment and special procedures to be used.

(2) Except when navigation is performed under the supervision of a properly qualified check airman or check pilot, any pilot used in operations authorized by this paragraph must be qualified in accordance with the foreign air carrier's training program for the navigation system being used.

(3) The entire portion of the intended route of flight, using the area navigation or long-range navigation systems, shall be under positive radar control.

(4) If the ATC radar fails or the area or long-range navigation equipment fails, the foreign air carrier shall obtain an ATC clearance to permit the flight to return to and use airways navigation facilities for navigation.

(5) The airborne navigation equipment (VOR, DME, ADF) required to navigate in U.S. Class A Airspace using airways navigation facilities is installed and operational.

TEXT99

Discussion

The ARC determines that the requirements of OpSpec paragraph B035 may be subject to obsolescence, and superfluous to the requirements of § 129.17 and ICAO Annex 6. The ARC refers consideration of paragraph B035 to the OSWG recommending that it be reviewed to determine necessity. It is recommended that the table in the OpSpec paragraph be deleted and the language of the paragraph reflect the verbiage "as approved by the State of the operator."

B046	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

B046. Operations in Reduced Vertical Separation Minimum (RVSM) Airspace of the United States and Operations in RVSM airspace by U.S. registered aircraft. **HQ Control: 10/15/04** **HQ Revision: 010**

a. *Operation in United States airspace designated as RVSM airspace* - The foreign air carrier or foreign operator is authorized to conduct operations in United States airspace designated as Reduced Vertical Separation Minimum (RVSM) airspace in accordance with **14 CFR Section 91.180**, the limitations and provisions of this paragraph, and for U.S. registered aircraft, in accordance with the FAA approved maintenance program requirements of paragraph D092. The foreign air carrier or foreign operator shall not conduct any other operations in United States airspace designated as RVSM airspace under these operations specifications.

b. *Operation in airspace designated as RVSM airspace outside the U.S. with U.S. registered airplanes* - The foreign air carrier or foreign operator operating U.S.-registered airplanes is authorized to conduct operations in airspace designated as RVSM airspace outside the U.S. in accordance with **14 CFR Section 91.706**, the limitations and provisions of this paragraph and the FAA approved maintenance program requirements of paragraph D092.

c. Required altitude-keeping equipment. The foreign air carrier or foreign operator shall not operate an airplane within U.S. airspace where RVSM is applied, unless the Civil Aviation Authority (CAA) of the State of Registry and the State of the Operator has approved the following aircraft systems. In addition for U.S. registered airplane operations, anywhere RVSM is applied, the Federal Aviation Administration (FAA) must also have approved the following aircraft systems for RVSM operations. The following aircraft systems must be available and operational during RVSM operations:

(1) Two independent altitude measurement systems composed of the following elements:

(a) Cross-coupled static source system provided with ice protection, if located on the aircraft in areas subject to ice accretion;

(b) Equipment for measuring static pressure sensed by the static source, converting it to pressure altitude and displaying the pressure altitude to the flightcrew;

(c) Equipment for providing a digitally coded signal corresponding to the displayed pressure altitude for automatic altitude reporting purposes;

(d) Static source error correction (SSEC), if required to meet RVSM altimetry system error performance requirements;

(e) Equipment to provide reference signals for automatic altitude control and alerting at selected altitude.

(2) One Secondary Surveillance Radar (SSR) altitude reporting transponder.

(3) One altitude alert system.

(4) One automatic altitude control system capable of automatically controlling the aircraft to a referenced pressure altitude.

d. *Traffic Alert and Collision Avoidance System (TCAS) (ACAS)* – If a TCAS II is installed in any airplane used in RVSM operations in U.S. airspace, or a TCAS II installed in a U.S.-registered airplane used in RVSM operations anywhere, it must meet FAA Technical Standard Order (TSO) C-119b (Version 7.0) or a later version.

e. *Required Operational Procedures*. The foreign air carrier or foreign operator must have operational procedures authorized by the CAA of the State of the Operator in the manual required by ICAO Annex 6, Part 1, 4.2.2, for operations in airspace designated as Reduced Vertical Separation Minimum (RVSM) airspace.

f. *Required pilot training*. Except when under the supervision of an appropriately trained check pilot (check airman), the flightcrew must have completed an approved training program on RVSM operating practices and procedures approved by the CAA of the State of the Operator.

g. Required Continued Airworthiness Maintenance Program. The integrity of design features necessary to ensure that altitude-keeping systems continue to meet RVSM standards must be verified by a program approved by the CAA of the State of Registry and approved/accepted by the CAA of the State of the Operator, as required by that State.

h. *Authorized Airplanes.* The foreign air carrier or foreign operator is authorized to conduct airplane operations in U.S. airspace designated as RVSM airspace, and/or with U.S. registered airplanes in airspace designated as RVSM airspace outside U.S. airspace, only with the airplanes listed as "Authorized RVSM" "YES" in the aircraft listing in paragraph A003. In addition, for a foreign air carrier or foreign operator using U.S. registered airplanes in airspace designated as RVSM airspace, the airplanes must also be listed in paragraph D092 of these operations specifications.

i. *Deviation to RVSM requirements*. The FAA may authorize a foreign air carrier or operator to deviate from RVSM requirements for a specific individual flight in U.S. airspace designated as RVSM airspace if:

(1) The operator submits an appropriate request with the air traffic control center controlling the U.S. airspace at least 48 hours in advance of the operation.

(2) At the time of filing the flight plan for the flight, Air Traffic Control determines that the aircraft can be provided with appropriate separation and the flight will not interfere with, or impose a burden on, other operators.

TEXT99

Discussion

With respect to operation of aircraft within the United States, the ARC recommends that part 129 be revised to address RVSM requirements. The ARC's draft rule language is currently contained in § 129.XXj. The ARC refers consideration of paragraph B046 to the OSWG, recommending that it be reviewed to determine necessity. Because RVSM airspace coverage is virtually worldwide, the ARC recommends reviewing requirements applicable to U.S.-registered aircraft operated outside the United States.

Recommended Revisions

[Elimination of Paragraph]

Resulting Text

[None]

C050	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C050. Special Pilot-in-Command Qualification Airports **HQ Control: 10/15/04**
HQ Revision: 000

a. The foreign air carrier is only authorized to conduct IFR operations into special airports requiring special qualification by the pilot-in-command as designated by the Federal Aviation Administration (FAA), in accordance with the provisions and limitations of this operations specification paragraph.

b. Applicability. The foreign air carrier conducting the following operations to the United States with the following types of aircraft must comply with paragraph c through e. below:

(1) Scheduled operations conducted using turbojet-powered airplanes or airplanes having a passenger-seat configuration of more than 9 passenger seats, excluding each crewmember seat.

(2) Any operation with large aircraft as defined in paragraph A002 of these operations specifications.

c. The foreign air carrier may not use any person, nor may any person serve, as pilot-in-command to or from an airport determined to require special airport qualifications, as indicated in the FAA's list of special qualification airports associated with this paragraph, unless:

(1) The pilot-in-command or second-in-command has made an entry to that airport using an aircraft or level D simulator or better, including takeoff and landing, while serving as a pilot flight crewmember within the preceding 12 calendar months, or

(2) For each special pilot in command qualification airport, the pilot-in-command has qualified by using a pictorial means approved/accepted to the State of the Operator CAA;

TEXT01

d. The restrictions of subparagraph b of this operations specification do not apply when an entry (including a takeoff or a landing) to that airport is being made if the ceiling at that airport is at least 1,000 feet above the lowest MEA or MOCA, or initial approach altitude prescribed for the instrument approach procedure for that airport, and the visibility at that airport is at least 3 miles.

e. Special airports requiring special qualification by the pilot-in-command in accordance with this paragraph are designated by the FAA in a list maintained in the Operations Specifications Subsystem (OPSS) guidance subsystem in association with operations specification C050 and on the public Web site at:

http://www.opspecs.com/ops/SpecialPICAirports/

Discussion

The ARC recommends that paragraph C050 be retained, but that a rule section addressing SPIC airports be drafted. The ARC's recommended rule will be designated § 129.XXr pending a recommendation for numbering of a proposed revised part 129.

The ARC also notes that the language of paragraph C050 appears to be based largely on the language of the corresponding paragraph in the part 121 OpSpecs, which is not entirely applicable to part 129 operators. The ARC recommends that this language be revised with more appropriate language.

Existing Text

C051. Terminal Instrument Procedures **HQ Control: 05/30/02**
HQ Revision: 020

a. The foreign air carrier shall conduct terminal instrument operations using the procedures and minimums specified in these operations specifications, provided one of the following conditions is met:

(1) The terminal instrument procedure used is prescribed by these operations specifications;

(2) The terminal instrument procedure used is prescribed by Title 14 Code of Federal Regulations Part 97, Standard Instrument Approach Procedures; or

(3) At authorized U.S. military airports, the terminal instrument procedure used is prescribed by the U.S. military agency operating the airport.

b. Lower than standard takeoff minimums exercised by the foreign air carrier as described in these operations specifications shall not be less than those lower than standard takeoff minimums that are authorized by the foreign air carrier's regulatory authority.

c. The foreign air carrier shall use the following conversion tables to convert any takeoff and landing minimum expressed in the metric linear measurement system to the U.S. standard linear measurement system.

Table 1

RVR Conversion	
Feet	**Meters**
300 ft	75 m
400 ft	125 m
500 ft	150 m
600 ft	175 m
700 ft	200 m
1000 ft	300 m
1200 ft	350 m
1600 ft	500 m
1800 ft	550 m
2000 ft	600 m
2100 ft	650 m
2400 ft	750 m
3000 ft	1000 m
4000 ft	1200 m
4500 ft	1400 m
5000 ft	1500 m
6000 ft	1800 m

Table 2

Meteorological Visibility Conversion		
Statute Miles	**Meters**	**Nautical Miles**
¼ sm	400 m	¼ nm
3/8 sm	600 m	3/8 nm
1/2 sm	800 m	1/2 nm
5/8 sm	1000 m	5/8 nm
3/4 sm	1200 m	7/10 nm
7/8 sm	1400 m	7/8 nm
1 sm	1600 m	9/10 nm
1 1/8 sm	1800 m	1 1/8 nm
1 ¼ sm	2000 m	1 1/10 nm
1 ½ sm	2400 m	1 3/10 nm
1 ¾ sm	2800 m	1 ½ nm
2 sm	3200 m	1 ¾ nm
2 ¼ sm	3600 m	2 nm
2 ½ sm	4000 m	2 2/10 nm
2 ¾ sm	4400 m	2 4/10 nm
3 sm	4800 m	2 6/10 nm

TEXT99

Discussion

The ARC believes that OpSpec paragraph C051 contains universal requirements applicable to all foreign commercial air transport operators. The ARC refers consideration of paragraph C051 to the OSWG with a recommendation that it be eliminated, and recommends that language addressing its subject matter be included in revisions to part 129. The ARC's draft rule language is currently contained in § 129.XXk.

Recommended Revisions

[Elimination of Paragraph]

Resulting Text

[None]

C052	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C052. Basic Instrument Approach Procedure Authorizations - All Airports **HQ Control: 04/24/03** **HQ Revision: 040**

a. The foreign air carrier is authorized to conduct the following types of instrument approach procedures and shall not conduct any other types.

Instrument Approach Procedures (Other Than ILS, MLS &GLS) Nonprecision Approaches Without Vertical Guidance	Instrument Approach Procedures (Other Than ILS, MLS & GLS) Precision-Like Approaches With Vertical Guidance	Precision Approach Procedures (ILS, MLS, GLS & PAR)
TABL01	TABL02	TABL03

b. Conditions and Limitations.

(1) All the approaches referenced in this Operations Specification must be adopted in accordance with Title 14 of the Code of Federal Regulations (14 CFR) Part 97.

(2) The use of any approach by a foreign air carrier shall be subject to any conditions or limitations imposed by the state of the operator, provided such conditions or limitations are more restrictive than the minimum standards set forth in an approach adopted under 14 CFR Part 97.

(3) Approach procedures listed in column 1 of this Operations Specification must be trained and conducted in accordance with an approved procedure that assures descent will not go below Minimum Descent Altitude (MDA) unless the required visual references for continuing the approach are present.

(4) Approach procedures listed in column 2 of this Operations Specification authorize the foreign air carrier to conduct instrument approach procedures approved with vertical guidance that provides a precision-like approach and are to be trained using an approved method that allows descent to a published decision altitude (DA).

(5) Unless ILS/PRM and/or LDA/PRM type approaches are specifically shown as authorized in the table in subparagraph a. above, foreign air carriers shall not accept PRM approaches at any U.S. airport. PRM approach procedures require specific qualification and training. Foreign air carriers that plan to use U.S. airports as destination or alternates when PRM operations are in affect, and are not authorized to conduct PRM approach procedures, must contact FAA ATCSCC directly at 1-800-333-4286. Carriers who have not contact ATCCSCC in advance and are unable to conduct PRM operations, accept for safety of flight situations, risk being diverted to another airport. Foreign air carriers should refer to the latest version of FAA Advisory Circular 90-98.

TEXT99

Discussion

The ARC membership has raised a number of issues with respect to OpSpecs paragraphs C052 and C384. Generally, the opinion of the ARC is that these paragraphs do not fully address the types of operations available or becoming available in the United States. Specific issues noted by ARC members include the following:

- The OpSpecs fail to distinguish between RNAV–GPS and RNAV–GNSS.

- The OpSpecs fail to distinguish between RNAV–GPS to a minimum descent altitude, RNAV–GPS to a decision altitude, and RNAV–GPS required navigation performance approaches.

- Table 1 of OpSpecs paragraph C384 refers to items such as the version of navigation system software installed. It was pointed out that this information may not be meaningful to principal operations inspectors authorizing OpSpecs for operators.

- Recent revisions of paragraph C052 could be interpreted as requiring FAA inspectors to observe flightdeck operations by foreign commercial air transport operators.

The ARC is of the opinion that meaningful guidance will require substantial revisions to paragraphs C052, C384, and/or other OpSpecs paragraphs. The ARC recommends that the OSWG undertake an in-depth, substantive review of these paragraphs.

The question was also raised of the impact of locking the part 129 OpSpecs paragraphs in conjunction with the transition to the Web-based operational safety system (WebOPSS), particularly what effect locking would have on the work of the ARC and the OSWG.

Existing Text

C053. Straight-In Category I Approach Procedures Other Than ILS, MLS, or GLS - IFR Landing Minimums - All U.S. Airports

HQ Control: 04/08/03
HQ Revision: 020

The foreign air carrier shall not use any IFR Category I landing minimum lower than that prescribed by the applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest Category I minimums authorized for use at any airport.

a. Category I Approach Procedures Other Than ILS, MLS, or GLS. The foreign air carrier shall not use an IFR landing minimum for straight-in nonprecision approach procedures, lower than that specified in the following table. Touchdown zone (TDZ) RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway (See NOTE 6).

Straight-In Category I Approaches (Approaches other than ILS, MLS, or GPS Landing System (GLS)					
		Aircraft Category A, B, and C		Aircraft Category D	
Approach Light Configuration	**HAT** (See NOTES 1, 2, & 3)	**Visibility in Statute Miles**	**TDZ RVR In Feet**	**Visibility in Statute Miles**	**TDZ RVR In Feet**
No Lights	250	1	5,000	1	5,000
ODALS	250	3/4	4,000	1	5,000
MALS, or SALS	250	5/8	3,000	1 (See NOTE 5)	5,000 (See NOTES 5 & 6)
MALSR, or SSALR, or ALSF-1, or ALSF-2	250	½ (See NOTE 4)	2,400 (See NOTE 4 & 6)	1 (See NOTE 5)	5,000 (See NOTES 5 & 6)
DME ARC Final Approach Segment, any light configuration	500	1	5,000	1	5,000

NOTE 1: For NDB approaches with a FAF, add 50 ft. to the HAT.
NOTE 2: For NDB approaches without a FAF, add 100 ft. to the HAT.
NOTE 3: For VOR approaches without a FAF, add 50 ft. to the HAT.
NOTE 4: For NDB approaches, the lowest authorized visibility is ¾ and the lowest RVR is RVR 4000.
NOTE 5: For LOC approaches, the lowest authorized visibility is ¾ and the lowest RVR is RVR 4000.
NOTE 6: The mid RVR and rollout RVR reports (if available) provide advisory information to pilots. The mid RVR report may be substituted for the TDZ RVR report if the TDZ RVR report is not available.

TEXT99

Discussion

The ARC believes that the preamble language of paragraph C053 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that this language be removed from the OpSpecs, and that language addressing their subject matter be included in revisions to part 129. The ARC's draft rule language is contained in § 129.XXm. The verbiage of § 129.XXm is general, prescribing guidance on landing minimums for all types of instrument approaches.

With respect to the remainder of this paragraph, the ARC is not aware of the existence of any straight-in category I approaches at airports used by operators subject to part 129 that are not instrument landing system (ILS), microwave landing system (MLS), or GPS landing system (GLS) approaches. The ARC makes no recommendation other than minor revisions to the language of the paragraph to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Recommended Revisions

C053. Straight-In Category I Approach Procedures Other Than ILS, MLS, or GLS - IFR Landing Minimums - All U.S. Airports **HQ Control:** ~~**04/08/03**~~ **HQ Revision:** ~~**020**~~

~~The foreign air carrier shall not use any IFR Category I landing minimum lower than that prescribed by the applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest Category I minimums authorized for use at any airport.~~

a. Category I Approach Procedures Other Than ILS, MLS, or GLS. The ~~foreign air carrier~~foreign commercial air transport operator shall not use an IFR landing minimum for straight-in nonprecision approach procedures, lower than that specified in the following table. Touchdown zone (TDZ) RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway (See NOTE 6).

* * *

Resulting Text

C053. Straight-In Category I Approach Procedures Other Than ILS, MLS, or GLS - IFR Landing Minimums - All U.S. Airports **HQ Control:** **HQ Revision:**

a. Category I Approach Procedures Other Than ILS, MLS, or GLS. The foreign commercial air transport operator shall not use an IFR landing minimum for straight-in nonprecision approach procedures, lower than that specified in the following table. Touchdown zone (TDZ) RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway (See NOTE 6).

* * *

C054	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C054. Special Limitations and Provisions for Instrument Approach Procedures and IFR Landing Minimums **HQ Control: 05/30/02** **HQ Revision: 020**

a. Limitations on the Use of Landing Minimums for Turbojet Airplanes. A pilot-in-command of a turbojet airplane shall not conduct an instrument approach procedure when visibility conditions are reported to be less than three quarter (3/4) statute mile or RVR 4000 until that pilot has been specifically qualified to use the lower landing minimums.

b. Approach and landing limitations.

(1) Except as provided in subparagraph (2) below, the foreign air carrier may not execute an instrument approach procedure or make a landing at an airport within the United States when the latest U.S. National Weather Service (NWS) weather report for that airport indicates the visibility is less than that prescribed by the published instrument approach procedure for landing at that airport.

(2) If an instrument approach procedure is initiated when the current U.S. National Weather Service (NWS) report indicates that the prescribed visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane has passed the final approach fix or, if a final approach fix doesn't exist, has initiated the final approach segment, such approach may be continued and a landing made in the event weather conditions equal to or better than the prescribed minimums are found to exist by the pilot-in-command upon reaching the authorized DH or MDA.

TEXT99

Discussion

The ARC notes that paragraph C054 contains some ambiguous language. For example, subparagraph b.(2) prescribes provisions if an approach is initiated when certain weather conditions are reported, but does not define when an approach is deemed to have been initiated. The ARC recommends revisions to paragraph C054 or the development of guidance material to clarify the intent of the paragraph. The ARC also recommends minor revisions to the language of paragraph C054 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Existing Text

C056. IFR Takeoff Minimums (Large Airplanes) - All U.S. Airports and Alternate Airports for Departure **HQ Control: 05/06/02** **HQ Revision: 010**

Standard takeoff minimums are defined as one-statute mile visibility or RVR 5000 for airplanes having two engines or less and one half (1/2)-statute mile visibility or RVR 2400 for airplanes having more than two engines. RVR reports, when available for a particular runway, shall be used for all takeoff operations on that runway. All takeoff operations, based on RVR, must use RVR reports from the locations along the runway specified in this paragraph.

a. IFR Takeoff Minimums. The foreign air carrier shall use the IFR takeoff minimums specified in this paragraph for airplanes having a seating capacity of more than 30 passenger and/or a maximum payload of more than 7,500 pounds.

b. When a takeoff minimum is not published, the foreign air carrier may use the applicable standard takeoff minimum and any lower than standard takeoff minimums described in these operations specifications. When standard takeoff minimums or greater are used, the Touchdown Zone RVR report, if available, is controlling.

c. When a published takeoff minimum is greater than the applicable standard takeoff minimum and an alternate procedure (such as a minimum climb gradient compatible with aircraft capabilities) is not prescribed, the foreign air carrier shall not use a takeoff minimum lower than the published minimum. The Touchdown Zone RVR report, if available, is controlling.

d. When takeoff minimums are equal to or less than the applicable standard takeoff minimum, the foreign air carrier may use the lower than standard takeoff minimums described below. [Note: Lower than standard takeoff minimums exercised by the foreign air carrier under these operations specifications shall not be less than those lower than standard takeoff minimums that are authorized by the State of the Operator.]

(1) Visibility or RVV 1/4 statute mile or Touchdown Zone RVR 1600, provided at least one of the following visual aids is available. The Touchdown Zone RVR report, if available, is controlling. The Mid RVR report may be substituted for the Touchdown Zone RVR report if the Touchdown Zone RVR report is not available.

(a) Operative high intensity runway lights (HIRL);

(b) Operative runway centerline lights (CL);

(c) Serviceable runway centerline marking (RCLM); or

(d) In circumstances when none of the above visual aids are available, visibility or RVV 1/4 statute mile may still be used, provided other runway markings or runway lighting provide pilots with adequate visual reference to continuously identify the takeoff surface and maintain directional control throughout the takeoff run.

(2) Touchdown Zone RVR 1200 (beginning of takeoff run) and Rollout RVR 1000, provided all of the following visual aids and RVR equipment are available.

(a) Operative runway centerline lights (CL).

(b) Two operative RVR reporting systems serving the runway to be used, both of which are required and controlling. A mid-RVR report may be substituted for either a touchdown zone RVR report if a touchdown zone report is not available or a rollout RVR report if a rollout RVR report is not available.

(3) Touchdown Zone RVR 600 (beginning of takeoff run), Mid RVR 600, and Rollout RVR 600, provided all of the following visual aids and RVR equipment are available.

(a) Operative runway centerline lights (CL).

(b) Serviceable runway centerline markings (RCLM).

(c) Operative Touchdown Zone and Rollout RVR reporting systems serving the runway to be used, both of which are controlling, or three RVR reporting systems serving the runway to be used, all of which are controlling. However, if one of the three RVR reporting systems has failed, a takeoff is authorized, provided the remaining two RVR values are at or above the appropriate takeoff minimum as listed in this subparagraph.

e. Alternate Airport for Departure. If the weather conditions at the airport of takeoff are below the foreign air carrier's landing minimums for that airport, the airplane may not depart from that airport unless the following conditions are met:

(1) The foreign air carrier has listed an alternate airport located within one hour for two-engine aircraft and two hours for aircraft with three or more engines from the airport of departure, at normal cruising speed in still air with one engine inoperative.

(2) The ceiling and visibility at the alternate airport is at the time of departure, as well as the ETA at the alternate airport, at or above the alternate minimums specified in paragraph C055 of these operations specifications.

TEXT99

Discussion

The ARC recommends minor revisions to the language of paragraph C056 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator. The ARC notes a potential conflict between the departure alternate requirement contained in subparagraph e.(1) and the extended twin engine overwater operations requirements.

Beyond any revisions to paragraph C056, the ARC also recommends the addition of a new rule section, tentatively designated as § 129.XXn, to clarify that operators may not use takeoff minimums lower than those specified in the operator's OpSpecs. Minimums lower than those approved by the CAA of the State of the operator are also unauthorized.

C057	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C057. IFR Takeoff Minimums (Small Airplanes) - All U.S. Airports and Alternate Airports for Departure **HQ Control: 05/06/02** **HQ Revision: 010**

Standard takeoff minimums are defined as one-statute mile visibility or RVR 5000 for airplanes having two engines or less and one half (1/2)-statute mile visibility or RVR 2400 for airplanes having more than two engines. RVR reports, when available for a particular runway, shall be used for all takeoff operations on that runway. All takeoff operations, based on RVR, must use RVR reports from the locations along the runway specified in this paragraph.

a. IFR Takeoff Minimums. The foreign air carrier shall use the IFR takeoff minimums specified in this paragraph for airplanes having a maximum seating configuration of 30 seats or less and/or a maximum payload capacity of 7,500 pounds or less.

b. When a takeoff minimum is not published, the foreign air carrier may use the applicable standard takeoff minimum and any lower than standard takeoff minimums described in these operations specifications. When standard takeoff minimums or greater are used, the Touchdown Zone RVR report, if available, is controlling.

c. When a published takeoff minimum is greater than the applicable standard takeoff minimum and an alternate procedure (such as a minimum climb gradient compatible with aircraft capabilities) is not prescribed, the foreign air carrier shall not use a takeoff minimum lower than the published minimum. The Touchdown Zone RVR report, if available, is controlling.

   NOTE: Single-Engine IFR passenger-carrying operations are not authorized lower than standard takeoff minimums at any airport.

d. When takeoff minimums are equal to or less than the applicable standard takeoff minimums, the foreign air carrier may use a takeoff minimum equal to the lowest authorized straight-in Category I landing minimum applicable to the foreign air carrier for that particular airport. The Touchdown Zone RVR report, if available, is controlling. [Note: Lower than standard takeoff minimums exercised by the foreign air carrier under these operations specifications shall not be less than those lower than standard takeoff minimums that are authorized by the State of the Operator.]

e. Alternate Airport for Departure. If the weather conditions at the airport of takeoff are below the foreign air carrier's landing minimums for that airport, the airplane may not depart from that airport unless the following conditions are met:

   (1) The foreign air carrier has listed an alternate airport located within one hour flying time of the departure airport at normal cruising speed in still air.

   (2) The ceiling and visibility at the alternate airport is at the time of departure, as well as the ETA at the alternate airport, at or above the alternate minimums specified in paragraph C055 of these operations specifications.

TEXT01
TEXT02
TEXT99

Discussion

The ARC recommends minor revisions to the language of paragraph C057 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator. The ARC notes a potential conflict between the departure alternate requirement contained in subparagraph e.(1) and the extended twin engine overwater operations requirements.

Beyond any revisions to paragraph C057, the ARC also recommends the addition of a new rule section, tentatively designated as § 129.XXn, to clarify that operators may not use takeoff minimums lower than those specified in the operator's OpSpecs. Minimums lower than those approved by the CAA of the State of the operator are also unauthorized.

C059	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C059. Category II Instrument Approach and Landing Operations - U.S. Airports **HQ Control: 10/15/04** **HQ Revision: 020**

The foreign air carrier is authorized to conduct Category II (CAT II) instrument approach and landing operations to the U.S. airports and runways described in subparagraph b. of this operations specification using the procedures and minimums specified in this paragraph and shall conduct no other CAT II operations under this authorization. CAT II operations are authorized provided:

a. Authorization by State of the Operator – The foreign air carrier is approved by the State of the Operator to conduct Category II instrument approach and landing operations, and a copy of that approval including the approved Category II approach minimums is provided the FAA; and

b. Authorized CAT II Airports and Runways. The foreign air carrier is authorized Title 14 Code of Federal Regulations (CFR) Part 97 CAT II operations at U.S. airports and runways approved for CAT II operations, and lower than standard CAT II operations if authorized in accordance with sub-paragraph k.

c. CAT II Approach and Landing Minimums. The foreign air carrier shall not use any CAT II IFR landing minimums lower than those prescribed by any applicable published U.S. 14 CFR Part 97 CAT II instrument approach procedure. The CAT II IFR landing minimums prescribed by this operation specification paragraph are the lowest CAT II minimums authorized for use at any CAT II approved U.S. airport.

d. Airplanes Authorized - The foreign air carrier is authorized to use the airplanes listed in Table 1 below using the following CAT II straight-in approach and landing minimums, provided all the applicable limitations and provisions of this operations specification are met.

Table 1

CAT II Approach and Landing Minimums		
Airplane M/M/S	**DH Not Less Than**	**Lowest Authorized RVR**
TABL01	TABL02	TABL03

e. Required CAT II Airborne Equipment. The flight instruments, radio navigation equipment, and other airborne systems for the conduct of CAT II operations required by any applicable section of Title 14, CFR and the approved Airplane Flight Manual (AFM) must be installed and operational. Any additional airborne equipment that is required in accordance with State of the Operator / State of Registry requirements, FAA order 8400.13 and FAA AC-120-29 (or equivalent document as listed in AC-120-29) as amended for the kinds of CAT II operations to be authorized, must be operational and listed in Table 2 below:

Table 2

Kind of CAT II Operation		
Airplane M/M/S	**Additional Equipment and/or Special Limitations and Provisions**	**Manual (HGS)/or Autopilot**
TABL04	TABL05	TABL06

f. Flightcrew Qualifications. The flightcrew shall not conduct any operations authorized by this paragraph, unless they are trained and qualified in the equipment and special procedures to be used.

(1) A pilot-in-command shall not conduct CAT II operations in any airplane until that pilot has successfully completed the foreign air carrier's approved CAT II training program, and has been certified as being qualified for CAT II operations by one of the foreign air carrier's check airmen properly qualified for CAT II operations or a CAA inspector form the State of the Operator.

g. Required RVR Reporting Equipment and Operating Limitations. The foreign air carrier shall not begin the final approach segment of an instrument approach procedure, unless the latest reported controlling RVR is at or above the minimums authorized for the operation being conducted. If the aircraft is established on the final approach segment and the controlling RVR is reported to decrease below the authorized minimums, the approach may be continued to the DH applicable to the operation being conducted. The foreign air carrier shall not begin the final approach segment of an instrument approach procedure when the touchdown zone RVR report is less than RVR 1800, unless all of the following conditions are met:

(1) The airborne equipment required by subparagraph e. above is installed and operating satisfactorily.

(2) The required components of the CAT II ground system are installed and in normal operation including all of the following:

(a) Each required component of the ground based CAT II navigation system. For ILS operations, a precision or airport surveillance radar, a compass locator transmitter, or DME may be used to identify the outer marker position. For CAT II instrument approach procedures designated as "RA NA" (radar/radio altimeter not authorized), the DH may be identified by the inner marker [a middle marker is not required].

(b) ALSF-1 or ALSF-2 approach lighting systems or foreign authorizations acceptable to the FAA. Sequence flashing lights, may be inoperative.

(c) High intensity runway lights.

(d) Touchdown zone lights and runway centerline lights.

(e) For landing minimums not less than 1600 RVR, the touchdown zone sensor of an RVR reporting system is required. This RVR report is controlling for all operations.

(f) For landing minimums not less than 1200 RVR, the touchdown zone sensor and the rollout sensor of an RVR system is required and must be used. The touchdown zone sensor RVR report is controlling for all operations and the rollout sensor RVR report provides advisory information to pilots.

(g) A mid RVR sensor report, if available, provides advisory information to pilots and may be substituted for the rollout sensor RVR report if the rollout sensor RVR report is not available.

(h) Where four RVR reporting systems are installed (i.e., touchdown zone, mid, rollout, and far end sensors), the far end sensor, which is not required, may provide advisory information to pilots or may be substituted for the rollout sensor RVR report if the rollout sensor RVR report is not available.

(3) The crosswind component on the landing runway is less than the airplane flight manual's crosswind limitations, or 15 knots or less, whichever is more restrictive.

(4) Fifteen percent additional runway length is available over the landing field length specified for destination airport in the foreign air carrier's State of the Operator approved Aircraft Operating Manual (AOM).

h. Missed Approach Requirements. A missed approach shall be initiated when any of the following conditions exist:

(1) Before arriving at DH, any of the required elements of the CAT II ground system becomes inoperative.

(2) Any of the airborne equipment required for the particular CAT II operation being conducted becomes inoperative. However, if the foreign air carrier is authorized both manually flown and automatically flown CAT II operations, an automatic approach may be continued manually using the approved manual systems, provided the automatic system has malfunctioned and is disengaged higher than 1,000 feet above the elevation of the touchdown zone.

(3) The crosswind component at touch down is expected to be greater than 15 knots, or greater than the airplane flight manual's crosswind limitations, whichever is more restrictive.

(4) At the DH, if the pilot has not identified the required visual references with the touchdown zone or touchdown zone lights to verify that the aircraft will touch down in the touchdown zone.

(5) If, after passing the DH, visual reference is lost or a reduction in visual reference occurs which prevents the pilot from continuing to verify that the aircraft will touch down in the touchdown zone.

i. Inoperative Lights .If authorized to conduct operations in accordance with OpSpec C359 (if paragraph C359 has been issued), the foreign air carrier is authorized to use the minima in paragraph C359 at Part 97 Cat II and III facilities when the touchdown zone and centerline lights are inoperative.

j. The foreign air carrier must maintain the airplanes and equipment listed in Table 1 of this operations specification in accordance with its lower landing minimums continuous maintenance program approved by the State of the Operator.

Table 3

Lower Than Standard Category II Authorized Airports and Runways DH 100 feet and RVR 1000 feet (300 meters)		
Airport Name/Identifier	**Runways**	**Limitations & Provisions**
TABL07	TABL08	TABL09

k. Lower Than Standard CAT II. CAT II operations are authorized with a decision height of 100 feet and RVR 1000 feet (300 meters) at certain U.S. airports and domestic Type III (CAT III) facilities and must be conducted in accordance with the following limitations and provisions:

(1) Conducted only when using an autoland system or an HGS to touchdown.

(2) The airplane and its automatic flight control guidance system or manually flown guidance system must be approved for approach and landing operations as specified by operation specifications paragraph C060 (CAT III), of these operations specifications.

(3) When utilizing an HGS it must be flown in a CAT III mode(s) of operation.

(4) The authorization for RVR 1000 must be listed in Table 1 of this operations specification.

(5) The airports where these operations may be conducted must be listed in Table 3 of this operations specification.

(6) The Type III facility must be fully operational.

(7) For landing minimums not less than 1000 RVR, the touchdown zone sensor and the rollout sensor of an RVR system is required and must be used. The touchdown zone sensor RVR report is controlling for all operations and the rollout sensor RVR report provides advisory information to pilots.

(a) A mid RVR sensor report, if available, provides advisory information to pilots and may be substituted for the rollout sensor RVR report if the rollout sensor RVR report is not available.

(b) If the RVR reporting system contains four (4) sensors (i.e., touchdown zone, mid, rollout, and far end), the far end sensor which also provides advisory information to pilots may be substituted for the rollout sensor RVR report if the rollout sensor RVR report is not available.

TEXT99

Discussion

The ARC notes that, it can be difficult to determine from a reading of paragraphs C059 and C060 what minimum runway visual range (RVR) values are required to commence a given approach, particularly mid-point RVR values. The ARC requests clarification as to the FAA's intended minimum RVR requirements. The ARC also recommends that the language and requirements of paragraphs C059, C060, and H108 be harmonized with the language and requirements of ICAO Annex 15, as modified by Amendment 32.

C060	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C060. Category III Instrument Approach and Landing Operations – U.S. Airports **HQ Control: 09/17/03** **HQ Revision: 020**

The foreign air carrier is authorized to use the Category III (CAT III) landing minimums for the aircraft listed in Table 1, at the authorized airports and runways listed in Table 2, and with equipment installed and operational as required by the AFM, CFR, or this operations specification. The foreign air carrier must use the procedures, special limitations, and minimums specified in this paragraph and shall conduct no other CAT III operations. These minimums are the lowest authorized at any airport.

a. The foreign air carrier must be authorized by the State of the Operator Civil Aviation Authority (CAA) to conduct Category III instrument approach and landing operations, and a copy of that authorization with the approved Category III approach minimums, are provided to the FAA; and

b. The foreign air carrier shall comply with the requirements of Advisory Circular 120-28, as amended, Criteria for Approval of Category III Landing Weather Minima, or equivalent criteria acceptable to the FAA, for all Category III operations conducted under authority of this paragraph.

c. Required Field Length and Special Operational Equipment and Limitations. The foreign air carrier shall not begin the final approach segment of a CAT III instrument approach unless the runway field length requirements, and the special operational equipment (installed and operational) and limitations listed or referenced in Table 1 are met. The required field length is established by multiplying these factors by the runway field length required by the provisions of ICAO Annex 6 or the State of the Operator performance requirements for runway field length, whichever is more restrictive. For operations with a controlling runway visual range (RVR) at or above 600 feet the required field length is 1.15 times the field length.

Table 1

CAT III Approach and Landing Minimums						
Airplane M/M/S	**Type of Landing System***	**Type of Rollout Control System***	**DH/AH**	**Lowest RVR**	**Field Length Factor**	**Special Operational Equipment and Limitations**
TABL01	TABL02	TABL03	TABL04	TABL05	TABL06	TABL07

Enter: *N/A = Not Applicable; FP = Fail-passive Landing or Rollout Control System; FO = Fail-operational Landing or Rollout Control System; (i.e., FP/FO systems include autoland and head-up guidance systems (HGS))

d. Required RVR Reporting Equipment. The foreign air carrier shall not conduct any CAT III operation unless the following RVR reporting systems are installed and operational for the runway of intended landing:
   (1) Fail-passive Landing Systems Not Using Rollout Control Systems:
      (a) For CAT III landing minimums as low as Touchdown Zone RVR 600 (175 meters), Mid RVR 600 (175 meters) and operative Rollout RVR require the following:
         (i) The Touchdown Zone, Mid, and rollout RVR reporting systems be used.
         (ii) Touchdown Zone and Mid RVR reports are controlling for all operations while the rollout report provides advisory information to pilots.
      (b) For fail-operational landing system aircraft using either fail-passive rollout or fail-operational rollout systems, or fail-passive landing system using any rollout system, these RVR requirements may be used in lieu of subparagraphs (3) or (4) below.

(2) Fail-passive Landing Systems Using Rollout Control Systems. For CAT III landing minimums as low as Touchdown Zone RVR 600 (175 meters), Mid RVR 400 (125 meters), and operative Rollout RVR require the following:
  (a) The Touchdown Zone, Mid, and rollout RVR reporting systems must be used.
  (b) Touchdown Zone and Mid RVR reports are controlling for all operations while the rollout report provides advisory information to pilots.

(3) Fail-operational Landing Systems Using Fail-passive Rollout Control Systems.
  (a) For CAT III landing minimums as low as Touchdown Zone RVR 400 (125 meters), Mid RVR 400 (125 meters), and Rollout RVR 400 (125 meters) require the following:
    (i) The Touchdown Zone, Mid, and Rollout RVR reporting systems are normally required and are controlling for all operations.
    (ii) If one of these RVR reporting systems is temporarily inoperative, these operations may be initiated and continued using the two remaining RVR reporting systems. Both RVR reports are controlling.
  (b) Operations may be conducted in accordance with the RVR limitations set forth in subparagraph d(1)(a).

(4) Fail-operational Landing Systems Using Fail-operational Rollout Control Systems.
  (a) For CAT III landing minimums as low as Touchdown Zone RVR 300 (75 meters), Mid RVR 300 (75 meters), and Rollout RVR 300 (75 meters) require the following:
    (i) The Touchdown Zone, Mid, and Rollout RVR reporting systems are normally required and are controlling for all operations.
    (ii) If one of these RVR reporting systems is temporarily inoperative, these operations may be initiated and continued using the two remaining RVR reporting systems. Both RVR reports are controlling.
  (b) Operations may be conducted in accordance with the RVR limitations set forth in subparagraph d(1)(a).

e. Pilot Qualifications. The minimums prescribed in subparagraphs c and h are authorized for only those pilots-in-command and seconds-in-command who have completed the foreign air carrier's approved CAT III training program and who have been qualified for CAT III operations by one of the foreign air carrier's check airmen or State of the Operator CAA inspector in accordance with State of the Operator requirements.

f. Operating Limitations. The foreign air carrier shall not begin the final approach segment of a CAT III instrument approach procedure, unless the latest reported controlling RVR for the landing runway is at or above the minimums authorized for the operation being conducted and all of the following conditions are met:
(1) The special operational equipment listed in Table 1 is installed and operational.
(2) The following ground based equipment must be operational:
  (a) Localizer and glide slope
  (b) Outer marker or final approach fix. A precision or surveillance radar fix, a NDB, VOR, DME fix, its published waypoint, or a published minimum GSIA fix, may be used in lieu of an outer marker.
  (c) Touchdown zone lights
  (d) Runway centerline lights
  (e) High intensity runway lights
  (f) ALSF-I, ALSF-II approach light system or foreign equivalent. Sequence flashing lights, may be inoperative
(3) All CAT III fail-operational landing system-equipped aircraft operations using any controlling RVR below 600 shall be conducted to airports, which meet U.S. (SMGCS) criteria for CAT III operations.
(4) The crosswind component on the landing runway is less than the airplane flight manual's crosswind limitations, or 15 knots or less, whichever is more restrictive.
(5) All CAT III approaches, once established on the final approach segment (after the final approach fix), may continue the approach if the RVR decreases below the applicable authorized minima, as appropriate.

g. Missed Approach Requirements.

(1) For CAT III approaches using a fail-passive landing system without a rollout control system, a missed approach shall be initiated when any of the following conditions exist:

(a) At the DH, if the pilot has not identified the required visual references with the touchdown zone or touchdown zone lights to verify that the aircraft will touch down in the touchdown zone.

(b) No later than DH, if any controlling RVR is reported below the lowest authorized minima.

(c) If, after passing the DH, visual reference is lost or a reduction in visual reference occurs which prevents the pilot from continuing to verify that the aircraft will touch down in the touchdown zone.

(d) When a failure in the fail-passive landing system occurs prior to touch down.

(e) If the pilot determines that touch down cannot be safely accomplished within the touchdown zone.

(f) When any of the required elements of the ground system becomes inoperative before arriving at the DH.

(g) The crosswind component at touch down is expected to be greater than 15 knots, or greater than the airplane flight manual's crosswind limitations, whichever is more restrictive.

(2) For CAT III approaches using a fail-passive landing system with a fail-passive rollout control system or a fail-operational landing system using either a fail-operational or a fail-passive rollout control system, a missed approach shall be initiated at or before DH or AH when any of the following conditions exist:

(a) A failure occurs in one of the redundant systems in the aircraft before reaching the AH.

(b) Any of the required elements of the ground system becomes inoperative. However, CAT III approaches and landings may be continued even though the sequence flashers and the approach lights became inoperative.

(c) The crosswind component at touchdown is expected to be greater than 15 knots, or greater than the airplane flight manual's crosswind limitations, whichever is more restrictive.

(d) If the pilot determines that touch down cannot be safely accomplished within the touchdown zone.

(e) For aircraft using a fail-passive landing system and fail-passive rollout control system:

(i) At the DH, if the pilot has not identified the required visual references to verify that the aircraft will touch down in the touchdown zone of the runway of intended landing.

(ii) If, after passing the DH, visual reference is lost or a reduction in visual reference occurs which prevents the pilot from continuing to verify that the aircraft will touch down in the touchdown zone.

(3) The preceding subparagraphs e(1) and (2) do not preclude continuation of a higher minimum Category approach if the system failures do not affect the systems required for the higher approach minimums.

h. Authorized CAT III Airports and Runways. The foreign air carrier is authorized to conduct CAT III operations at the airports and runways listed in the Table 2 below.

Table 2

Airport Name/Identifier	Runways	Special Limitations
TABL08	TABL09	TABL10

i. The foreign air carrier must maintain the aircraft and equipment listed in Table 1 in accordance with a lower landing minimums maintenance program approved by the State of the Operator.

TEXT99

Discussion

The ARC notes that it can be difficult to determine from a reading of paragraphs C059 and C060 what minimum RVR values are required to commence a given approach, particularly mid-point RVR values. The ARC also notes that subparagraph d. of paragraph C060 is extremely confusing and offers little useful guidance to operators. The ARC requests clarification as to the FAA's intended minimum RVR requirements. The ARC also recommends that the language

and requirements of paragraphs C059, C060, and H108 be harmonized with the language and requirements of ICAO Annex 15, as modified by Amendment 32.

C063	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C063. IFR RNAV Departure Procedures (DP) and Standard Terminal Arrivals (STAR) – U.S. Airports **HQ Control: 12/13/05** **HQ Revision: 010**

a. The foreign air carrier is authorized to conduct IFR area navigation (RNAV) Instrument Departure Procedures (DPs) and Standard Terminal Arrivals (STARs) published in accordance with 14 CFR Part 97 using approved area navigation systems to the airports and runways approved for such operations and shall conduct all such operations in accordance with the provisions of these operations specifications.

b. Authorized Aircraft and Equipment. The foreign air carrier is authorized to conduct RNAV DPs and STARs operations using the following eligible aircraft and area navigation systems installed and operational as required by the AFM, applicable U.S. and foreign regulations, and this operation specification.

Table 1-Aircraft Eligible for RNAV DPs and STARs

Airplane M/M/S	Area Navigation System		RNAV DPs/STARs Type A and/or Type B	Limitations and Provisions
	Manufacturer	Model		
TABL01	TABL02	TABL03	TABL04	TABL05

c. The foreign air carrier must maintain the aircraft and equipment listed in Table 1 above using an established maintenance program that addresses RNAV requirements, which has been approved by the State of the Operator CAA. In addition, for U.S. registered airplanes, the FAA must approve this maintenance program.

d. Flightcrew Qualifications. The flightcrew may not conduct any operations authorized by this paragraph unless they are trained and qualified in the equipment and specific procedures to be used. A pilot-in-command may not conduct these operations in any airplane until that pilot has successfully completed the foreign air carrier's training and qualification program for RNAV DPs and STARs operations, approved by the State of the Operator CAA.

e. Other Limitations and Provisions.

(1) Prior to conducting operations in airspace that requires this specific navigation performance, the flightcrew must check that the aircraft RNAV system is providing the track-keeping accuracy for the time of planned operation.

(2) An indication must be immediately provided within the normal field of view of each pilot, when the navigation performance of the area navigation system is insufficient to navigate to the degree of accuracy required for air traffic control.

TEXT99

Discussion

The ARC believes that the language of subparagraph a. of paragraph C063 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that this language be removed from the OpSpecs, and that language addressing its subject matter be included in a new rule section under part 129. The ARC's draft rule section is currently designated § 129.XXI.

Recommended Revisions

C063. IFR RNAV Departure Procedures (DP) and Standard Terminal Arrivals (STAR) – U.S. Airports

HQ Control: ~~**12/13/05**~~
HQ Revision: ~~**010**~~

~~a. The foreign air carrier~~foreign commercial air transport operator ~~is authorized to conduct IFR area navigation (RNAV) Instrument Departure Procedures (DPs) and Standard Terminal Arrivals (STARs) published in accordance with 14 CFR Part 97 using approved area navigation systems to the airports and runways approved for such operations and shall conduct all such operations in accordance with the provisions of these operations specifications.~~

~~b~~a. Authorized Aircraft and Equipment. The ~~foreign air carrier~~foreign commercial air transport operator is authorized to conduct RNAV DPs and STARs operations using the following eligible aircraft and area navigation systems installed and operational as required by the AFM, applicable U.S. and foreign regulations, and this operation specification.

Table 1-Aircraft Eligible for RNAV DPs and STARs

Airplane M/M/S	Area Navigation System		RNAV DPs/STARs Type A and/or Type B	Limitations and Provisions
	Manufacturer	Model		
TABL01	TABL02	TABL03	TABL04	TABL05

~~c~~b. The ~~foreign air carrier~~foreign commercial air transport operator must maintain the aircraft and equipment listed in Table 1 above using an established maintenance program that addresses RNAV requirements, which has been approved by the State of the Operator CAA. In addition, for U.S. registered airplanes, the FAA must approve this maintenance program.

~~d~~c. Flightcrew Qualifications. The flightcrew may not conduct any operations authorized by this paragraph unless they are trained and qualified in the equipment and specific procedures to be used. A pilot-in-command may not conduct these operations in any airplane until that pilot has successfully completed the ~~foreign air carrier~~foreign commercial air transport operator's training and qualification program for RNAV DPs and STARs operations, approved by the State of the Operator CAA.

~~e~~d. Other Limitations and Provisions.

(1) Prior to conducting operations in airspace that requires this specific navigation performance, the flightcrew must check that the aircraft RNAV system is providing the track-keeping accuracy for the time of planned operation.

(2) An indication must be immediately provided within the normal field of view of each pilot, when the navigation performance of the area navigation system is insufficient to navigate to the degree of accuracy required for air traffic control.

Resulting Text

C063. IFR RNAV Departure Procedures (DP) and Standard Terminal Arrivals (STAR) – U.S. Airports

HQ Control:
HQ Revision:

a. Authorized Aircraft and Equipment. The foreign commercial air transport operator is authorized to conduct RNAV DPs and STARs operations using the following eligible aircraft and area navigation systems installed and operational as required by the AFM, applicable U.S. and foreign regulations, and this operation specification.

Table 1-Aircraft Eligible for RNAV DPs and STARs

Airplane M/M/S	Area Navigation System		RNAV DPs/STARs Type A and/or Type B	Limitations and Provisions
	Manufacturer	Model		
TABL01	TABL02	TABL03	TABL04	TABL05

b. The foreign commercial air transport operator must maintain the aircraft and equipment listed in Table 1 above using an established maintenance program that addresses RNAV requirements, which has been approved by the State of the Operator CAA. In addition, for U.S. registered airplanes, the FAA must approve this maintenance program.

c. Flightcrew Qualifications. The flightcrew may not conduct any operations authorized by this paragraph unless they are trained and qualified in the equipment and specific procedures to be used. A pilot-in-command may not conduct these operations in any airplane until that pilot has successfully completed the foreign commercial air transport operator's training and qualification program for RNAV DPs and STARs operations, approved by the State of the Operator CAA.

d. Other Limitations and Provisions.

(1) Prior to conducting operations in airspace that requires this specific navigation performance, the flightcrew must check that the aircraft RNAV system is providing the track-keeping accuracy for the time of planned operation.

(2) An indication must be immediately provided within the normal field of view of each pilot, when the navigation performance of the area navigation system is insufficient to navigate to the degree of accuracy required for air traffic control.

TEXT99

Existing Text

C067. Special Airplane Authorizations, Provisions, and Limitations for Certain Airports **HQ Control: 10/15/04** **HQ Revision: 020**

General. This paragraph is used to authorize special airport operations if the airport has special requirements beyond the PIC qualification requirements of paragraph C050 and to establish the requirements for the use of certificated U.S. land airports and any authorization to use uncertificated U.S. land airports. OpSpec C050 must also be issued for "special PIC qualification airports" authorization. OpSpec C081 must also be issued for airports/runways where specific "Special" terminal instrument procedures are authorized for the foreign air carrier.

a. Operations at other Special U.S. Airports.
The foreign air carrier shall only conduct the following types of operations, which may require special provisions and limitations and special flight crewmember training, to U.S. airports provided the specific airports are authorized in Table 1 and types of operations are approved/accepted by the State of the Operator Civil Aviation Authority (CAA).

(1) Airports requiring special airplane performance charts and equipment or required special lighting for airports such as flare pots or runway reflectorization systems instead of lights, or required special navigation and communications equipment to operate at that airport.

(2) Airports that require a curfew notation

(3) Turbojet or large airplane operations at airports with unpaved runways or any airplane operation on runways constructed on frozen lakes and rivers

(4) For foreign air carrier that do not have an available alternate in accordance with Annex 6, Part I, 4.3.4.3 (b) that are dispatched in accordance with the required fuel reserves set forth in Annex 6, Part I, 4.3.6.3.2 (b), shall be listed along with any special provisions or limitations.

b. Operation at uncertificated U.S. Airports.
Definitions. Used For the purposes of this OpSpec Paragraph:

"*designed for __ passenger seats*". means as determined by the airplane type certificate issued by competent civil aviation authority.

"*U.S. Land Airport*". a U.S. land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States.

"*Scheduled passenger carrying operations*". Scheduled international air service performed in airplanes for the public transport of passengers, mail, or cargo, between points in the U.S. and one or more foreign countries and including regularly scheduled charter air transportation for which the public is provided an advance schedule containing the departure location, departure time, and arrival location of the flight.

(1) No foreign air carrier and no pilot being used by an foreign air carrier conducting any operation with the airplanes described in subparagraph b. (1) (a) or (b) below, may operate at a U.S. land airport unless that airport is certificated under 14 CFR part 139 of this chapter. Further, after June 9, 2005 for Class I airports and after December 9, 2005 for Class II, III, and IV airports as defined in part 139, when an foreign air carrier and the pilot being used by an foreign air carrier are required to operate at an airport certificated under part 139, the air carrier and the pilot may only operate at that airport if the airport is classified under part 139 to serve the type airplane to be operated and the type of operation to be conducted.

(a) an airplane designed for more than 9 passenger seats in the conduct of scheduled passenger carrying operations.

(b) an airplane designed for at least 31 passenger seats in non-scheduled passenger carrying operations.

(2) *Required Alternate.* A foreign air carrier and a pilot being used by an foreign air carrier conducting any operation with the airplanes described in subparagraph b. (1) (a) and (b) above, may designate and use as a required alternate airport for departure or destination that is not certificated under 14 CFR part 139.

(3) *Operations prior to December 9, 2005.* Until December 9, 2005, A foreign air carrier and a pilot being used by an foreign air carrier conducting any operation with airplanes designed for more than 9 but less than 31 passenger seats in the conduct of scheduled passenger carrying operations, may designate and use a U.S. land airport that does not hold an operating certificate issued under 14 CFR part 139.

(4) *Airports operated by the U.S. Government*. A foreign air carrier and a pilot being used by an foreign air carrier conducting any operation with the airplanes described in subparagraph b. (1) (a) and (b) above, may be authorized to conduct passenger-carrying airplane operations into an airport (military and non-military) operated by the U.S. Government that is not certificated under part 139, provided that for each airport to be used:

(a) The airport meets the equivalent safety standards for airports certificated under part 139;

(b) The airport meets the equivalent airport classification requirements under part 139 to serve the type airplanes to be operated and the type of operations to be conducted;

(c) The location/identifier of each such airport authorized, and the M/M/S of the airplanes to be operated is listed in Table 1 of this paragraph; and

(d) Permission is obtained from the airport manager of non-military airports and the Base Commander of military airports, to operate at these airports prior to the commencement of operations. This permission is not needed for operations at joint-use civil and military airports.

(5) An foreign air carrier and a pilot being used by an foreign air carrier conducting any operation with the airplanes described in subparagraph b. (5) (a) below, may operate at a land airport that is not certificated under 14 CFR part 139 provided the conditions in subparagraph b. (5) (b) are met.

(a) Airplanes and type operations:

(i) an airplane designed for 9 passenger seats or less in the conduct of scheduled passenger carrying operations.

(ii) an airplane designed for less than 31 passenger seats in non-scheduled passenger carrying operations.

(b) Operating conditions:

(i) The airport is adequate for the proposed operation, considering such items as size, surface, obstructions, and lighting.

(ii) For an airplane carrying passengers at night, the pilot may not take off from, or land at, an airport unless:

(A) The pilot has determined the wind direction from an illuminated wind direction indicator or local ground communications or, in the case of takeoff, that pilot's personal observations; and

(B) The limits of the area to be used for landing or takeoff are clearly shown by boundary or runway marker lights. If the area to be used for takeoff or landing is marked by flare pots or lanterns, their use must be authorized by the FAA in Table 1.

Table 1 – Other Special U.S. Airports Authorized and Special Provisions

If no special authorizations are granted N/A will appear in each column of Table 1 below.

Airport Location/Identifier	Airplane M/M/S (enter N/A if not applicable)	Special Provisions and Limitations and Special Flight Crewmember Training
TABL01	TABL03	TABL02

TEXT99

Discussion

The ARC notes that the language of paragraph C067 appears to be based largely on the language of the corresponding paragraph in the part 121 OpSpecs, which is not entirely applicable to part 129 operators. The ARC recommends that this language be revised with more appropriate language.

Existing Text

C068. Noise Abatement Departure Profiles **HQ Control: 05/06/02**
HQ Revision: 010

The foreign air carrier shall conduct noise abatement departure profile (NADP) operations in accordance with the provisions of this paragraph and the procedures in the foreign air carrier's manuals and approved or accepted by the State of the Operator. The foreign air carrier shall use the approved NADP's for its turbojet airplanes, having a maximum certificated takeoff gross weight of more that 75,000 pounds, operating from a noise sensitive airport within the United States. The foreign air carrier shall conduct all NADP's in accordance with the restrictions and limitations specified in this paragraph and shall not conduct any other noise abatement departure profile operations. For the purpose of these operations specifications, NADP's shall be limited, for any airplane type at any one time, to a maximum of two profiles: (1) Close-in NADP operations; and/or (2) Distant NADP operations. Only one NADP can be designated for each runway at each airport. The foreign air carrier's NADP's must meet the following criteria:

a. For Each NADP, the foreign air carrier shall specify the altitude above the field elevation (AFE) at which thrust reduction from takeoff thrust (Close-In Profile) or airplane configuration change (Distant Profile), excluding gear retraction, is initiated.

b. Close-In NADP: The foreign air carrier shall use the following NADP criteria for individual airplane types intended to provide noise reduction for noise sensitive areas located in close proximity to the departure end of the runway:

(1) Initiate thrust cutback at an altitude of no less than 800 feet AFE and prior to initiation of flaps or slats retraction.

(2) The thrust cutback may be made by manual throttle reduction or by approved automatic means. The automatic means may be armed prior to takeoff for cutback at or above 800 feet AFE or may be pilot initiated at or above 800 feet AFE.

(3) For airplanes without an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, the takeoff path engine-inoperative climb gradients specified in Title 14 of the Code of Federal Regulations (CFR) Section 25.111(c)(3) in the event of an engine failure.

(4) For airplanes with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, a takeoff path engine-inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at a minimum, restore sufficient thrust to maintain the takeoff path engine-inoperative climb gradients specified in 14 CFR Section 25.111(c)(3) in the event of an engine failure.

(5) During the thrust reduction, coordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay to no more than 5 knots below the all-engine target climb speed, and in no case to less than V_2 for the airplane configuration. For automated throttle systems, acceptable speed tolerances can be found in Advisory Circular (AC) 25-15, Approval of Flight Management Systems in Transport Category Airplanes.

(6) Maintain the speed and thrust criteria as described in steps b(3) through b(5) to 3,000 feet AFE or above, or until the airplane has been fully transitioned to the en-route climb configuration (whichever occurs first), then transition to normal en-route climb procedures.

c. Distant NADP: The foreign air carrier shall use the following NADP criteria for individual airplane types intended to provide noise reduction for all other noise sensitive areas.

(1) Initiate flaps/slats retraction prior to thrust cutback initiation. Thrust cutback is initiated at an altitude no less than 800 feet AFE.

(2) The thrust cutback may be made by manual throttle reduction or by approved automatic means. The automatic means may be armed prior to takeoff for cutback at or above 800 feet AFE or may be pilot-initiated at or above 800 feet AFE.

(3) For airplanes without an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, the takeoff path engine-inoperative climb gradients specified in 14 CFR Section 25.111(c)(3) in the event of an engine failure.

(4) For airplanes with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, a takeoff path engine-inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at a minimum, restore sufficient thrust to maintain the takeoff path engine-inoperative climb gradients specified in 14 CFR Section 25.111(c)(3) in the event of an engine failure.

(5) During the thrust reduction, coordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay to no more than 5 knots below the all-engine target climb speed, and in no case to less than V_2 for the airplane configuration. For automatic throttle systems, acceptable speed tolerances can be found in AC 25-15, Approval of Flight Management Systems in Transport Category Airplanes.

(6) Maintain the speed and thrust criteria as described in steps c(3) through c(5) to 3,000 feet AFE or above, or until the airplane has been fully transitioned to the en route climb configuration (whichever occurs first), then transition to normal en route climb procedures.

TEXT99

Discussion

The ARC believes that some language in paragraph C068 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends an assessment of the necessity of the language of the OpSpecs paragraph and whether that language can be included in revisions to part 129. With respect to the remainder of this paragraph, the ARC notes that ICAO materials on noise abatement departure profile (NADP) procedures provide graphical guidance, which is much easier to understand than the textual guidance in existing paragraph C068. The ARC recommends the development of graphical guidance similar to that found in ICAO materials.

C074 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

C074. Category I, ILS, MLS, or GLS Approach Procedures and IFR Landing Minimums – All U.S Airports **HQ Control: 04/08/03** **HQ Revision: 020**

The foreign air carrier shall not use any IFR Category I landing minimum lower than that prescribed by the applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest Category I minimums authorized for use at any airport.

a. Category I, ILS, MLS, or GPS Landing System (GLS) Approach Procedures. The foreign air carrier shall not use an IFR landing minimum for precision, ILS, MLS, or GLS approach procedures lower than specified in the following table. Touchdown zone RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway.

PRECISION APPROACHES (Require operative lateral and vertical guidance)			
Approach Light Configuration	**HAT**	**Aircraft Category A, B, C, and D**	
		Visibility in Statute Miles	**TDZ RVR in Feet** (See NOTE 2)
No Lights or ODALS	200	3/4	4000
MALS or SALS	200	5/8	3000
MALSR, or SSALR, or ALSF-1 or ALSF-2	200	½	2400
MALSR with TDZ and CL, or SSALR with TDZ and CL, or ALSF-1/ALSF-2 with TDZ and CL	200	visibility not authorized (See NOTE 1)	1800
MALS, or MALSR, or SSALR, or ALSF- 1/ALSF-2, or REILS and HIRL, or RAIL, and HIRL	200	visibility not authorized	1800 (See NOTE 3)

NOTE 1: Visibility values below ½ statute mile are not authorized and shall not be used.
NOTE 2: The mid RVR and rollout RVR reports (if available) provide advisory information to pilots. The mid RVR report may be substituted for the TDZ RVR report if the TDZ RVR report is not available.
NOTE 3: These minimums apply to autoland or HGS-equipped aircraft when operated by a properly qualified flightcrew and flown in the appropriate CAT III annunciation mode at the authorized airports and runways listed in paragraph b. below.

b. The foreign air carrier is authorized precision Category I landing minimums as low as 1800 RVR **without** touchdown zone and centerline lights with autoland or HGS-equipped aircraft at the following airports and runways, provided they have also been approved for such procedures by their Civil Aviation Authority (CAA):

Airport Name/Identifier	Runways	Special Limitation
TABL01	TABL02	TABL03

c. Special Aircrew, Aircraft Authorized Minimums. The foreign air carrier shall not use an IFR landing minimum for straight-in precision Category I approaches labeled as "Special Aircrew, Aircraft Authorization Required" unless they have also been approved for such procedures by their Civil Aviation Authority (CAA) and in accordance with subparagraph a of this operations specification and the following:

(1) The authorized aircraft must be equipped with an approved approach coupler, flight director, or a head-up guidance system (HGS) which provides guidance to decision height. Pilots-in-command (PIC) must be required by the foreign air carriers procedures to engage the autopilot coupler, flight director, or HGS as applicable and use it to decision height or initiation of missed approach unless adequate visual references with the runway environment are established which allow safe continuation to a landing.
(2) Should the autopilot, flight director, or HGS malfunction or be disengaged during the approach, the PIC must execute a missed approach not later than arrival at standard minimums unless visual reference to the runway environment has been established.
(3) Pilots must be trained in accordance with their State of the Operator approved training program in the use of the autopilot coupler, flight director, or HGS as applicable and demonstrate proficiency in ILS approaches to minimums using this equipment on checks conducted to satisfy the foreign air carrier's CAA requirements.

TEXT99

Discussion

The ARC believes that the preamble language of paragraph C074 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that this language be removed from the OpSpecs, and that language addressing their subject matter be included in revisions to part 129. The ARC's draft rule language is contained in § 129.XXm. The verbiage of § 129.XXm is general, prescribing guidance on landing minimums for all types of instrument approaches.

Recommended Revisions

C074. Category I, ILS, MLS, or GLS Approach Procedures and IFR Landing Minimums – All U.S Airports **HQ Control:** ~~**04/08/03**~~ **HQ Revision:** ~~**020**~~

~~The foreign air carrier shall not use any IFR Category I landing minimum lower than that prescribed by the applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest Category I minimums authorized for use at any airport.~~

a. Category I, ILS, MLS, or GPS Landing System (GLS) Approach Procedures. The ~~foreign air carrier~~foreign commercial air transport operator shall not use an IFR landing minimum for precision, ILS, MLS, or GLS approach procedures lower than specified in the following table. Touchdown zone RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway.

PRECISION APPROACHES (Require operative lateral and vertical guidance)			
Approach Light Configuration	**HAT**	**Aircraft Category A, B, C, and D**	
		Visibility in Statute Miles	**TDZ RVR in Feet** (See NOTE 2)
No Lights or ODALS	200	3/4	4000
MALS or SALS	200	5/8	3000
MALSR, or SSALR, or ALSF-1 or ALSF-2	200	½	2400
MALSR with TDZ and CL, or SSALR with TDZ and CL, or ALSF-1/ALSF-2 with TDZ and CL	200	visibility not authorized (See NOTE 1)	1800
MALS, or MALSR, or SSALR, or ALSF- 1/ALSF-2, or REILS and HIRL, or RAIL, and HIRL	200	visibility not authorized	1800 (See NOTE 3)

NOTE 1: Visibility values below ½ statute mile are not authorized and shall not be used.
NOTE 2: The mid RVR and rollout RVR reports (if available) provide advisory information to pilots. The mid RVR report may be substituted for the TDZ RVR report if the TDZ RVR report is not available.
NOTE 3: These minimums apply to autoland or HGS-equipped aircraft when operated by a properly qualified flightcrew and flown in the appropriate CAT III annunciation mode at the authorized airports and runways listed in paragraph b. below.

b. The ~~foreign air carrier~~foreign commercial air transport operator is authorized precision Category I landing minimums as low as 1800 RVR **without** touchdown zone and centerline lights with autoland or HGS-equipped aircraft at the following airports and runways, provided they have also been approved for such procedures by their Civil Aviation Authority (CAA):

Airport Name/Identifier	Runways	Special Limitation
TABL01	TABL02	TABL03

c. Special Aircrew, Aircraft Authorized Minimums. The ~~foreign air carrier~~foreign commercial air transport operator shall not use an IFR landing minimum for straight-in precision Category I approaches labeled as “Special Aircrew, Aircraft Authorization Required” unless they have also been approved for such procedures by their Civil Aviation Authority (CAA) and in accordance with subparagraph a of this operations specification and the following:
(1) The authorized aircraft must be equipped with an approved approach coupler, flight director, or a head-up guidance system (HGS) which provides guidance to decision

height. Pilots-in-command (PIC) must be required by the ~~foreign air carrier~~foreign commercial air transport operators procedures to engage the autopilot coupler, flight director, or HGS as applicable and use it to decision height or initiation of missed approach unless adequate visual references with the runway environment are established which allow safe continuation to a landing.

(2) Should the autopilot, flight director, or HGS malfunction or be disengaged during the approach, the PIC must execute a missed approach not later than arrival at standard minimums unless visual reference to the runway environment has been established.

(3) Pilots must be trained in accordance with their State of the Operator approved training program in the use of the autopilot coupler, flight director, or HGS as applicable and demonstrate proficiency in ILS approaches to minimums using this equipment on checks conducted to satisfy the ~~foreign air carrier~~foreign commercial air transport operator's CAA requirements.

TEXT99

Resulting Text

C074. Category I, ILS, MLS, or GLS Approach Procedures and IFR Landing Minimums – All U.S Airports **HQ Control:** **HQ Revision:**

a. Category I, ILS, MLS, or GPS Landing System (GLS) Approach Procedures. The foreign commercial air transport operator shall not use an IFR landing minimum for precision, ILS, MLS, or GLS approach procedures lower than specified in the following table. Touchdown zone RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway.

PRECISION APPROACHES (Require operative lateral and vertical guidance)			
Approach Light Configuration	**HAT**	**Aircraft Category A, B, C, and D**	
		Visibility in Statute Miles	**TDZ RVR in Feet** (See NOTE 2)
No Lights or ODALS	200	3/4	4000
MALS or SALS	200	5/8	3000
MALSR, or SSALR, or ALSF-1 or ALSF-2	200	½	2400
MALSR with TDZ and CL, or SSALR with TDZ and CL, or ALSF-1/ALSF-2 with TDZ and CL	200	visibility not authorized (See NOTE 1)	1800
MALS, or MALSR, or SSALR, or			

PRECISION APPROACHES (Require operative lateral and vertical guidance)			
Approach Light Configuration	**HAT**	**Aircraft Category A, B, C, and D**	
		Visibility in Statute Miles	**TDZ RVR in Feet** (See NOTE 2)
ALSF- 1/ALSF-2, or REILS and HIRL, or RAIL, and HIRL	200	visibility not authorized	1800 (See NOTE 3)

NOTE 1: Visibility values below ½ statute mile are not authorized and shall not be used.
NOTE 2: The mid RVR and rollout RVR reports (if available) provide advisory information to pilots. The mid RVR report may be substituted for the TDZ RVR report if the TDZ RVR report is not available.
NOTE 3: These minimums apply to autoland or HGS-equipped aircraft when operated by a properly qualified flightcrew and flown in the appropriate CAT III annunciation mode at the authorized airports and runways listed in paragraph b. below.

b. The foreign commercial air transport operator is authorized precision Category I landing minimums as low as 1800 RVR **without** touchdown zone and centerline lights with autoland or HGS-equipped aircraft at the following airports and runways, provided they have also been approved for such procedures by their Civil Aviation Authority (CAA):

Airport Name/Identifier	Runways	Special Limitation
TABL01	TABL02	TABL03

c. Special Aircrew, Aircraft Authorized Minimums. The foreign commercial air transport operator shall not use an IFR landing minimum for straight-in precision Category I approaches labeled as “Special Aircrew, Aircraft Authorization Required” unless they have also been approved for such procedures by their Civil Aviation Authority (CAA) and in accordance with subparagraph a of this operations specification and the following:
   (1) The authorized aircraft must be equipped with an approved approach coupler, flight director, or a head-up guidance system (HGS) which provides guidance to decision height. Pilots-in-command (PIC) must be required by the foreign commercial air transport operators procedures to engage the autopilot coupler, flight director, or HGS as applicable and use it to decision height or initiation of missed approach unless adequate visual references with the runway environment are established which allow safe continuation to a landing.
   (2) Should the autopilot, flight director, or HGS malfunction or be disengaged during the approach, the PIC must execute a missed approach not later than arrival at standard minimums unless visual reference to the runway environment has been established.
   (3) Pilots must be trained in accordance with their State of the Operator approved training program in the use of the autopilot coupler, flight director, or HGS as applicable and demonstrate proficiency in ILS approaches to minimums using this equipment on checks conducted to satisfy the foreign commercial air transport operator’s CAA requirements.

TEXT99

C075	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C075. Category I IFR Landing Minimums - Circling Maneuvers **HQ Control: 05/06/02**
HQ Revision: 010

The foreign air carrier shall not use any IFR Category I landing minimum lower than that prescribed by the applicable published instrument approach procedure. The IFR landing minimums prescribed in paragraphs C053 for nonprecision approaches and C074 for precision approaches of these operations specifications are the lowest Category I minimums authorized for use at any airport.

Circling Maneuvers. The foreign air carrier shall not conduct circling maneuvers when the ceiling is less than 1000 feet or the visibility is less than 3 statute miles, unless the maneuver has been specifically authorized by the State of the Operator, and appropriate pilot training and checking has been accomplished by the foreign air carrier for circling maneuvers. When conducting an instrument approach procedure which requires a circling maneuver to the runway of intended landing, the foreign air carrier shall not use a landing minimum lower than the minimum prescribed for the applicable circling maneuver or a landing minimum lower than specified in the following table, whichever is higher. The lowest authorized IFR landing minimum for instrument approaches which require a circling maneuver to the runway of intended landing shall be determined for a particular aircraft by using the speed category appropriate to the highest speed used during the circling maneuver.

Speed Category	HAA	Visibility in Statute Miles
less than 91 kts	350	1
91 to 120 kts	450	1
121 to 140 kts	450	1 1/2
141 to 165 kts	550	2
above 165 kts	1000	3

TEXT99

Discussion

The ARC believes that the preamble language of paragraph C075 contains universal requirements applicable to all foreign commercial air transport operators. The ARC recommends that this language be removed from the OpSpecs, and that language addressing its subject matter be included in revisions to part 129. The ARC's draft rule language is contained in § 129.XXm. The verbiage of § 129.XXm is general, prescribing guidance on landing minimums for all types of instrument approaches.

Recommended Revisions

C075. Category I IFR Landing Minimums - Circling Maneuvers **HQ Control: ~~05/06/02~~**
HQ Revision: ~~010~~

~~The foreign air carrier shall not use any IFR Category I landing minimum lower than that prescribed by the applicable published instrument approach procedure. The IFR landing minimums prescribed in paragraphs C053 for nonprecision approaches and C074 for precision approaches of these operations specifications are the lowest Category I minimums authorized for use at any airport.~~

Circling Maneuvers. The ~~foreign air carrier~~foreign commercial air transport operator shall not conduct circling maneuvers when the ceiling is less than 1000 feet or the visibility is less than 3 statute miles, unless the maneuver has been specifically authorized by the State of the Operator, and appropriate pilot training and checking has been accomplished by the ~~foreign air~~

~~carrier~~foreign commercial air transport operator for circling maneuvers. When conducting an instrument approach procedure which requires a circling maneuver to the runway of intended landing, the ~~foreign air carrier~~foreign commercial air transport operator shall not use a landing minimum lower than the minimum prescribed for the applicable circling maneuver or a landing minimum lower than specified in the following table, whichever is higher. The lowest authorized IFR landing minimum for instrument approaches which require a circling maneuver to the runway of intended landing shall be determined for a particular aircraft by using the speed category appropriate to the highest speed used during the circling maneuver.

Speed Category	HAA	Visibility in Statute Miles
less than 91 kts	350	1
91 to 120 kts	450	1
121 to 140 kts	450	1 1/2
141 to 165 kts	550	2
above 165 kts	1000	3

TEXT99

Resulting Text

C075. Category I IFR Landing Minimums - Circling Maneuvers **HQ Control:** **HQ Revision:**

Circling Maneuvers. The foreign commercial air transport operator shall not conduct circling maneuvers when the ceiling is less than 1000 feet or the visibility is less than 3 statute miles, unless the maneuver has been specifically authorized by the State of the Operator, and appropriate pilot training and checking has been accomplished by the foreign commercial air transport operator for circling maneuvers. When conducting an instrument approach procedure which requires a circling maneuver to the runway of intended landing, the foreign commercial air transport operator shall not use a landing minimum lower than the minimum prescribed for the applicable circling maneuver or a landing minimum lower than specified in the following table, whichever is higher. The lowest authorized IFR landing minimum for instrument approaches which require a circling maneuver to the runway of intended landing shall be determined for a particular aircraft by using the speed category appropriate to the highest speed used during the circling maneuver.

Speed Category	HAA	Visibility in Statute Miles
less than 91 kts	350	1
91 to 120 kts	450	1
121 to 140 kts	450	1 1/2
141 to 165 kts	550	2
above 165 kts	1000	3

TEXT99

C077 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

C077. Terminal Visual Flight Rules, Limitations, and Provisions **HQ Control: 11/19/02**
HQ Revision: 02a

Except as provided in this paragraph, Title 14 Code of Federal Regulations (14 CFR) Part 93, SFAR 50-2, SFAR 71, and paragraph B051, when issued, all turbojet and all large airplane operations conducted by the foreign air carrier within the areas listed in paragraph B050 of these operations specifications, shall be in accordance with instrument flight rules (IFR). The foreign air carrier shall conduct terminal area operations according to the following provisions and limitations.

a. Terminal Arrival IFR - Visual Approach or a Charted Visual Flight Procedure (CVFP). The flightcrew may accept a visual approach or a CVFP provided all the following conditions exist. The flightcrew may not accept a visual approach or a CVFP unless the limitations and provisions of subparagraph e of these Operations Specifications are met.

(1) The flight is operated and remains in Class B, C, or D airspace, within 35 miles of the destination airport in Class E airspace, or the airspace beneath the designated transition area,

(2) The flight is under the control of an Air Traffic Control (ATC) facility,

(3) The flightcrew must maintain the basic cloud clearance as specified in 14 CFR Section 91.155, and

(4) For a visual approach without a CVFP - The flightcrew must be able to establish and maintain visual contact with the airport or maintain visual contact with the traffic to be followed as directed by ATC. In addition, all of the following provisions and weather conditions at the airport at the time of the approach must be met:

(a) Reported visibility must be as specified in 14 CFR Section 91.155, but not lower than a visibility of three miles,

(b) Reported ceiling must be 1,000 feet or greater, and

(c) Ceiling and cloud clearance must be as such to allow the flightcrew to maintain the minimum altitudes prescribed in 14 CFR Section 91.129, 91.130, or 91.131, as applicable for the Airspace Class in which the flight is operated.

(5) For a CVFP - The flightcrew must be able to establish and maintain visual contact with the airport or the charted visual landmark(s) for the CVFP throughout the approach and landing. In addition, the weather conditions at the airport at the time of the approach must be reported to be at or above the weather minimums established for the CVFP.

b. Terminal Arrival Visual Flight Rules (VFR). If operating under the VFR en route provisions of B051 or if canceling an IFR flight plan, the flightcrew may operate under VFR in the terminal area under the following provisions. In addition, the flightcrew may not conduct VFR operations in the terminal area unless the limitations and provisions of subparagraph e of these Operations Specifications are met.

(1) All of the following provisions and weather conditions at the airport at the time of approach must be met:

(a) Reported visibility must be as specified in 14 CFR Section 91.155,

(b) Reported ceiling must be 1,000 feet or greater,

(c) The flightcrew must maintain the basic cloud clearance as specified in 14 CFR Section 91.155, and

(d) Ceiling and cloud clearance must be as such to allow the flightcrew to maintain the minimum altitudes prescribed in 14 CFR Section 91.129, 91.130, or 91.131, as applicable for the Airspace Class in which the flight is operated.

(2) In addition, the conditions in one of the following subparagraphs must be met:

(a) Controlled Airports. The flight is operated within Class B, C, or D airspace, or within 10 miles of the destination airport in Class E airspace; and remains within controlled airspace. The flightcrew requests and uses radar-monitored traffic advisories provided by ATC when such advisories are available, and is in direct communication with the appropriate ATC facility; or

(b) Uncontrolled Airports. The flightcrew is in direct communication with an air/ground communication facility or agent of the foreign air carrier that provides airport traffic advisories and information that is pertinent to conditions on and around the landing surface during the terminal phase of flight; and the flight is operated within 10 nautical miles (nm) of the destination airport, or visual reference with the landing surface is established and can be maintained throughout the approach and landing.

(3) If there is a question that the weather conditions at the time of arrival may not allow the flightcrew sufficient seeing conditions, the flightcrew must have in its possession and use an approved charted visual procedure, which assures obstacle clearance or avoidance.

c. Terminal Departures VFR. At airports which do not have operating ATC facilities and it is not otherwise possible for the flightcrew to obtain an IFR clearance to depart on an IFR flight plan, the flight may takeoff and depart under VFR provided all the following conditions exist. In addition, the flightcrew may not conduct VFR operations in the terminal area unless the limitations and provisions of subparagraph e of these Operations Specifications are met.

(1) The following provisions and weather conditions at the airport at the time of takeoff must be met:

(a) Reported weather visibility must be as specified in 14 CFR Section 91.155,

(b) Reported ceiling must be 1,000 feet or greater,

(c) The flightcrew must maintain the basic cloud clearance as specified in 14 CFR Section 91.155, and have visual reference with the ground or visual contact with a landmark when referenced in a published procedure to be followed for the airport, and

(d) The ceiling and cloud clearance must be as such to allow the flightcrew to maintain the minimum altitudes prescribed in 14 CFR Section 91.129, 91.130, or 91.131, as applicable for the Airspace Class in which the flight is operated.

(2) The flight remains in VMC at all times while operating under VFR,

(3) Unless operating under certain en route provisions of 14 CFR Part 93, SFAR 50-2, SFAR 71, paragraph B051, the flightcrew must obtain an IFR clearance as soon as practical after takeoff, but under no circumstances farther than 50 nautical miles from the departure airport, and

(4) If there is a question that the weather conditions at the time of takeoff may not allow the flightcrew sufficient seeing conditions, the flightcrew must have in its possession and use an approved charted visual procedure, which assures obstacle clearance or avoidance. The minimum altitudes under 14 CFR Section 91.119, or those prescribed in the charted visual procedure, whichever are higher, apply.

d. Terminal Departures IFR. The flightcrew must comply with the departure procedures established for a particular airport by the FAA if ATC does not specify any particular departure procedure in the takeoff clearance given for that airport. The flightcrew may accept an IFR clearance containing a clearance for a VMC takeoff and climb out to a specified point in the clearance, if the limitations and provisions of subparagraph e of these Operations Specifications are met.

e. Special Limitations and Provisions for VFR. All VFR operations authorized by this Operations Specification shall be conducted in accordance with the following limitations and provisions.

(1) The foreign air carrier must identify obstacles and use airport obstacle data which ensures that the performance requirements of the State of the Operator, and.

(2) The weather conditions must allow the flightcrew sufficient seeing conditions to identify and avoid obstacles and safely maneuver using external visual references and to maintain minimum altitudes.

TEXT99

Discussion

The ARC recommends that certain content of paragraph C077 be included in a new rule section, tentatively designated § 129.XXo. The ARC does not recommend significant modifications to the remainder of paragraph C077. The OSWG has recommended elimination of paragraph B051, which is referenced in paragraph C077. The OSWG should review this reference.

Recommended Revisions

C077. Terminal Visual Flight Rules, Limitations, and Provisions **HQ Control:** ~~**11/19/02**~~ **HQ Revision:** ~~**02a**~~

Except as provided in this paragraph, Title 14 Code of Federal Regulations (14 CFR) Part 93, SFAR 50-2, SFAR 71~~, and paragraph B051, when issued~~, all turbojet and all large airplane operations conducted by the foreign commercial air ~~carrier~~transport operator ~~within the areas listed in paragraph B050 of these operations specifications,~~ shall be in accordance with instrument flight rules (IFR). The ~~foreign air carrier~~foreign commercial air transport operator shall conduct terminal area operations according to the following provisions and limitations.

* * *

b. Terminal Arrival Visual Flight Rules (VFR). If operating under the VFR en route provisions of B051 or if canceling an IFR flight plan, the flightcrew may operate under VFR in the terminal area under the following provisions. In addition, the flightcrew may not conduct VFR operations in the terminal area unless the limitations and provisions of subparagraph e of these Operations Specifications are met.

* * *

(2) In addition, the conditions in one of the following subparagraphs must be met:

* * *

(b) Uncontrolled Airports. The flightcrew is in direct communication with an air/ground communication facility or agent of the ~~foreign air carrier~~foreign commercial air transport operator that provides airport traffic advisories and information that is pertinent to conditions on and around the landing surface during the terminal phase of flight; and the flight is operated within 10 nautical miles (nm) of the destination airport, or visual reference with the landing surface is established and can be maintained throughout the approach and landing.

* * *

e. Special Limitations and Provisions for VFR. All VFR operations authorized by this Operations Specification shall be conducted in accordance with the following limitations and provisions.
(1) The ~~foreign air carrier~~foreign commercial air transport operator must identify obstacles and use airport obstacle data which ensures that the performance requirements of the State of the Operator, and.
(2) The weather conditions must allow the flightcrew sufficient seeing conditions to identify and avoid obstacles and safely maneuver using external visual references and to maintain minimum altitudes.

TEXT99

Resulting Text

C077. Terminal Visual Flight Rules, Limitations, and Provisions **HQ Control:** **HQ Revision:**

Except as provided in this paragraph, Title 14 Code of Federal Regulations (14 CFR) Part 93, SFAR 50-2, SFAR 71, and paragraph B051, when issued, all turbojet and all large airplane operations conducted by the foreign commercial air transport operator within the areas listed in paragraph B050 of these operations specifications, shall be in accordance with instrument flight rules (IFR). The foreign commercial air transport operator shall conduct terminal area operations according to the following provisions and limitations.

* * *

b. Terminal Arrival Visual Flight Rules (VFR). If operating under the VFR en route provisions of B051 or if canceling an IFR flight plan, the flightcrew may operate under VFR in the terminal area under the following provisions. In addition, the flightcrew may not conduct VFR operations in the terminal area unless the limitations and provisions of subparagraph e of these Operations Specifications are met.

* * *

(2) In addition, the conditions in one of the following subparagraphs must be met:

* * *

(b) Uncontrolled Airports. The flightcrew is in direct communication with an air/ground communication facility or agent of the foreign commercial air transport operator that provides airport traffic advisories and information that is pertinent to conditions on and around the landing surface during the terminal phase of flight; and the flight is operated within 10 nautical miles (nm) of the destination airport, or visual reference with the landing surface is established and can be maintained throughout the approach and landing.

* * *

e. Special Limitations and Provisions for VFR. All VFR operations authorized by this Operations Specification shall be conducted in accordance with the following limitations and provisions.
(1) The foreign commercial air transport operator must identify obstacles and use airport obstacle data which ensures that the performance requirements of the State of the Operator, and.
(2) The weather conditions must allow the flightcrew sufficient seeing conditions to identify and avoid obstacles and safely maneuver using external visual references and to maintain minimum altitudes.

TEXT99

C384	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

C384 RNP SAAAR - Area Navigation (RNAV) Required Navigation Performance (RNP) Instrument Approach Procedures With Special Aircraft and Aircrew Authorization Required (SAAAR)

HQ Control: 08/01/07
HQ Revision: 000

a. The foreign air carrier is authorized to conduct Area Navigation (RNAV) Required Navigation Performance (RNP) Instrument Approach Procedures (IAP), which require, Special Aircraft and Aircrew Authorization (SAAAR) hereinafter referred to as RNP SAAAR IAP, that have been published in accordance with 14 CFR 97. Such operations shall be conducted in accordance with the provisions of these operations specifications.

b. Authorized Aircraft, Equipment and Lowest RNP authorized. The foreign air carrier is authorized to conduct RNP SAAAR IAPs, using the eligible aircraft, area navigation systems and in accordance with the lowest RNP authorized listed in Table 1, provided the following conditions are met:

(1) The foreign air carrier must ensure the aircraft is properly certificated and the aircraft/navigation system combination is qualified for RNP SAAAR IAP operations in accordance FAA Advisory Circular (AC) 90-101, Appendix 2 as amended or other means of compliance acceptable to the FAA.

(2) The foreign air carrier must have a Navigation Data Validation Program as part of the manual required by ICAO Annex 6, Part I, 4.2.2, which is approved/accepted by the State of the Operator Civil Aviation Authority (CAA). This Navigation Data Validation Program must meet the requirements of FAA AC 90-101, Appendix 3 as amended.

(3) The foreign air carrier must have established guidance on the conduct of RNP SAAAR IAP operations. These procedures shall be included as part of the manual required by ICAO Annex 6, Part I, 4.2.2, which is approved/accepted by the State of the Operator CAA. These procedures must meet the requirements of FAA AC 90-101, Appendix 4 as amended.

(4) The foreign air carrier must have an RNP SAAAR IAP training and qualification program for pilots and dispatchers, that meets the requirements of FAA AC 90-101, Appendix 5 as amended. The training and qualification program must be approved by the State of the Operator CAA.

(5) The foreign air carrier must have an RNP SAAAR IAP monitoring program to record and report RNP SAAAR IAP performance, in accordance with FAA AC 90-101, Appendix 6 as amended. This program shall be included in the manual required by ICAO Annex 6, Part I, 4.2.2, which is approved/accepted by the State of the Operator CAA.

(6) The aircraft and equipment listed in Table 1 must be maintained in accordance with a program approved by the State of the Operator, which meets the manufacturer's instructions. Additionally for each U.S.-registered aircraft, the Federal Aviation Administration has approved the maintenance program in accordance with 14 CFR Section 129.14.

Table 1 - Aircraft and Navigation Systems Eligible for RNP SAAAR Instrument Approach and Landing Operations and Lowest Authorized RNP

M/M/S	Navigation System M/M/ and Software Version	Limitations	Autopilot Coupled or Flight Director Required and Lowest Authorized RNP Value	
TABL01	TABL02	TABL03	TABL04	TABL05

c. RNP SAAAR IAP equipment required by the Aircraft Flight Manual (AFM), regulation, AC90-101 as amended, and this operations specification must be installed and operational prior to and during any operation to an airport that requires the use of an RNP SAAAR IAP.

d. Flightcrew Qualifications. The flightcrew shall not conduct any operations authorized by this paragraph unless they have successfully completed the foreign air carrier's approved training and qualification program and have been qualified for RNP SAAAR IAP operations.

e. Flight Operations Officer/Flight Dispatcher Qualifications. A flight operations officer/flight dispatcher when employed in conjunction with a method of flight supervision in accordance with Annex 6, Part 1, 4.2.1 shall not release a flight to an airport using a published RNP SAAAR IAP unless the Flight Operations Officer/Flight Dispatcher has successfully completed the foreign air carrier's approved training qualification program and have been qualified for RNP SAAAR IAP dispatch operations.

f. Other Limitations and Provisions.

(1) Prior to conducting any RNP SAAAR IAP operations, the flightcrew and Dispatch (where applicable) must ensure that the aircraft navigation system will provide the navigation performance for the time of operation in accordance with procedures approved/accepted by the State of the Operator CAA. If the RNP SAAAR IAP incorporates altitude constraints the flightcrew must determine that the constraints can be satisfied given the ambient conditions.

(2) An indication must be immediately provided within the primary field of view of each pilot, when the navigation performance of the area navigation system is insufficient to navigate to the degree of accuracy required for RNP SAAAR IAP, prior to being established on a published segment of the procedure or while conducting the RNP SAAAR IAP.

(3) During system initialization, pilots of aircraft equipped with an RNAV-certified system, must confirm that the navigation database is current. Navigation databases are expected to be current for the duration of the flight. If the AIRAC cycle will change during flight, the foreign air carrier must have, and the flightcrew must utilize, procedures approved/accepted by the State of the Operator CAA, to ensure the accuracy of navigation data, including suitability of navigation facilities used to define the routes and procedures for flight. If an amended chart is published for the procedure, the database must not be used to conduct the operation

(4) If the navigation system does not extract and set the RNP value from the on-board navigation database for each leg of the procedure, then the flight crew's operating procedures must ensure that the smallest RNP value required to complete the approach or the missed approach is selected before initiating the approach (e.g., before the initial approach fix (IAF)).

(5) The flight crew must verify GNSS updating is available prior to commencing the RNP SAAAR approach. During the approach, if at any time GNSS updating is lost and the navigation system does not have the performance to continue the approach, the flight crew must abandon the RNP SAAAR approach unless visual conditions exist between the aircraft and the runway of intended landing.

TEXT01

TEXT99

Discussion

The ARC membership has raised a number of issues with respect to OpSpecs paragraphs C052 and C384. Generally, the opinion of the ARC is that these paragraphs do not fully address the types of operations available or becoming available in the United States. Specific issues noted by ARC members include the following:

- The OpSpecs fail to distinguish between RNAV–GPS and RNAV–GNSS.

- The OpSpecs fail to distinguish between RNAV–GPS to a minimum descent altitude, RNAV–GPS to a decision altitude, and RNAV–GPS required navigation performance approaches.

- Table 1 of OpSpecs paragraph C384 refers to items such as the version of navigation system software installed. It was pointed out that this information may not be meaningful to principal operations inspectors authorizing OpSpecs for operators.

- Recent revisions of paragraph C052 could be interpreted as requiring FAA inspectors to observe flightdeck operations by foreign commercial air transport operators.

The ARC is of the opinion that meaningful guidance will require substantial revisions to paragraphs C052, C384, and/or other OpSpecs paragraphs. The ARC recommends that the OSWG undertake an in-depth, substantive review of these paragraphs.

The question was also raised of the impact of locking the part 129 OpSpecs paragraphs in conjunction with the transition to WebOPSS, particularly what effect locking would have on the work of the ARC and the OSWG.

The ARC requires clarification as to who is authorized to sign off this paragraph.

H101 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

H101. Terminal Instrument Procedures – Helicopters **HQ Control: 06/07/02**
HQ Revision: 02a

a. The foreign air carrier is authorized to conduct terminal instrument operations using the procedures and minimums specified in these operations specifications, provided one of the following conditions is met:

(1) The terminal instrument procedure used is prescribed by these operations specifications.

(2) The terminal instrument procedure used is prescribed by 14 CFR Part 97, Standard Instrument Approach Procedures.

(3) At U.S. military airports, the terminal instrument procedure used is prescribed by the U.S. military agency operating the airport.

b. Lower than standard takeoff minimums exercised by the foreign air carrier as described in these operations specifications shall not be less than those lower than standard takeoff minimums that are authorized by the foreign air carrier's regulatory authority.

c. The foreign air carrier shall use the following conversion tables to convert any takeoff and landing minimum expressed in the metric linear measurement system to the U.S. standard linear measurement system.

Table 1

RVR Conversion	
Feet	**Meters**
300 ft	75 m
400 ft	125 m
500 ft	150 m
600 ft	175 m
700 ft	200 m
1000 ft	300 m
1200 ft	350 m
1600 ft	500 m
1800 ft	550 m
2000 ft	600 m
2100 ft	650 m
2400 ft	750 m
3000 ft	1000 m
4000 ft	1200 m
4500 ft	1400 m
5000 ft	1500 m
6000 ft	1800 m

Table 2

Meteorological Visibility Conversion		
Statute Miles	**Meters**	**Nautical Miles**
¼ sm	400 m	¼ nm
3/8 sm	600 m	3/8 nm
1/2 sm	800 m	1/2 nm
5/8 sm	1000 m	5/8 nm
3/4 sm	1200 m	7/10 nm
7/8 sm	1400 m	7/8 nm
1 sm	1600 m	9/10 nm
1 1/8 sm	1800 m	1 1/8 nm
1 ¼ sm	2000 m	1 1/10 nm
1 ½ sm	2400 m	1 3/10 nm
1 ¾ sm	2800 m	1 ½ nm
2 sm	3200 m	1 ¾ nm
2 ¼ sm	3600 m	2 nm
2 ½ sm	4000 m	2 2/10 nm
2 ¾ sm	4400 m	2 4/10 nm
3 sm	4800 m	2 6/10 nm

TEXT99

Discussion

The ARC notes that the text of paragraph H101 parallels that of C051. The ARC believes that OpSpec paragraphs C051 and H101 contain universal requirements applicable to all foreign commercial air transport operators. The ARC refers consideration of the paragraphs to the

OSWG with a recommendation that they be eliminated, and recommends that language addressing their subject matter be included in revisions to part 129. The ARC's draft rule language is currently contained in § 129.XXk.

Recommended Revisions

[Elimination of Paragraph]

Resulting Text

[None]

Existing Text

H102. Basic Instrument Approach Procedure Authorizations - All Airports - Helicopters **HQ Control: 07/09/03** **HQ Revision: 020**

a. The foreign air carrier is authorized to conduct the following types of instrument approach procedures and shall not conduct any other types.

Instrument Approach Procedures (Other Than ILS, MLS &GLS) Nonprecision Approaches Without Vertical Guidance	Instrument Approach Procedures (Other Than ILS, MLS & GLS) Precision-Like Approaches With Vertical Guidance	Precision Approach Procedures (ILS, MLS, GLS & PAR)
TABL01	TABL02	TABL03

b. Conditions and Limitations.

(1) All the approaches referenced in this Operations Specification must be adopted in accordance with Title 14 of the Code of Federal Regulations (14 CFR) Part 97.

(2) The use of any approach by a foreign air carrier shall be subject to any conditions or limitations imposed by the state of the operator, provided such conditions or limitations are more restrictive than the minimum standards set forth in an approach adopted under 14 CFR Part 97.

(3) Approach procedures listed in column 1 of this Operations Specification must be trained and conducted in accordance with an approved procedure that assures descent will not go below Minimum Descent Altitude (MDA) unless the required visual references for continuing the approach are present.

(4) Approach procedures listed in column 2 of this Operations Specification authorize the foreign air carrier to conduct instrument approach procedures approved with vertical guidance that provides a precision-like approach and are to be trained using an approved method that allows descent to a published decision altitude (DA).

(5) Unless ILS/PRM and/or LDA/PRM type approaches are specifically shown as authorized in the table in subparagraph a. above, foreign air carriers shall not accept PRM approaches at any U.S. airport. PRM approach procedures require specific qualification and training. Foreign air carriers that plan to use U.S. airports as destination or alternates when PRM operations are in affect, and are not authorized to conduct PRM approach procedures, must contact FAA ATCSCC directly at 1-800-333-4286. Carriers who have not contact ATCCSCC in advance and are unable to conduct PRM operations, accept for safety of flight situations, risk being diverted to another airport. Foreign air carriers should refer to the latest version of FAA Advisory Circular 90-98.

TEXT99

Discussion

The ARC notes that paragraph H102 address subject matter similar to that addressed by existing paragraph C052. In conjunction with recommended revisions to paragraph C052, the ARC recommends that the language of C052 be drafted to address both fixed- and rotor-wing aircraft operations, and refers consideration of paragraph H102 to the OSWG with a recommendation that it be deleted. Refer to the discussion for C052 for more information.

Recommended Revisions

[Elimination of Paragraph]

Resulting Text

[None]

Existing Text

H103. Straight-In Category I Non-Precision Approach Procedures - All Airports - Helicopters **HQ Control: 04/30/02** **HQ Revision: 010**

a. Except as provided in this paragraph, the foreign air carrier shall not use any Category I IFR landing minimum lower than that prescribed by any applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest authorized (other than Airborne Radar approaches) for use at any airport. Provided that the fastest approach speed used in the final approach segment is less than 91 knots, the foreign air carrier is authorized to conduct straight-in instrument approach procedures using the following:

(1) The published Category A minimum descent altitude (MDA) or decision height (DH), as appropriate.

(2) One-half of the published Category A visibility/RVR minimum or the visibility/RVR minimums prescribed by this paragraph, whichever is higher.

b. Straight-In Category I Nonprecision Approach Procedures. The foreign air carrier shall not use an IFR landing minimum for straight-in nonprecision approach procedures, lower than that specified in the following table. Touchdown Zone (TDZ) RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway. (See NOTE 7.)

NONPRECISION APPROACHES					
Approach Light Configuration	**HAT (See NOTES 1, 2,& 3)**	**Helicopters Operated at Speeds of 90 kts or Less (see NOTE 6)**		**Helicopters Operated at Speeds More Than 90 Knots**	
		Visibility In SM.	**TDZ RVR In Feet**	**Visibility In SM.**	**TDZ RVR In Feet**
No Lights	250	3/8	2000	1	5000
ODALS or MALS or SALS	250	3/8 (See NOTE 5)	1600 (See NOTE 5)	3/4	4000
MALSR or SSALR or ALSF-1 or ALSF-2	250	1/4 (See NOTE 5)	1600 (See NOTE 5)	1/2 (See NOTE 4)	2400 (See NOTE 4)
DME ARC any light configuration	500	3/4	4000	1	5000

NOTE 1: For NDB approaches with a FAF, add 50 ft. to the HAT.
NOTE 2: For NDB approaches without a FAF, add 100 ft. to the HAT.
NOTE 3: For VOR approaches without a FAF, add 50 ft. to the HAT.
NOTE 4: For NDB approaches, the lowest authorized visibility is 3/4 and the lowest RVR is RVR 4000.
NOTE 5: For NDB approaches, the lowest authorized visibility is 3/8 and the lowest RVR is RVR 2000.
NOTE 6: A visual descent gradient of 6 degrees or more is required and must be used when operating with these minimums.
NOTE 7: The Mid RVR and Rollout RVR reports (if available) provide advisory information to pilots. The Mid RVR report may be substituted for the TDZ RVR report if the TDZ RVR report is not available.

TEXT99

Discussion

The ARC recommends minor revisions to the language of paragraph H103 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator. The ARC also recommends that a section addressing helicopter operations be added to part 129. The ARC's recommended language is contained in § 129.XXt.

Recommended Revisions

H103. Straight-In Category I Non-Precision Approach Procedures - All Airports - Helicopters **HQ Control: ~~04/30/02~~** **HQ Revision: ~~010~~**

a. Except as provided in this paragraph, the ~~foreign air carrier~~foreign commercial air transport operator shall not use any Category I IFR landing minimum lower than that prescribed by any applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest authorized (other than Airborne Radar approaches) for use at any airport. Provided that the fastest approach speed used in the final approach segment is less than 91 knots, the ~~foreign air carrier~~foreign commercial air transport operator is authorized to conduct straight-in instrument approach procedures using the following:
   (1) The published Category A minimum descent altitude (MDA) or decision height (DH), as appropriate.
   (2) One-half of the published Category A visibility/RVR minimum or the visibility/RVR minimums prescribed by this paragraph, whichever is higher.

b. Straight-In Category I Nonprecision Approach Procedures. The ~~foreign air carrier~~foreign commercial air transport operator shall not use an IFR landing minimum for straight-in nonprecision approach procedures, lower than that specified in the following table. Touchdown Zone (TDZ) RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway. (See NOTE 7.)

* * *

Resulting Text

H103. Straight-In Category I Non-Precision Approach Procedures - All Airports - Helicopters **HQ Control:** **HQ Revision:**

a. Except as provided in this paragraph, the foreign commercial air transport operator shall not use any Category I IFR landing minimum lower than that prescribed by any applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest authorized (other than Airborne Radar approaches) for use at any airport. Provided that the fastest approach speed used in the final approach segment is less than 91 knots, the foreign commercial air transport operator is authorized to conduct straight-in instrument approach procedures using the following:
   (1) The published Category A minimum descent altitude (MDA) or decision height (DH), as appropriate.
   (2) One-half of the published Category A visibility/RVR minimum or the visibility/RVR minimums prescribed by this paragraph, whichever is higher.

b. Straight-In Category I Nonprecision Approach Procedures. The foreign commercial air transport operator shall not use an IFR landing minimum for straight-in nonprecision approach procedures, lower than that specified in the following table. Touchdown Zone (TDZ) RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway. (See NOTE 7.)

* * *

Existing Text

H104. Helicopter En Route Descent Areas **HQ Control: 04/30/02**
HQ Revision: 010

The foreign air carrier is authorized to conduct IFR helicopter operations using helicopter en route descent procedures within the areas authorized in this paragraph provided the foreign air carrier is authorized by the State of the Operator to use helicopter enroute descent procedures. The foreign air carrier shall conduct all helicopter en route descent operations in compliance with the lowest authorized altitudes (LAA), limitations, and other conditions specified in this paragraph.

a. Special Limitations.

(1) The descent area must be entirely over water.

(2) Descent below 700 feet above the surface is not authorized whenever any of the following conditions exist:

(a) Any obstruction is detected in the helicopter en route descent area;

(b) A radio altimeter is not installed or is inoperative or

(c) Surface mapping radar is not installed or is inoperative.

(3) The lowest altitude used for IFR flight in any helicopter en route descent area shall not be lower than 400 feet above the surface.

b. Authorized Helicopter En Route Descent Operations. The lowest authorized altitudes for IFR flight and the authorized helicopter en route descent areas are specified in the following table.

Authorized Helicopter En Route Descent Areas	Lowest Authorized Altitude (LAA)	Remarks, Limitations, and Conditions
TABL01	TABL02	TABL03

TEXT99

Discussion

The ARC recommends minor revisions to the language of paragraph H104 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator. The ARC also recommends that a section addressing helicopter operations be added to part 129. The ARC's recommended language is contained in § 129.XXt.

H106 | Existing Text | Discussion | Recommended Revisions | Resulting Text

Existing Text

H106. IFR Standard Takeoff Minimums, Helicopter Operations **HQ Control: 10/17/02**
HQ Revision: 01a

The standard takeoff minimums are defined as ½ statute mile visibility or RVR 2400 for helicopters. RVR reports, when available for a particular runway, shall be used for all takeoff operations on that runway. All takeoff operations, based on RVR, must use RVR reports from the locations along the runway specified in this paragraph.

a. When a takeoff minimum is not published, the foreign air carrier may use the standard takeoff minimum and any lower than standard takeoff minimums authorized by paragraph H116 of these operations specifications. When standard takeoff minimums or greater are used, the Touchdown Zone RVR report, if available, is controlling.

b. When a published takeoff minimum is greater than the standard takeoff minimum and an alternate procedure (such as a minimum climb gradient compatible with aircraft capabilities) is not prescribed, the foreign air carrier shall not use a takeoff minimum lower than the published minimum. The Touchdown Zone RVR report, if available, is controlling.

TEXT01

TEXT99

Discussion

The ARC recommends minor revisions to the language of paragraph H106 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Beyond any revisions to paragraph H106, the ARC also recommends the addition of a new rule section, tentatively designated as § 129.XXn, to clarify that operators may not use takeoff minimums lower than those specified in the operator's OpSpecs. Minimums lower than those approved by the CAA of the State of the operator are also unauthorized.

Existing Text

H116. IFR Lower Than Standard Takeoff Minimums, Helicopter Operations **HQ Control: 04/30/02** **HQ Revision: 010**

The standard takeoff minimums are defined as 1/2 statute mile visibility or RVR 2400 for helicopters. RVR reports, when available for a particular runway, shall be used for all takeoff operations on that runway. All takeoff operations, based on RVR, must use RVR reports from the locations along the runway specified in this paragraph and paragraph H106.

a. Lower than standard takeoff minimums exercised by the foreign air carrier under these operations specifications shall not be less than those lower than standard takeoff minimums that are authorized by the State of the Operator.

b. When takeoff minimums are less than the standard takeoff minimum and the operation is conducted in compliance with the provisions and limitations of subparagraph b., the foreign air carrier is authorized to use the lower than standard minimums described below:

(1) Visibility or RVV 1/4 statute mile or Touchdown Zone RVR 1200, provided at least one of the following visual aids is available. The Touchdown Zone RVR report, if available, is controlling. The Mid RVR report may be substituted for the Touchdown Zone RVR report if the Touchdown Zone RVR report is not available.

(a) Operative high intensity runway lights (HIRL).

(b) Operative runway centerline lights (CL).

(c) Runway centerline marking (RCLM).

(d) In circumstances when none of the above visual aids are available, visibility or RVV 1/4 statute mile may still be used, provided the other runway markings or runway lighting provide pilots with adequate visual reference to continuously identify the takeoff surface and maintain directional control throughout the takeoff run.

(2) Touchdown Zone RVR 600 (beginning of takeoff run), Mid RVR 600, and Rollout RVR 600, provided all of the following visual aids and RVR equipment are available. The Mid RVR report may be substituted for the Touchdown Zone RVR report if the Touchdown Zone RVR report is not available.

(a) Operative runway centerline lights (CL);

(b) Runway centerline markings (RCLM) and

(c) Operative Touchdown Zone and Rollout RVR reporting systems serving the runway to be used, both of which are controlling, or three RVR reporting systems serving the runway to be used, all of which are controlling. However, if one of the three RVR reporting systems has failed, a takeoff is authorized, provided the remaining two RVR values are at or above the appropriate takeoff minimum as listed in this subparagraph.

c. The foreign air carrier shall conduct all operations using the lower than standard takeoff minimums described in subparagraph a. above in compliance with the following limitations:

(1) Each aircraft must be operated with a flightcrew consisting of at least two pilots. Use of an autopilot in lieu of a required second-in-command is not authorized.

(2) Each pilot station must have operational equipment, which displays a reliable indication of the following:

(a) Aircraft pitch and bank information, from a gyroscopic source.

(b) Aircraft heading, from a gyroscopic source.

(c) Vertical speed.

(d) Airspeed.

(e) Altitude.

(3) Each pilot station must have an independent source of power for the equipment required in subparagraphs b(2)(a) and b(2)(b).

(4) Each pilot-in-command must have at least 100 hours flight time as pilot-in-command in the specific make and model aircraft used under this authorization and must have satisfactorily completed the foreign air carrier's approved training program for the minimums authorized by subparagraph d. which includes the methods used to ensure compliance with the performance limitations in subparagraph b(6), when applicable.

(5) Any second-in-command authorized by the foreign air carrier to manipulate the flight controls during takeoff (using the minimums authorized by subparagraph a) must have at least 100 hours flight time as a pilot in the specific make and model aircraft and must have satisfactorily completed the foreign air carrier's approved training program for those minimums.

(6) For takeoffs when the RVR is less than Touchdown Zone RVR 1200 and Rollout RVR 1000, each helicopter used must be operated at a takeoff weight not greater than the weight at which the helicopter, with an engine failure at any point in the takeoff path can meet either subparagraph (a) or (b) below.

(a) Return to, and stop safely on, the takeoff area.

(b) Continue the takeoff and clear all obstacles along the takeoff path by either a height of 35 feet vertically or 200 feet horizontally within the airport boundaries and 300 feet horizontally after passing the airport boundaries. In these operations specifications the takeoff path extends from a standing start to a point in the takeoff at which the helicopter is 1500 feet above the takeoff surface, or a point at which the transition from the takeoff configuration to the en route configuration is completed, whichever is higher.

TEXT99

Discussion

The ARC recommends minor revisions to the language of paragraph H116 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator.

Beyond any revisions to paragraph H116, the ARC also recommends the addition of a new rule section, tentatively designated as § 129.XXn, to clarify that operators may not use takeoff

minimums lower than those specified in the operator's OpSpecs. Minimums lower than those approved by the CAA of the State of the operator are also unauthorized.

Existing Text

H117. Straight-in Category I Precision Instrument Approach Procedures - All Airports **HQ Control: 04/30/02** **HQ Revision: 010**

a. The foreign air carrier shall not use any Category I IFR landing minimum lower than that prescribed by any applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest authorized (other than Airborne Radar approaches) for use at any airport. Provided that the fastest approach speed used in the final approach segment is less than 91 knots, the foreign air carrier is authorized to conduct straight-in precision instrument approach procedures using the following:

(1) The published Category A minimum descent altitude (MDA) or decision height (DH), as appropriate.

(2) One-half of the published Category A visibility/RVR minimum or the visibility/RVR minimums prescribed by this paragraph, whichever is higher.

b. Straight-In Category I Precision Approach Procedures. The foreign air carrier shall not use an IFR landing minimum for straight-in precision approach procedures lower than that specified in the following table. Touchdown zone RVR reports, when available for a particular runway, are controlling for all approaches to and landings on that runway. (See NOTE 2.)

Precision Approaches	**Full ILS (See NOTE 1), MLS, or PAR**				
Approach Light Configuration	**HAT**	**Helicopters Operated at Speeds of 90 Knots or Less**		**Helicopters Operated at Speeds More Than 90 Knots**	
		Visibility In SM.	**TDZ RVR In Feet**	**Visibility In SM.**	**TDZ RVR In Feet**
No Lights or ODALS or MALS or SSALS	200	3/4	3500	3/4	4000
MALSR or SSALR or ALSF-1 or ALSF-2	200	1/4	1600	1/2	2400
MALSR with TDZ and CL or SSALR with TDZ and CL or ALSF-1/ALSF-2 with TDZ and CL	200	1/4	1600	1/2	1800

NOTE 1: A full ILS requires an operative LOC, GS, and OM or FAF. A precision or surveillance radar fix, an NDB, VOR, DME fix, or a published minimum GSIA fix may be used in lieu of an outer marker.
NOTE 2: The Mid RVR and Rollout RVR reports (if available) provide advisory information to pilots. The Mid RVR report may be substituted for the TDZ RVR report if the TDZ RVR report is not available.

TEXT99

Discussion

The ARC recommends minor revisions to the language of paragraph H117 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator. The ARC also recommends that a section addressing helicopter operations be added to part 129. The ARC's recommended language is contained in § 129.XXt.

H118	Existing Text	Discussion	Recommended Revisions	Resulting Text

Existing Text

H118. Category I IFR Landing Minimums - Circle-to-Land Approach Maneuver **HQ Control: 04/30/02** **HQ Revision: 010**

a. Except as provided in this paragraph, the foreign air carrier shall not use any Category I IFR landing minimum lower than that prescribed by any applicable published instrument approach procedure. The IFR landing minimums prescribed in this paragraph are the lowest authorized (other than Airborne Radar approaches) for use at any airport. The foreign air carrier is authorized to conduct circling maneuvers using the following:

b. Circling Maneuvers. The foreign air carrier shall not conduct circling maneuvers when the ceiling is less than 1000 feet or the visibility is less than 3 statute miles, unless the maneuver has bee specifically authorized by the State of the Operator, and appropriate pilot training and checking has been accomplished by the foreign air carrier for circling maneuvers. The foreign air carrier shall not use a speed during the circling maneuver, which is slower than the approved Instrument Flight Minimum Speed (V-mini) specified in the FAA approved Rotorcraft Flight Manual or foreign equivalent if applicable. When conducting an instrument approach procedure which requires a circling maneuver to the runway of intended landing, the foreign air carrier shall not use a landing minimum lower than the minimum prescribed for the applicable circling maneuver or a landing minimum lower than specified in the following table, whichever is higher. The lowest authorized IFR landing minimum for instrument approaches which require a circling maneuver to the runway of intended landing shall be determined for a particular aircraft by using the speed category appropriate to the highest speed used during the circling maneuver.

Speed Category	HAA	Visibility in Statute Miles
Less than 91 kts.	350	1
91 to 120 kts.	450	1
121 to 140 kts.	450	1 1/2
141 to 165 kts.	550	2
Above 165 kts.	1000	3

TEXT99

Discussion

The ARC recommends minor revisions to the language of paragraph H118 to reflect its recommendation that the term foreign air carrier be replaced with foreign commercial air transport operator. The ARC also recommends that a section addressing helicopter operations be added to part 129. The ARC's recommended language is contained in § 129.XXt.

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APPENDIX A
14 CFR PART 129 – EXISTING TEXT

Title 14: Aeronautics and Space
PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

CONTENTS

Special Federal Aviation Regulation No. 97
Editorial Note: For the text of SFAR No. 97, see part 91 of this chapter.

Subpart A—General

§ 129.1 Applicability and definitions.

(a) Foreign air carrier operations in the United States. This part prescribes rules governing the operation within the United States of each foreign air carrier holding the following:

(1) A permit issued by the Civil Aeronautics Board or the U.S. Department of Transportation under 49 U.S.C. 41301 through 41306 (formerly section 402 of the Federal Aviation Act of 1958, as amended), or

(2) Other appropriate economic or exemption authority issued by the Civil Aeronautics Board or the U.S. Department of Transportation.

(b) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (a) of this section, §§129.14, 129.16, 129.20, 129.24, 129.32 and 129.33 also apply to U.S.-registered aircraft operated solely outside the United States in common carriage by a foreign person or foreign air carrier.

(c) Definitions. For the purpose of this part—

(1) Foreign person means any person who is not a citizen of the United States and who operates a U.S.-registered aircraft in common carriage solely outside the United States.

(2) Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.

§ 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 markings of each U.S.-registered aircraft.

(5) Registration and markings of each aircraft that meets equipment requirements of §129.28(a).

(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.

(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.

§ 129.13 Airworthiness and registration certificates.

(a) Except as provided in §129.28(b) of this part, 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.

(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.

§ 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.

§ 129.17 Aircraft communication and navigation equipment for operations under IFR or over the top.

(a) Aircraft navigation equipment requirements—General. No foreign air carrier may conduct operations under IFR or over the top unless—

(1) The en route navigation aids necessary for navigating the aircraft along the route (e.g., ATS routes, arrival and departure routes, and instrument approach procedures, including

missed approach procedures if a missed approach routing is specified in the procedure) are available and suitable for use by the aircraft navigation equipment required by this section;

(2) The aircraft used in those operations is equipped with at least the following—

(i) Except as provided in paragraph (c) of this section, two approved independent navigation systems suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC;

(ii) One marker beacon receiver providing visual and aural signals; and

(iii) One ILS receiver; and

(3) Any RNAV system used to meet the navigation equipment requirements of this section is authorized in the foreign air carrier's operations specifications.

(b) Aircraft communication equipment requirements. No foreign air carrier may operate an aircraft under IFR or over the top, unless it is equipped with—

(1) At least two independent communication systems necessary under normal operating conditions to fulfill the functions specified in §121.347(a) of this chapter; and

(2) At least one of the communication systems required by paragraph (b)(1) of this section must have two-way voice communication capability.

(c) Use of a single independent navigation system for operations under IFR or over the top. Notwithstanding the requirements of paragraph (a)(2)(i) of this section, the aircraft may be equipped with a single independent navigation system suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC if:

(1) It can be shown that the aircraft is equipped with at least one other independent navigation system suitable, in the event of loss of the navigation capability of the single independent navigation system permitted by this paragraph at any point along the route, for proceeding safely to a suitable airport and completing an instrument approach; and

(2) The aircraft has sufficient fuel so that the flight may proceed safely to a suitable airport by use of the remaining navigation system, and complete an instrument approach and land.

(d) VOR navigation equipment. If VOR navigation equipment is required by paragraph (a) or (c) of this section, no foreign air carrier may operate an aircraft unless it is equipped with at least one approved DME or suitable RNAV system.

§ 129.18 Collision avoidance system.

Effective January 1, 2005, any airplane you, as a foreign air carrier, operate under part 129 must be equipped and operated according to the following table:

Collision Avoidance Systems

If you operate in the United States any . . .	Then you must operate that airplane with:
(a) Turbine-powered airplane of more than 33,000 pounds maximum certificated takeoff weight	(1) An appropriate class of Mode S transponder that meets Technical Standard Order (TSO) C–112, or a later version, and one of the followign approved units; (i) TCAS II that meets TSO C–119b (version 7.0), or takeoff weight a later version.
	(ii) TCAS II that meets TSO C–119a (version 6.04A Enhanced) that was installed in that airplane before May 1, 2003. If that TCAS II version 6.04A Enhanced no longer can be repaired to TSO C–119a standards, it must be replaced with a TCAS II that meets TSO C–119b (version 7.0), or a later version. (iii) A collision avoidance system equivalent to TSO C–119b

	(version 7.0), or a later version, capable of coordinating with units that meet TSO C–119a (version 6.04A Enhanced), or a later version.
(b) Turbine-powered airplane with a passenger-seat configuration, excluding any pilot seat, or 10–30 seats	(1) TCAS I that meets TSO C–118, or a later version, or (2) A collision avoidance system equivalent to excluding any TSO C–118, or a later version, or (3) A collision avoidance system and Mode S transponder that meet paragraph (a)(1) of this section.

§ 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.

§ 129.21 Control of traffic.

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

(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak English and the language necessary to maintain communications with its aircraft and must assist station operators in directing traffic.

§ 129.22 Communication and navigation equipment for rotorcraft operations under VFR over routes navigated by pilotage.

(a) No foreign air carrier may operate a rotorcraft under VFR over routes that can be navigated by pilotage unless the rotorcraft is equipped with the radio communication equipment necessary under normal operating conditions to fulfill the following:

(1) Communicate with at least one appropriate station from any point on the route;

(2) Communicate with appropriate air traffic control facilities from any point within Class B, Class C, or Class D airspace, or within a Class E surface area designated for an airport in which flights are intended; and

(3) Receive meteorological information from any point en route.

(b) No foreign air carrier may operate a rotorcraft at night under VFR over routes that can be navigated by pilotage unless that rotorcraft is equipped with—

(1) Radio communication equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section; and

(2) Navigation equipment suitable for the route to be flown.

§ 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 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.

§ 129.24 Cockpit voice recorders.

No person may operate an aircraft under this part that is registered in the United States unless it is equipped with an approved cockpit voice recorder that meets the standards of TSO–C123a, or later revision. The cockpit voice recorder must record the information 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 that part, as applicable to the aircraft.

§ 129.25 Airplane security.
Foreign air carriers conducting operations under this part must comply with the applicable security requirements in 49 CFR chapter XII.

§ 129.28 Flightdeck security.
(a) After August 20, 2002, except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by §129.1(a), may operate:

(1) A passenger carrying transport category airplane within the United States, except for overflights, unless the airplane is equipped with a door between the passenger and pilot compartment that incorporates features to restrict the unwanted entry of persons into the flightdeck that are operable from the flightdeck only; or

(2) A transport category all-cargo airplane within the United States, except for overflights, that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, unless the door incorporates features to restrict the unwanted entry of persons into the flightdeck that are operable from the flightdeck only.

(b) To the extent necessary to meet the requirements of paragraph (a) of this section, the requirements of §129.13(a) to maintain airworthiness certification are waived until April 9, 2003. After that date, the requirements of §129.13(a) apply in full.

(c) After April 9, 2003, except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by §129.1(a) may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, within the United States, except for overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (c)(1) and (2) of this section or an alternative standard found acceptable to the Administrator.

(1) Except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by §129.1(a) may operate:

(i) After April 9, 2003, a passenger carrying transport category airplane within the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (c)(2) and (c)(3) of this section or an alternative standard found acceptable to the Administrator.

(ii) After October 1, 2003, a transport category all-cargo airplane that had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, within the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (c)(2) and (c)(3) of this section or an alternative standard found acceptable to the Administrator; or the operator must implement a security program approved by the Transportation Security Administration (TSA) for the operation of all airplanes in that operator's fleet.

(2) The door must resist forcible intrusion by unauthorized persons and be capable of withstanding impacts of 300 joules (221.3 foot-pounds) at the critical locations on the door, as well as a 1,113-newton (250 pounds) constant tensile load on the knob or handle, and

(3) The door must resist penetration by small arms fire and fragmentation devices to a level equivalent to Level IIIa of the National Institute of Justice Standard (NIJ) 0101.04.

(d) After August 20, 2002, no foreign air carrier covered by §129.1 may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, within the United States, except for overflights, unless the carrier has procedures in place that are acceptable to the civil aviation authority responsible for oversight of the foreign air carriers operating under this part to prevent access to the flightdeck except as authorized as follows:

(1) No person other than a person who is assigned to perform duty on the flight deck may have a key to the flight deck door that will provide access to the flightdeck.

(2) Except when it is necessary to permit access and egress by persons authorized in accordance with paragraph (d)(3) of this section, a pilot in command of an airplane that has a lockable flight deck door in accordance with §129.28(a) and that is carrying passengers shall ensure that the door separating the flight crew compartment from the passenger compartment is closed and locked at all times when the airplane is being operated.

(3) No person may admit any person to the flight deck of an airplane unless the person being admitted is—

(i) A crewmember,

(ii) An inspector of the civil aviation authority responsible for oversight of the part 129 operator, or

(iii) Any other person authorized by the civil aviation authority responsible for oversight of the part 129 operator.

(e) The requirements of paragraph (a) through (d) except (d)(3), do not apply to transport category passenger carrying airplanes originally type certificated with a maximum passenger seating configuration of 19 seats or less, or to all-cargo airplanes with a payload capacity of 7,500 pounds or less.

§ 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 during any scheduled passenger interstate or intrastate air transportation.

Subpart B—Continued Airworthiness and Safety Improvements

§ 129.101 Purpose and definition.

(a) This subpart requires a foreign person or foreign air carrier operating a U.S. registered airplane in common carriage to support the continued airworthiness of each airplane. These requirements may include, but are not limited to, revising the maintenance program, incorporating design changes, and incorporating revisions to Instructions for Continued Airworthiness.

(b) For purposes of this subpart, the “FAA Oversight Office” is the aircraft certification office or office of the Transport Airplane Directorate with oversight responsibility for the relevant type certificate or supplemental type certificate, as determined by the Administrator.

§ 129.103 [Reserved]

§ 129.105 Aging airplane inspections and records reviews for U.S.-registered multiengine aircraft.

(a) Operation after inspection and records review. After the dates specified in this paragraph, a foreign air carrier or foreign person may not operate a U.S.-registered multiengine airplane under this part unless the Administrator has notified the foreign air carrier or foreign person that the Administrator has completed the aging airplane inspection and records review required by

this section. During the inspection and records review, the foreign air carrier or foreign person must demonstrate to the Administrator that the maintenance of age sensitive parts and components of the airplane has been adequate and timely enough to ensure the highest degree of safety.

(1) Airplanes exceeding 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 24 years in service on December 8, 2003, no later than December 5, 2007, and thereafter at intervals not to exceed 7 years.

(2) Airplanes exceeding 14 years in service but not 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 14 years in service, but not 24 years in service, on December 8, 2003, no later than December 4, 2008, and thereafter at intervals not to exceed 7 years.

(3) Airplanes not exceeding 14 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has not exceeded 14 years in service on December 8, 2003, no later than 5 years after the start of the airplane's 15th year in service and thereafter at intervals not to exceed 7 years.

(b) Unforeseen schedule conflict. In the event of an unforeseen scheduling conflict for a specific airplane, the Administrator may approve an extension of up to 90 days beyond an interval specified in paragraph (b) of this section.

(c) Airplane and records availability. The foreign air carrier or foreign person must make available to the Administrator each U.S.-registered multiengine airplane for which an inspection and records review is required under this section, in a condition for inspection specified by the Administrator, together with the records containing the following information:

(1) Total years in service of the airplane;

(2) Total time in service of the airframe;

(3) Total flight cycles of the airframe;

(4) Date of the last inspection and records review required by this section;

(5) Current status of life-limited parts of the airframe;

(6) Time since the last overhaul of all structural components required to be overhauled on a specific time basis;

(7) Current inspection status of the airplane, including the time since the last inspection required by the inspection program under which the airplane is maintained;

(8) Current status of applicable airworthiness directives, including the date and methods of compliance, and if the airworthiness directive involves recurring action, the time and date when the next action is required;

(9) A list of major structural alterations; and

(10) A report of major structural repairs and the current inspection status for those repairs.

(d) Notification to Administrator. Each foreign air carrier or foreign person must notify the Administrator at least 60 days before the date on which the airplane and airplane records will be made available for the inspection and records review.

§ 129.107 Repairs 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 60,00 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) [Reserved]

§ 129.109 Supplemental inspections for U.S.-registered aircraft.

(a) Applicability. This section applies to U.S.-registered, transport category, turbine powered airplanes with a type certificate issued after January 1, 1958 that as a result of original type certification or later increase in capacity have—

(1) A maximum type certificated passenger seating capacity of 30 or more; or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) General requirements. After December 20, 2010, a certificate holder may not operate an airplane under this part unless the following requirements have been met:

(1) Baseline Structure. The certificate holder's maintenance program for the airplane includes FAA-approved damage-tolerance-based inspections and procedures for airplane structure susceptible to fatigue cracking that could contribute to a catastrophic failure. For the purpose of this section, this structure is termed “fatigue critical structure.”

(2) Adverse effects of repairs, alterations, and modifications. The maintenance program for the airplane includes a means for addressing the adverse effects repairs, alterations, and modifications may have on fatigue critical structure and on inspections required by paragraph (b)(1) of this section. The means for addressing these adverse effects must be approved by the FAA Oversight Office.

(3) Changes to maintenance program. The changes made to the maintenance program required by paragraph (b)(1) and (b)(2) of this section, and any later revisions to these changes, must be submitted to the Principal Maintenance Inspector for review and approval.

§ 129.111 Electrical wiring interconnection systems (EWIS) maintenance program.

(a) Except as provided in paragraph (f) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of original type certification or later increase in capacity, have—

(1) A maximum type-certificated passenger capacity of 30 or more, or

(2) A maximum payload capacity of 7500 pounds or more.

(b) After March 10, 2011, no foreign person or foreign air carrier may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane includes inspections and procedures for EWIS.

(c) The proposed EWIS maintenance program changes must be based on EWIS Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the provisions of Appendix H of part 25 of this chapter applicable to each affected airplane (including those ICA developed for supplemental type certificates installed on each airplane) and that have been approved by the FAA Oversight Office.

(1) For airplanes subject to §26.11 of this chapter, the EWIS ICA must comply with paragraphs H25.5(a)(1) and (b).

(2) For airplanes subject to §25.1729 of this chapter, the EWIS ICA must comply with paragraph H25.4 and all of paragraph H25.5.

(d) After March 10, 2011, before returning a U.S.-registered airplane to service after any alterations for which EWIS ICA are developed, the foreign person or foreign air carrier must include in the maintenance program for that airplane inspections and procedures for EWIS based on those ICA.

(e) The EWIS maintenance program changes identified in paragraphs (c) and (d) of this section and any later EWIS revisions must be submitted to the Principal Inspector or Flight Standards International Field Office responsible for review and approval.

(f) This section does not apply to the following airplane models:

(1) Lockheed L–188

(2) Bombardier CL–44

(3) Mitsubishi YS–11

(4) British Aerospace BAC 1–11

(5) Concorde

(6) deHavilland D.H. 106 Comet 4C

(7) VFW–Vereinigte Flugtechnische Werk VFW–614

(8) Illyushin Aviation IL 96T

(9) Bristol Aircraft Britannia 305

(10) Handley Page Herald Type 300

(11) Avions Marcel Dassault—Breguet Aviation Mercure 100C

(12) Airbus Caravelle

(13) Lockheed L–300

§ 129.113 Fuel tank system maintenance program.

(a) Except as provided in paragraph (g) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of original type certification or later increase in capacity, have—

(1) A maximum type-certificated passenger capacity of 30 or more, or

(2) A maximum payload capacity of 7500 pounds or more.

(b) For each U.S.-registered airplane on which an auxiliary fuel tank is installed under a field approval, before June 16, 2008, the foreign person or foreign air carrier operating the airplane must submit to the FAA Oversight Office proposed maintenance instructions for the tank that meet the requirements of Special Federal Aviation Regulation No. 88 (SFAR 88) of this chapter.

(c) After December 16, 2008, no foreign person or foreign air carrier may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane has been revised to include applicable inspections, procedures, and limitations for fuel tank systems.
(d) The proposed fuel tank system maintenance program revisions must be based on fuel tank system Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the applicable provisions of SFAR 88 of this chapter or §25.1529 and part 25, Appendix H, of this chapter, in effect on June 6, 2001 (including those developed for auxiliary fuel tanks, if any, installed under supplemental type certificates or other design approval) and that have been approved by the FAA Oversight Office.
(e) After December 16, 2008, before returning a U.S.-registered airplane to service after any alteration for which fuel tank ICA are developed under SFAR 88, or under §25.1529 in effect on June 6, 2001, the foreign person or foreign air carrier must include in the maintenance program for the airplane inspections and procedures for the fuel tank system based on those ICA.
(f) The fuel tank system maintenance program changes identified in paragraphs (d) and (e) of this section and any later fuel tank system revisions must be submitted to the Principal Inspector or Flight Standards International Field Office responsible for review and approval.
(g) This section does not apply to the following airplane models:
(1) Bombardier CL–44
(2) Concorde
(3) deHavilland D.H. 106 Comet 4C
(4) VFW–Vereinigte Flugtechnische Werk VFW–614
(5) Illyushin Aviation IL 96T
(6) Bristol Aircraft Britannia 305
(7) Handley Page Herald Type 300
(8) Avions Marcel Dassault—Breguet Aviation Mercure 100C
(9) Airbus Caravelle
(10) Lockheed L–300

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. Communications facilities. List all 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 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.)

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APPENDIX B
14 CFR PART 129 – PENDING NPRM AMENDMENTS

Title 14: Aeronautics and Space
PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

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Subpart A—General

§ 129.1 Applicability and definitions.

__(a) Foreign air carrier operations in the United States. This part prescribes rules governing the operation within the United States of each foreign air carrier holding the following:

- (1) A permit issued by the ~~Civil Aeronautics Board or the~~ U.S. Department of Transportation under 49 U.S.C. 41301 through 41306 (formerly section 402 of the Federal Aviation Act of 1958, as amended), or
- (2) Other appropriate economic or exemption authority issued by the ~~Civil Aeronautics Board or the~~ U.S. Department of Transportation.

__(b) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (a) of this section, ~~§§~~Secs. 129.14, 129.16, 129.20, 129.24, 129.32, and 129.33 also apply to U.S.-registered aircraft operated solely outside the United States in common carriage by a foreign person or foreign air carrier.

__(c) Definitions. For the purpose of this part~~—~~ --

- (1) Foreign person means any person who is not a citizen of the United States and who operates a U.S.-registered aircraft in common carriage solely outside the United States.
- (2) Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.

(3) Common carriage means holding out or provision of air transportation to the public for compensation or hire. A foreign person or foreign air carrier conducts common carriage when it 'holds itself out' to the public, or a segment of the public, as willing to furnish air transportation with the limits of its facilities to any person who wants it.

§ 129.~~11~~ 5 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 markings of each U.S. registered aircraft.~~

~~(5) Registration and markings of each aircraft that meets equipment requirements of §129.28(a).~~

~~(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.~~

~~(c) No~~ (a) Each foreign air carrier conducting operations within the United States, and each foreign air carrier or foreign person operating U.S. registered aircraft solely outside the United States in common carriage, will conduct its operations in accordance with operations specifications issued by the FAA under this part.

(b) Each foreign air carrier conducting operations within the United States will conduct its operations in accordance with the Standards contained in Annex 1 (Personnel Licensing), Annex 6 (Operation of Aircraft), Part I (International Commercial Air Transport — Aeroplanes) or Part III (International Operations — Helicopters), as appropriate, and in Annex 8 (Airworthiness of Aircraft) to the Convention on International Civil Aviation.

(c) No foreign air carrier may operate to or from locations within the United States without, or in violation of, appropriate operations specifications.

(d) No foreign air carrier or foreign person will operate U.S. registered aircraft solely outside the United States in common carriage without, or in violation of, appropriate operations specifications.

(e) Each foreign air carrier or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal place of business.

(f) Each foreign air carrier will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.

(g) Operations specifications issued under this part are effective until:

(1) The foreign air carrier or foreign person surrenders them to the FAA; or

(2) The FAA suspends, revokes, or otherwise terminates the operations specifications; or

(3) The operations specifications are amended as provided in §129.11.
(h) Within 30 days after a foreign air carrier terminates operations under part 129 of this subchapter, the operations specifications must be surrendered by the foreign air carrier or foreign person to the operations specification-holding international field office.
(i) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under 14 CFR part 125.

§129.7 Application, issuance, or denial of operations specifications.
(a) A foreign air carrier or foreign person applying to the FAA for operations specifications under this part must submit an application—
(1) In a form and manner prescribed by the FAA; and
(2) At least 90 days before the intended date of operation.
(b) A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—
(1) Meets the applicable requirements of this part;
(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;
(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and
(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.
(c) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.

§129.9 Contents of operations specifications.
(a) A foreign air carrier or foreign person authorized operations under this part will be issued only one set of operations specifications regardless of whether the operation is conducted under the provisions of §129.1(a), §129.1(b) or both.
(b) The contents of operations specifications issued to a foreign air carrier conducting operations within the United States under §129.1(a) will include but is not limited to—
(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the foreign air carrier;
(2) The designation of an agent for service who is a permanent resident of, and located within the United States, including the agent's full name and the address of its office or usual place of residence;
(3) The identifying number and validity of the foreign air carrier's Air Operator Certificate issued by the State of the Operator;
(4) The reference to the economic or exemption authority issued by the Department of Transportation;
(5) Any other business names under which the foreign air carrier may operate;
(6) The management personnel;
(7) Any authorized deviation and exemption granted from the requirements of this chapter;
(8) The kinds of operations authorized;
(9) Any special authorizations and limitations;
(10) Any airport limitations;
(11) The scheduled operations, regular, alternate and provisional airports to be used;
(12) The routes or airways to be flown;
(13) Any aircraft interchange agreements and requirements;

(14) Any aircraft wet lease agreements and requirements;
(15) Any limitations and provisions as are necessary to prevent collisions between foreign aircraft and other aircraft;
(16) The type, registration markings, serial number, category and class of each aircraft authorized for use, including aircraft that meet the equipment requirements of §129.28(a);
(17) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and
(18) Any other item the FAA determines is necessary.
(c) The contents of operations specifications issued to a foreign air carrier or foreign person operating U.S.-registered aircraft operated solely outside the United States in common carriage in accordance with §129.1(b) will include but is not limited to—
(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the foreign air carrier or foreign person;
(2) In the case of a foreign air carrier, the identifying number and validity of the foreign air carrier's Air Operator Certificate issued by the State of the Operator;
(3) Any other business names under which the foreign air carrier or foreign person may operate;
(4) Any authorized deviation and exemption granted from the requirements of this chapter;
(5) The type, registration markings, serial number, category and class of each United States registered aircraft authorized for use;
(6) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and
(7) Any other item the FAA determines is necessary.

§ 129.11 Amending operations specifications.
(a) The FAA may amend any operations specifications issued under this part if -
(1) The FAA determines that safety in air commerce and the public interest require the amendment; or
(2) The foreign air carrier or foreign person applies for the amendment, and the FAA determines that safety in air commerce and the public interest allows the amendment.
(b) Except as provided in paragraph (e) of this section, when the FAA initiates an amendment to a foreign air carrier or foreign person's operations specifications, the following procedure applies:
(1) The operations specification-holding international field office notifies the foreign air carrier or foreign person in writing of the proposed amendment.
(2) The operations specification-holding international field office sets a reasonable period (but not less than 7 days) within which the foreign air carrier or foreign person may submit written information, views, and arguments on the amendment.
(3) After considering all material presented, the operations specification-holding international field office notifies the foreign air carrier or foreign person of --
(i) The adoption of the proposed amendment;
(ii) The partial adoption of the proposed amendment; or
(iii) The withdrawal of the proposed amendment.
(4) If the operations specification-holding international field office issues an amendment to the operations specifications, it becomes effective not less than 30 days after the foreign air carrier or foreign person receives notice of it unless -
(i) The operations specification-holding international field office finds under paragraph (e) of this section that there is an emergency requiring immediate action with respect to safety in air commerce; or

(ii) The foreign air carrier or foreign person petitions for reconsideration of the amendment under paragraph (d) of this section.

(c) When the foreign air carrier or foreign person applies for an amendment to its operations specifications, the following procedure applies:

(1) The foreign air carrier or foreign person must file an application to amend its operations specifications --

(i) At least 90 days before the date proposed by the applicant for the amendment to become effective in cases of mergers; acquisitions of airline operational assets that require an additional showing to Department of Transportation for economic authority; major changes in the type of operation and resumption of operations following a suspension of operations as a result of bankruptcy actions, unless a shorter time is approved by the FAA.

(ii) At least 30 days before the date proposed by the applicant for the amendment to become effective in all other cases.

(2) The application must be submitted to the operations specification-holding international field office in a form and manner prescribed by the FAA.

(3) After considering all material presented, the operations specification-holding international field office notifies the foreign air carrier or foreign person of --

(i) The adoption of the applied for amendment;

(ii) The partial adoption of the applied for amendment; or

(iii) The denial of the applied for amendment.

(4) If the operations specification-holding international field office approves the amendment, following coordination with the foreign air carrier or foreign person regarding its implementation, the amendment is effective on the date the FAA approves it.

(d) The foreign air carrier or foreign person may petition for reconsideration of a full or partial adoption of an amendment or a denial of an amendment. When a foreign air carrier or foreign person seeks reconsideration of a decision from the operations specification-holding international field office concerning the amendment of operations specifications, the following procedure applies:

(1) The foreign air carrier or foreign person must petition for reconsideration of that decision within 30 days of the date that the foreign air carrier or foreign person receives a notice of the decision.

(2) The foreign air carrier or foreign person must address its petition to the Director, Flight Standards Service.

(3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of any amendment issued by the operations specification-holding international field office unless the operations specification-holding international field office has found, under paragraph (e) of this section, that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce.

(e) If the operations specification-holding international field office finds that an emergency exists requiring immediate action with respect to safety in air commerce or air transportation that makes the procedures set out in this section impracticable or contrary to the public interest, that office may make the amendment effective the day the foreign carrier or foreign person receives notice of it. In the notice to the foreign air carrier or foreign person, the operations specification-holding international field office will articulate the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment.

§ 129.13 Airworthiness and registration certificates.

~~(a) Except as provided in §129.28(b) of this part, no~~No foreign air carrier may operate any aircraft within the United States unless that aircraft carries a current registration ~~and airworthiness certificates issued or validated by the country of registry~~certificate and displays the nationality and registration markings of ~~that country.~~State of Registry, and an airworthiness certificate issued or validated

~~(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.~~

(a) By the State of Registry; or

(b) By the State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers 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~~FAA in FAA operations specifications.

(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.
- (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~~operations specification permitting the operator to use an approved minimum equipment list is carried aboard the aircraft. The minimum equipment list and the ~~letter of authorization~~operations specification 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~~operations specification authorizing the use of the list.

§ 129.15 Flight crewmember certificates.

~~No~~Each person ~~may act~~acting as a flight crewmember ~~unless he holds a current~~ must hold a certificate or license ~~issued or validated by~~that shows the ~~country in which that aircraft is registered, showing his~~person's ability to perform ~~his~~ duties ~~connected~~in connection with

~~operating that aircraft.~~ the operation of the aircraft. The certificate or license will have been issued or rendered valid by:
(a) The State in which the aircraft is registered; or
(b) The State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.

§ 129.17 Aircraft communication and navigation equipment ~~for operations under IFR or over the top~~.

(a) ~~Aircraft navigation equipment requirements—General. No foreign air carrier may conduct operations under IFR or over the topunless—~~
~~(1) The en route navigation aids necessary for navigating the aircraft along the route (e.g., ATS routes, arrival and departure routes, and instrument approach procedures, including missed approach procedures if a missed approach routing is specified in the procedure) are available and suitable for use by the aircraft navigation equipment required by this section;~~
~~(2) The aircraft used in those operations is equipped with at least the following—~~
~~(i) Except as provided in paragraph (c) of this section, two approved independent navigation systems suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC;~~
~~(ii) One marker beacon receiver providing visual and aural signals; and~~
~~(iii) One ILS receiver; and~~
~~(3) Any RNAV system used to meet the navigation equipment requirements of this section is authorized in the foreign air carrier's operations specifications.~~ Subject to the applicable laws and regulations governing ownership and operation of navigation and communication equipment and to the operations specifications issued under this part, each foreign air carrier will equip its aircraft with such navigation and communication equipment as is necessary to properly use the air navigation facilities and to maintain communications within United States airspace.

(b) Aircraft communication equipment requirements. No foreign air carrier may operate an aircraft under IFR or over the top, unless it is equipped with—

(1) At least two independent communication systems necessary under normal operating conditions to fulfill the functions specified in §121.347(a) of this chapter; and

(2) At least one of the communication systems required by paragraph (b)(1) of this section must have two-way voice communication capability.

(c) Use of a single independent navigation system for operations under IFR or over the top. Notwithstanding the requirements of paragraph (a)(2)(i) of this section, the aircraft may be equipped with a single independent navigation system suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC if:

(1) It can be shown that the aircraft is equipped with at least one other independent navigation system suitable, in the event of loss of the navigation capability of the single independent navigation system permitted by this paragraph at any point along the route, for proceeding safely to a suitable airport and completing an instrument approach; and

(2) The aircraft has sufficient fuel so that the flight may proceed safely to a suitable airport by use of the remaining navigation system, and complete an instrument approach and land.

(d) VOR navigation equipment. If VOR navigation equipment is required by paragraph (a) or (c) of this section, no foreign air carrier may operate an aircraft unless it is equipped with at least one approved DME or suitable RNAV system.

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Title 14: Aeronautics and Space
PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

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Editorial Note: For the text of SFAR No. 97, see part 91 of this chapter.

Subpart A—General

§ 129.1 Applicability and definitions.

(a) ~~Foreign air carrier operations in the United States.~~ This part prescribes rules governing ~~the~~ commercial air transport operation into, within, or out of the territory of the United States of each ~~foreign air carrier~~foreign commercial air transport operator holding the following:

(1) A foreign commercial air transport operator permit issued by the ~~Civil Aeronautics Board or the~~ U.S. Department of Transportation under 49 U.S.C. 41301 through 41306 ~~(formerly section 402 of the Federal Aviation Act of 1958, as amended)~~, or

(2) Other appropriate economic or exemption authority issued by the ~~Civil Aeronautics Board or the~~ U.S. Department of Transportation.

(b) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (a) of this section, §§~~Secs. 129.14, 129.16, 129.20, 129.24, 129.32, and 129.33~~Subparts B and I of this part also apply to U.S.-registered aircraft operated solely outside the United States ~~in common carriage~~ for the purposes of commercial air transport by a foreign person or ~~foreign air carrier~~foreign commercial air transport operator.

(c) This part does not govern operations conducted under part 375 of this Title.

(~~c~~d) Definitions. For the purpose of this part~~—~~:

(1) Foreign person means any person who is not a citizen of the United States and who operates a U.S.-registered aircraft ~~in common carriage~~for the purposes of commercial air transport solely outside the United States.

(2) Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.

(3) Common carriage means holding out or provision of air transportation to the public for compensation or hire. A foreign person or ~~foreign air carrier~~foreign commercial air transport operator conducts common carriage when it 'holds itself out' to the public, or a segment of the public, as willing to furnish air transportation with the limits of its facilities to any person who wants it.

(4) Foreign commercial air transport operator means a person, organization or enterprise, in possession of a valid air operator certificate issued by a foreign State, engaged in or offering to engage in an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire, within the territory of the United States.

(5) Commercial air transport operation means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire.
(6) Flight crewmember means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.
(7) Assigned FAA office means the international field office or international field unit responsible for management of the operations specifications issued to a foreign commercial air transport operator or foreign person engaged in commercial operations for purposes of common carriage.

Subpart B—Operations Specifications

§ 129.XXa Applicability.

This subpart prescribes the content of operations specifications and certain other requirements for operations conducted under part 129 of this chapter.

§ 129.~~115~~11 ~~Operations specifications~~General Requirements.

~~(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 markings of each U.S.-registered aircraft.~~
~~(5) Registration and markings of each aircraft that meets equipment requirements of §129.28(a).~~
~~(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.~~
~~(c) No~~ (a) Each ~~foreign air carrier~~foreign commercial air transport operator conducting operations ~~within the United States~~into, within, or out of the territory of the United States, and each ~~foreign air carrier~~foreign commercial air transport operator or foreign person operating U.S.-registered aircraft solely outside the United States in common carriage, will conduct its operations in accordance with its Air Operator Certificate and associated operations specifications, together with the operations specifications issued by the FAA under this part.
(b) Each ~~foreign air carrier~~foreign commercial air transport operator conducting operations ~~within the United States~~into, within, or out of the territory of the United States will conduct its operations in accordance with:
(i) the applicable Standards contained in Annex 1 (Personnel Licensing), Annex 6 (Operation of Aircraft), Part I (International Commercial Air Transport — Aeroplanes) or Part III

(International Operations — Helicopters), as appropriate, and in Annex 8 (Airworthiness of Aircraft), and Annex 18 (Safe Transport of Dangerous Good by Air) to the Convention on International Civil Aviation.;

(ii) the applicable provisions of Title 14 of the Code of Federal Regulations (14 CFR) parts 91 and 129;

(iii) Title 49 CFR part 175; and

(iv) any other applicable regulations, laws, and orders of the United States.

(c) No foreign air carrierforeign commercial air transport operator may operate to or from locations within the United States without, or in violation of, appropriate operations specifications.

(d) No foreign air carrierforeign commercial air transport operator or foreign person will operate U.S.-registered aircraft solely outside the United States in common carriage without, or in violation of, appropriate operations specifications.

(e) Each foreign air carrier or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal place of business.

(f) Each foreign air carrier will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.

(ee) Operations specifications issued under this part are effective until surrendered, suspended, revoked, or amended.:

(1) The foreign air carrier or foreign person surrenders them to the FAA; or

(2) The FAA suspends, revokes, or otherwise terminates the operations specifications; or

(3) The operations specifications are amended as provided in §129.11.

(hf) Within 30 days after a foreign air carrierforeign commercial air transport operator terminates operations under part 129 of this subchapter, the operations specifications must be surrendered by the foreign air carrierforeign commercial air transport operator or foreign person to the operations specification holding international field officeassigned FAA office.

(ig) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under 14 CFR part 125.

(h) At all times the foreign commercial air transport operator must have appropriate economic authority issued by the U.S. Department of Transportation (DOT) and an appropriate security program or waiver as approved by the Transportation Security Administration (TSA).

(i) The Administrator may amend, suspend, or revoke any or all provisions of a foreign commercial air transport operator's operations specifications upon a determination that safety in air commerce and the public interest requires such action.

§129.7XXc Application, issuance, or denial of for operations specifications.

(a) A foreign air carrierforeign commercial air transport operator or foreign person applying to the FAA for operations specifications under this part must submit an application—

(1) In a form and manner prescribed by the FAA; and

(2) At least 90 days before the intended date of operation.

(b) A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—

(1) Meets the applicable requirements of this part;

(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;

(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and

~~(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.~~

~~(c) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.~~

(b) General. Each application must be executed by an authorized officer, employee, or representative of the applicant having knowledge of the matter set forth therein, and must have attached thereto the written authority issued to that officer, employee, or representative by the applicant.

§129.~~9~~XXd Contents of operations specifications.

(a) A ~~foreign air carrier~~foreign commercial air transport operator or foreign person authorized operations under this part will be issued only one set of operations specifications regardless of whether the operation is conducted under the provisions of §129.1(a), §129.1(b) or both.

(b) The contents of operations specifications issued to a ~~foreign air carrier~~foreign commercial air transport operator conducting operations ~~within the United States~~into, within, or out of the territory of the United States under §129.1(a) will include ~~but is not limited to~~—

(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the ~~foreign air carrier~~foreign commercial air transport operator;

(2) The designation of an agent for service ~~who is a permanent resident of, and located within the United States~~, including the agent's full name and the address of its office or usual place of residence;

(3) The ~~identifying~~ certificate number and validity of the ~~foreign air carrier~~foreign commercial air transport operator's Air Operator Certificate issued by the State of the Operator;

(4) The reference to the economic or exemption authority issued by the Department of Transportation;

(5) Any other business names under which the ~~foreign air carrier~~foreign commercial air transport operator may operate;

~~(6) The management personnel;~~

(~~7~~6) Any authorized deviation and exemption granted from the requirements of this chapter;

(~~8~~7) The kinds of operations authorized;

~~(9) Any special authorizations and limitations;~~

(~~10~~8) Any airport limitations;

(~~11~~9) The scheduled operations, regular, alternate and provisional airports to be used;

~~(12) The routes or airways to be flown;~~

(~~13~~10) Any aircraft interchange agreements and requirements;

(~~14~~11) Any aircraft wet lease agreements and requirements;

~~(15) Any limitations and provisions as are necessary to prevent collisions between foreign aircraft and other aircraft;~~

(~~16~~12) The type, registration markings~~,~~ and serial number~~, category and class~~ of each aircraft ~~authorized for use, including aircraft~~ that meets the equipment requirements of §129.28(a);

(~~17~~13) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and

(~~18~~14) Any other item the FAA determines is necessary.

(c) The contents of operations specifications issued to a ~~foreign air carrier~~foreign commercial air transport operator or foreign person operating U.S.-registered aircraft operated solely outside the United States ~~in common carriage~~ for purposes of commercial air transport in accordance with §129.1(b) will include ~~but is not limited to~~—

(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the ~~foreign air carrier~~foreign commercial air transport operator or foreign person;
(2) In the case of a ~~foreign air carrier~~foreign commercial air transport operator, the identifying number and validity of the ~~foreign air carrier~~foreign commercial air transport operator's Air Operator Certificate issued by the State of the Operator;
(3) Any other business names under which the ~~foreign air carrier~~foreign commercial air transport operator or foreign person may operate;
(4) Any authorized deviation and exemption granted from the requirements of this chapter;
(5) The type, registration markings, serial number, category and class of each United States registered aircraft authorized for use;
(6) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and
(7) Any other item the FAA determines is necessary.

§129.XXe Issuance or denial of operations specifications.
(a) A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—
(1) Meets the applicable requirements of this part;
(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;
(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and
(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.
(b) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.

§ 129.XXg Operations specifications Foreign commercial air transport operator's duty to maintain Operations Specifications.
(a) Each foreign commercial air transport operator or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal base of operations.
(b) Each foreign commercial air transport operator will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.

§ 129.~~11~~XXf Amend~~ing~~ment of operations specifications.
~~(a) The FAA may amend any operations specifications issued under this part if –~~
~~(1) The FAA determines that safety in air commerce and the public interest require the amendment; or~~
~~(2) The foreign air carrier or foreign person applies for the amendment, and the FAA determines that safety in air commerce and the public interest allows the amendment.~~
~~(b) Except as provided in paragraph (e) of this section, when the FAA initiates an amendment to a foreign air carrier or foreign person's operations specifications, the following procedure applies:~~

(1) The operations specification-holding international field office notifies the foreign air carrier or foreign person in writing of the proposed amendment.

(2) The operations specification-holding international field office sets a reasonable period (but not less than 7 days) within which the foreign air carrier or foreign person may submit written information, views, and arguments on the amendment.

(3) After considering all material presented, the operations specification-holding international field office notifies the foreign air carrier or foreign person of –

(i) The adoption of the proposed amendment;

(ii) The partial adoption of the proposed amendment; or

(iii) The withdrawal of the proposed amendment.

(4) If the operations specification-holding international field office issues an amendment to the operations specifications, it becomes effective not less than 30 days after the foreign air carrier or foreign person receives notice of it unless –

(i) The operations specification-holding international field office finds under paragraph (e) of this section that there is an emergency requiring immediate action with respect to safety in air commerce; or

(ii) The foreign air carrier or foreign person petitions for reconsideration of the amendment under paragraph (d) of this section.

(c) When the foreign air carrier or foreign person applies for an amendment to its operations specifications, the following procedure applies:

(1) The foreign air carrier or foreign person must file an application to amend its operations specifications –

(i) At least 90 days before the date proposed by the applicant for the amendment to become effective in cases of mergers; acquisitions of airline operational assets that require an additional showing to Department of Transportation for economic authority; major changes in the type of operation and resumption of operations following a suspension of operations as a result of bankruptcy actions, unless a shorter time is approved by the FAA.

(ii) At least 30 days before the date proposed by the applicant for the amendment to become effective in all other cases.

(2) The application must be submitted to the operations specification-holding international field office in a form and manner prescribed by the FAA.

(3) After considering all material presented, the operations specification-holding international field office notifies the foreign air carrier or foreign person of –

(i) The adoption of the applied for amendment;

(ii) The partial adoption of the applied for amendment; or

(iii) The denial of the applied-for amendment.

(4) If the operations specification-holding international field office approves the amendment, following coordination with the foreign air carrier or foreign person regarding its implementation, the amendment is effective on the date the FAA approves it. (d) The foreign air carrier or foreign person may petition for reconsideration of a full or partial adoption of an amendment or a denial of an amendment. When a foreign air carrier or foreign person seeks reconsideration of a decision from the operations specification-holding international field office concerning the amendment of operations specifications, the following procedure applies:

(1) The foreign air carrier or foreign person must petition for reconsideration of that decision within 30 days of the date that the foreign air carrier or foreign person receives a notice of the decision.

(2) The foreign air carrier or foreign person must address its petition to the Director, Flight Standards Service.

(3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of any amendment issued by the operations specification-holding international field office unless the operations specification-holding international field office has found, under paragraph (e) of

~~this section, that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce.~~
~~(e) If the operations specification-holding international field office finds that an emergency exists requiring immediate action with respect to safety in air commerce or air transportation that makes the procedures set out in this section impracticable or contrary to the public interest, that office may make the amendment effective the day the foreign carrier or foreign person receives notice of it. In the notice to the foreign air carrier or foreign person, the operations specification-holding international field office will articulate the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment.~~

(a) The assigned FAA office may amend any operations specifications issued under this part if—

(1) It determines that safety in air commerce requires that amendment; or

(2) Upon application by the holder, the assigned FAA office determines that safety in air commerce allows that amendment.

(b) The foreign air carrier or foreign person must file an application to amend operations specifications at least 15 days before the date proposed by the applicant for the amendment to become effective, unless a shorter filing period is approved. The application must be on a form and in a manner prescribed by the Administrator and be submitted to the assigned FAA office.

(c) Within 30 days after a notice of refusal to approve a foreign air carrier or foreign person's application for amendment is received, the foreign air carrier or foreign person may petition the responsible regional division manager of the Flight Standards Service, to reconsider the refusal to amend.

(d) When the assigned FAA office amends operations specifications, that office gives notice in writing to the foreign air carrier or foreign person of a proposed amendment to the operations specifications, fixing a period of not less than 7 days within which the foreign air carrier or foreign person may submit written information, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the assigned FAA office notifies the foreign air carrier or foreign person of any amendment adopted, or a rescission of the notice. That amendment becomes effective not less than 30 days after the foreign air carrier or foreign person receives notice of the adoption of the amendment, unless the foreign air carrier or foreign person petitions the responsible regional division manager of the Flight Standards Service for reconsideration of the amendment. In that case, the effective date of the amendment is stayed pending a decision by the division manager. If the assigned FAA office finds there is an emergency requiring immediate action as to safety in air commerce that makes the provisions of this paragraph impracticable or contrary to the public interest, the assigned FAA office notifies the foreign air carrier or foreign person that the amendment is effective on the date of receipt, without previous notice.

§ 129.XXf1 Suspension and revocation of Operations Specifications and changes to IASA status

(a) The FAA may amend, suspend or revoke any operations specifications issued under this part if —

(1) The FAA determines that safety in air commerce and the public interest require the amendment, suspension, or revocation; or

(2) The foreign commercial air transport operator or foreign person applies for the amendment, and the FAA determines that safety in air commerce and the public interest allows the amendment.

(b) Except as provided in paragraph (e) of this section, when the FAA initiates an amendment to or a suspension or revocation of a foreign commercial air transport operator or foreign person's operations specifications, the following procedure applies:

(1) The assigned FAA office notifies the foreign commercial air transport operator or foreign person in writing of the proposed amendment, suspension or revocation.

(2) The assigned FAA office sets a reasonable period (but not less than 7 days after the foreign commercial air transport operator or foreign person receives the written notification of the proposed amendment) within which the foreign commercial air transport operator or foreign person may submit written information, views, and arguments on the amendment, suspension or revocation.

(3) After considering all material presented, the assigned FAA office notifies the foreign commercial air transport operator or foreign person of --

(i) The adoption of the proposed amendment or the suspension or revocation;

(ii) The partial adoption of the proposed amendment; or

(iii) The withdrawal of the proposed amendment or the suspension or revocation.

(4) If the assigned FAA office issues an amendment to, or a suspension or revocation of the operations specifications, it becomes effective not less than 30 days after the foreign commercial air transport operator or foreign person receives notice of it unless --

(i) The assigned FAA office finds under paragraph (f) of this section that there is an emergency requiring immediate action with respect to safety in air commerce; or

(ii) The foreign commercial air transport operator or foreign person petitions for reconsideration of the amendment, suspension or revocation under paragraph (d) of this section.

(c) When the foreign commercial air transport operator or foreign person applies for an amendment to its operations specifications, the following procedure applies:

(1) The foreign commercial air transport operator or foreign person must file an application to amend its operations specifications in a form and manner prescribed by the FAA.

(2) After considering all material presented, the assigned FAA office notifies the foreign commercial air transport operator or foreign person of --

(i) The adoption of the applied for amendment;

(ii) The partial adoption of the applied for amendment; or

(iii) The denial of the applied for amendment.

(3) If the assigned FAA office approves the amendment, following coordination with the foreign commercial air transport operator or foreign person regarding its implementation, the amendment is effective on the date the FAA approves it.

(d) The foreign commercial air transport operator or foreign person may petition for reconsideration of a full or partial adoption of an amendment or a denial of an amendment, and may petition for reconsideration of a suspension or revocation. When a foreign commercial air transport operator or foreign person seeks reconsideration of a decision from the assigned FAA office concerning the amendment, suspension or revocation of operations specifications, the following procedure applies:

(1) The foreign commercial air transport operator or foreign person must petition for reconsideration of that decision within 30 days of the date that the foreign commercial air transport operator or foreign person receives a notice of the decision.

(2) The foreign commercial air transport operator or foreign person must address its petition to the Director, Flight Standards Service.

(3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of any amendment, suspension or revocation issued by the assigned FAA office unless the assigned FAA office has found, under paragraph (f) of this section, that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce.

(e) Before the assigned FAA office may suspend or revoke a foreign commercial air transport operator or foreign person's operations specifications, it must first provide an opportunity for the foreign commercial air transport operator or foreign person to:

(1) surrender its operations specifications;

(2) request an opportunity to be heard in an informal conference with the FAA Counsel; or

(3) request a hearing to be conducted in accordance with the procedures established by Subpart D of 14 CFR Part 13.

(f) If the assigned FAA office finds that an emergency exists requiring immediate action with respect to safety in air commerce or air transportation that makes the procedures set out in this section impracticable or contrary to the public interest, that office may make the amendment, suspension or revocation effective the day the foreign air transport operator or foreign person receives notice of the amendment, suspension or revocation in writing. In the notice to the foreign commercial air transport operator or foreign person, the assigned FAA office will articulate the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment, suspension or revocation. Under these circumstances, the foreign air transport operator or foreign person may request a hearing to be conducted in accordance with the procedures established by Subpart D of 14 CFR Part 13. That hearing shall be conducted within seven (7) days after the FAA receives the request in writing. The amendment, suspension or revocation shall remain in effect unless or until the amendment, suspension or revocation is modified or reversed by the administrative law judge.

(g) Appeal of emergency amendment, suspension or revocation.

(1) Any party to the hearing may appeal from the order of the administrative law judge by filing a notice of appeal with the Administrator within 20 days after the date of issuance of the order.

(2) Any foreign commercial air transport operator or foreign person against whom an order of emergency amendment, suspension or revocation has been issued may appeal from the order of the administrative law judge upholding that emergency amendment, suspension or revocation by filing a notice of appeal with the Administrator within three days after the date of issuance of the order by the administrative law judge.

(3) Unless the Administrator expressly so provides, the filing of a notice of appeal does not stay the effectiveness of an order of emergency amendment, suspension or revocation.

(4) If a notice of appeal is not filed from the order issued by the administrative law judge upholding the emergency amendment, suspension or revocation, such order is the final agency order of compliance.

(5) Any person filing an appeal authorized by paragraph (1) of this section shall file an appeal brief with the Administrator within 40 days after the date of the issuance of the order, and serve a copy on the other party. Any reply brief must be filed within 20 days after service of the appeal brief. A copy of the reply brief must be served on the appellant.

(6) Any person filing an appeal authorized by paragraph (2) of this section shall file an appeal brief with the Administrator with the notice of appeal and serve a copy on the other party. Any reply brief must be filed within 3 days after receipt of the appeal brief. A copy of the reply brief must be served on the appellant.

(7) On appeal the Administrator reviews the available record of the proceeding, and issues an order dismissing, reversing, modifying or affirming the emergency amendment, suspension or revocation. The Administrator's order includes the reasons for the action.

(8) In cases involving an emergency amendment, suspension or revocation, the Administrator's order on appeal shall be issued within ten days after the filing of the notice of appeal.

(h) Changes to IASA Status.

[To be drafted pending NPRM promulgation]

§ 129.13 Airworthiness and registration certificates.[Moved to new subpart D]

§ 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 AdministratorFAA in FAA operations specifications.

(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.

(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 authorizationoperations specification permitting the operator to use an approved minimum equipment list is carried aboard the aircraft. The minimum equipment list and the letter of authorizationoperations specification 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 letteroperations specification authorizing the use of the list.

§ 129.15 Flight crewmember certificates.[Moved to new subpart F]

§ 129.17 Aircraft communication and navigation equipment for operations under IFR or over the topRadio Equipment.[Moved to new subpart D]

§ 129.18 Collision avoidance system.[Moved to new subpart D]

§ 129.19 Air traffic rules and procedures.[Moved to new subpart E]

~~§ 129.20 Digital flight data recorders.~~[Moved to new subpart I]

~~§ 129.21 Control of traffic.~~[Moved to new subpart F]

~~§ 129.22 Communication and navigation equipment for rotorcraft operations under VFR over routes navigated by pilotage.~~[Moved to new subpart H]

~~§ 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 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.~~

~~§ 129.24 Cockpit voice recorders.~~[Moved to new subpart I]

~~§ 129.25 Airplane security.~~[Moved to new subpart G]

~~§ 129.28 Flightdeck security.~~[Moved to new subpart G]

Subpart C—Authorizations and Limitations

§ 129.XXq Airport approvals – military airports.
If a military airport of the United States is to be used as a regular, alternate, refueling, or provisional airport, the foreign commercial air transport operator must obtain written permission to do so from the military organization concerned and submit a copy of that written permission to the Administrator.

§ 129.XXr Airport approvals – Special Pilot-in-Command (SPIC) airports.
The foreign commercial air transport operator is only authorized to conduct IFR operations into airports requiring special qualification by the pilot-in-command, as designated by the Administrator, in accordance with the provisions and limitations contained in the operations specifications issued by the Administrator.

§ 129.29 Smoking prohibitions.
(a) No person may smoke and no foreign commercial air transport operator may permit smoking in any aircraft lavatory.
(b) Unless otherwise authorized by the Secretary of Transportation, no person may smoke and no foreign commercial air transport operator may permit smoking anywhere on the aircraft (including the passenger cabin and the flight deck) during scheduled passenger foreign air transportation or during any scheduled passenger interstate or intrastate air transportation.

§ 129.XXs Wet leasing of aircraft, interchange agreements and other arrangements [83 *bis*].
[To be drafted]

§ 129.XXaq Operation of Airplane Design Group VI (ICAO Code F) Airplanes.
Foreign commercial air transport operators conducting operations of Airplane Design Group VI (ADG-VI) airplanes under this part must conduct such operations in accordance with the special authorizations and limitations contained in the operations specifications issued under this part.

Subpart D—Aircraft Equipment and Documentation

§ 129.17 ~~Aircraft communication and navigation equipment for operations under IFR or over the top~~Navigation and communication equipment.
(a) ~~Aircraft navigation equipment requirements—General. No foreign air carrier may conduct operations under IFR or over the top unless—~~
~~(1) The en route navigation aids necessary for navigating the aircraft along the route (e.g., ATS routes, arrival and departure routes, and instrument approach procedures, including~~

~~missed approach procedures if a missed approach routing is specified in the procedure) are available and suitable for use by the aircraft navigation equipment required by this section;~~
~~(2) The aircraft used in those operations is equipped with at least the following—~~
~~(i) Except as provided in paragraph (c) of this section, two approved independent navigation systems suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC;~~
~~(ii) One marker beacon receiver providing visual and aural signals; and~~
~~(iii) One ILS receiver; and~~
~~(3) Any RNAV system used to meet the navigation equipment requirements of this section is authorized in the foreign air carrier's operations specifications.~~ Subject to the applicable laws and regulations governing ownership and operation of ~~navigation~~radio and other communication equipment and to the operations specifications issued under this part, each ~~foreign air carrier~~foreign commercial air transport operator will equip its aircraft with such ~~navigation and communication~~equipment as is necessary to properly use the air navigation facilities and to maintain communications ~~within~~ with ground stations along or adjacent to their routes in the United States ~~airspace~~.
~~(b) Aircraft communication equipment requirements. No foreign air carrier may operate an aircraft under IFR or over the top, unless it is equipped with—~~
~~(1) At least two independent communication systems necessary under normal operating conditions to fulfill the functions specified in §121.347(a) of this chapter; and~~
~~(2) At least one of the communication systems required by paragraph (b)(1) of this section must have two-way voice communication capability.~~
~~(c) Use of a single independent navigation system for operations under IFR or over the top. Notwithstanding the requirements of paragraph (a)(2)(i) of this section, the aircraft may be equipped with a single independent navigation system suitable for navigating the aircraft along the route to be flown within the degree of accuracy required for ATC if:~~
~~(1) It can be shown that the aircraft is equipped with at least one other independent navigation system suitable, in the event of loss of the navigation capability of the single independent navigation system permitted by this paragraph at any point along the route, for proceeding safely to a suitable airport and completing an instrument approach; and~~
~~(2) The aircraft has sufficient fuel so that the flight may proceed safely to a suitable airport by use of the remaining navigation system, and complete an instrument approach and land.~~
~~(d) VOR navigation equipment. If VOR navigation equipment is required by paragraph (a) or (c) of this section, no foreign air carrier may operate an aircraft unless it is equipped with at least one approved DME or suitable RNAV system.~~

§ 129.18 Collision avoidance system.

~~Effective January 1, 2005, a~~Any airplane ~~you, as a foreign air carrier,~~ operated under part 129 must be equipped and operated according to the following table:

Collision Avoidance Systems

If you operate in the United States any . . .	Then you must operate that airplane with:
(a) Turbine-powered airplane of more than 33,000 pounds maximum certificated takeoff weight	(1) An appropriate class of Mode S transponder that meets Technical Standard Order (TSO) C–112, or a later version, and one of the following~~n~~ approved units~~;~~: (i) TCAS II that meets TSO C–119b (version 7.0), or ~~takeoff weight~~ a later version.
	(ii) TCAS II that meets TSO C–119a (version 6.04A Enhanced)

	that was installed in that airplane before May 1, 2003. If that TCAS II version 6.04A Enhanced no longer can be repaired to TSO C–119a standards, it must be replaced with a TCAS II that meets TSO C–119b (version 7.0), or a later version. (iii) A collision avoidance system equivalent to TSO C–119b (version 7.0), or a later version, capable of coordinating with units that meet TSO C–119a (version 6.04A Enhanced), or a later version.
(b) Turbine-powered airplane with a passenger-seat configuration, excluding any pilot seat, or 10–30 seats	(1) TCAS I that meets TSO C–118, or a later version, or (2) A collision avoidance system equivalent to excluding any TSO C–118, or a later version, or (3) A collision avoidance system and Mode S transponder that meet paragraph (a)(1) of this section.

§ 129.XXp Terrain Awareness and Warning System (TAWS).
Each foreign commercial air transport operator must comply with the requirements of ICAO Annex 6 for the provision of a terrain awareness warning system.

§ 129.13 Airworthiness and registration certificates.
~~(a) Except as provided in §129.28(b) of this part, no~~No ~~foreign air carrier~~foreign commercial air transport operator may operate any aircraft ~~within the United States~~into, within, or out of the territory of the United States unless that aircraft carries a current registration ~~and airworthiness certificates issued or validated by the country of registry~~certificate and displays the nationality and registration markings of ~~that country.~~the State of Registry, and an airworthiness certificate issued or validated
~~(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.~~
(a) By the State of Registry; or
(b) By the State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.

Subpart E—Operating procedures

§ 129.XXh Procedures for operations during ground icing conditions.
(a) The foreign commercial air transport operator shall use a system to conduct operations during ground icing conditions in accordance with ICAO Annex 6 and as approved by the State of the operator.
(b) The foreign commercial air transport operator shall ensure that all personnel, including contract personnel, who are used in the conduct of aircraft deicing procedures, use the carrier's system referenced above.
(c) The foreign commercial air transport operator is responsible for initial and recurrent training and qualification for all affected personnel e.g., flight crew, aircraft dispatchers if applicable, maintenance representatives, ground crews, contract personnel, etc.

§ 129.XXi Land and hold short operations.

The foreign commercial air transport operator shall conduct Land and Hold Short Operations (LAHSO) only when authorized by the State of the Operator and at designated airports and specified runway configurations as identified by Air Traffic Services.

§ 129.XXj Operations in Reduced Vertical Separation Minimum (RVSM) airspace of the United States.

The foreign commercial air transport operator shall not conduct operations in United States airspace designated as RVSM airspace unless authorized in accordance with the operations specifications issued by the State of the operator.

§ 129.XXk Terminal instrument procedures.

(a) The foreign commercial air transport operator shall conduct terminal instrument operations provided:

(1) The procedure used is approved or accepted by the State of the operator; and

(2) One of the following conditions is met:

(i) The terminal instrument procedure used is prescribed by Title 14 Code of Federal Regulations Part 97, Standard Instrument Approach Procedures; or

(ii) At authorized U.S. military airports, the terminal instrument procedure used is prescribed by the U.S. military agency operating the airport.

(b) The foreign commercial air transport operator shall use the following conversion tables to convert any takeoff and landing minimum expressed in the metric linear measurement system to the U.S. standard linear measurement system.

Table 1

RVR Conversion	
Feet	**Meters**
300 ft	100 m
400 ft	125 m
500 ft	150 m
600 ft	175 m
700 ft	200 m
1000 ft	300 m
1200 ft	350 m
1600 ft	500 m
1800 ft	550 m
2000 ft	600 m
2100 ft	650 m
2400 ft	750 m
3000 ft	1000 m
4000 ft	1200 m
4500 ft	1400 m
5000 ft	1500 m
6000 ft	1800 m

Table 2

Meteorological Visibility Conversion		
Statute Miles	**Meters**	**Nautical Miles**
¼ sm	400 m	¼ nm
3/8 sm	600 m	3/8 nm
1/2 sm	800 m	1/2 nm
5/8 sm	1000 m	5/8 nm
3/4 sm	1200 m	7/10 nm
7/8 sm	1400 m	7/8 nm
1 sm	1600 m	9/10 nm
1 1/8 sm	1800 m	1 1/8 nm
1 ¼ sm	2000 m	1 1/10 nm
1 ½ sm	2400 m	1 3/10 nm
1 ¾ sm	2800 m	1 ½ nm
2 sm	3200 m	1 ¾ nm
2 ¼ sm	3600 m	2 nm
2 ½ sm	4000 m	2 2/10 nm
2 ¾ sm	4400 m	2 4/10 nm
3 sm	4800 m	2 6/10 nm

§ 129.XXl IFR RNAV Departure Procedures (DP) and Standard Terminal Arrivals (STARs).
The foreign commercial air transport operator is authorized to conduct IFR area navigation (RNAV) Instrument Departure Procedures (DPs) and Standard Terminal Arrivals (STARs) published as prescribed by 14 CFR Part 97, using approved area navigation systems to the airports and runways approved for such operations and shall conduct all such operations as approved by the State of the operator, and in accordance with the operations specifications issued by the Administrator.

§ 129.XXn Takeoff minimums.
The foreign commercial air transport operator shall not use any takeoff minimums lower than those prescribed in the operations specifications issued by the Administrator, and shall not use any takeoff minimums lower than those approved by the State of the operator.

§ 129.XXm IFR landing minimums.
The foreign commercial air transport operator shall not use any IFR landing minimum lower than those prescribed by the applicable published instrument approach procedure and shall not use any IFR landing minimums lower than those prescribed in the operations specifications issued by the Administrator.

§ 129.XXo Terminal Visual Flight Rules, Limitations, and Provisions.
The foreign commercial air transport operator shall conduct terminal area visual and charted visual operations in accordance with its Operations Specifications issued by the Administrator.

§ 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~~into, within, or out of the territory of the United States.
(b) Each ~~foreign air carrier~~foreign commercial air transport operator 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~~foreign commercial air transport operator 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~~of operation.

Subpart F—Crew Requirements

§ 129.12 Pilot age limitations.
Foreign commercial air transport operators shall comply with the current age limitations of ICAO Annex 1 and 14 CFR Section 61.3, or as amended.

§ 129.15 Flight crewmember ~~certificates~~licenses.

~~No~~(a) Each person ~~may act~~acting as a flight crewmember ~~unless he holds a current~~ must hold and be in possession of a ~~certificate or~~ license or its equivalent~~issued or validated by~~that shows the ~~country in which that aircraft is registered, showing his~~person's ability to perform ~~his~~ duties ~~connected~~in connection with ~~operating that aircraft.~~ the operation of the aircraft. The ~~certificate or~~ license or equivalent document will have been issued or rendered valid by:

(~~a~~1) The State in which the aircraft is registered; or

(~~b~~2) The State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.

(b) Each person acting as a flight crewmember must hold and be in possession of a medical certificate or its equivalent as required by the State of the operator.

§ 129.21 ~~Control of traffic~~Language proficiency.

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

~~(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak English and the language necessary to maintain communications with its aircraft and must assist station operators in directing traffic.~~

Each foreign commercial air transport operator shall ensure that each flight crewmember demonstrates the ability to speak and understand the English language, for the purpose of the use of communication equipment, to an operational level 4 or higher proficiency as specified in ICAO Annex 1.

Subpart G—Security

§ 129.25 Airplane security.

~~Foreign air carrier~~Foreign commercial air transport operators conducting operations under this part must comply with the applicable security requirements in 49 CFR chapter XII, part 1546.

§ 129.28 Flightdeck security.

(a) ~~After August 20, 2002, except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by §129.1(a), may operate:~~

~~(1) A passenger carrying transport category airplane within the United States, except for overflights, unless the airplane is equipped with a door between the passenger and pilot compartment that incorporates features to restrict the unwanted entry of persons into the flightdeck that are operable from the flightdeck only; or~~

~~(2) A transport category all-cargo airplane within the United States, except for overflights, that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, unless the door incorporates features to restrict the unwanted entry of persons into the flightdeck that are operable from the flightdeck only.~~

~~(b) To the extent necessary to meet the requirements of paragraph (a) of this section, the requirements of §129.13(a) to maintain airworthiness certification are waived until April 9, 2003. After that date, the requirements of §129.13(a) apply in full.~~

~~(c) After April 9, 2003, except for a newly manufactured airplane on a non-revenue delivery flight, no foreign air carrier covered by §129.1(a) may operate a passenger carrying transport~~

~~category airplane, or a transport category all-cargo airplane that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, within the United States, except for overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (c)(1) and(2) of this section or an alternative standard found acceptable to the Administrator.~~

~~—~~ (1) Except for a newly manufactured airplane on a non-revenue delivery flight, no ~~foreign air carrier~~foreign commercial air transport operator covered by §129.1(a) may operate:

(i) ~~After April 9, 2003, a~~ A passenger carrying transport category airplane ~~within the United States~~into, within, or out of the territory of the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (~~c~~a)(2) and (~~c~~a)(3) of this section or an alternative standard found acceptable to the Administrator.

(ii) ~~After October 1, 2003, a~~A transport category all-cargo airplane that had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, ~~within the United States~~into, within, or out of the territory of the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (~~c~~a)(2) and (~~c~~a)(3) of this section or an alternative standard found acceptable to the Administrator; or the operator ~~must~~has implemented a security program approved by the Transportation Security Administration (TSA) for the operation of all airplanes in that operator's fleet.

(2) The door must resist forcible intrusion by unauthorized persons and be capable of withstanding impacts of 300 joules (221.3 foot-pounds) at the critical locations on the door, as well as a 1,113-newton (250 pounds) constant tensile load on the knob or handle, and

(3) The door must resist penetration by small arms fire and fragmentation devices to a level equivalent to Level IIIa of the National Institute of Justice Standard (NIJ) 0101.04.

(~~d~~b) ~~After August 20, 2002, n~~No ~~foreign air carrier~~foreign commercial air transport operator covered by §129.1 may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that ~~has~~ had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, ~~within the United States~~into, within, or out of the territory of the United States, except for overflights, unless the ~~carrier~~ operator has procedures in place that are acceptable to the ~~civil aviation authority responsible for oversight of the foreign air carriers operating under this part~~ State of the operator to prevent access to the flightdeck except as authorized as follows:

(1) No person other than a person who is assigned to perform duty on the flight deck may have a key to the flight deck door that will provide access to the flightdeck.

(2) Except when it is necessary to permit access and egress by persons authorized in accordance with paragraph (d)(3) of this section, a pilot in command of an airplane that has a lockable flight deck door in accordance with §129.28(a) and that is carrying passengers shall ensure that the door separating the flight crew compartment from the passenger compartment is closed and locked at all times when the airplane is being operated.

(3) No person may admit any person to the flight deck of an airplane unless the person being admitted is—

(i) A crewmember,

(ii) An inspector of the civil aviation authority responsible for oversight of the part 129 operator, or

(iii) Any other person authorized by the ~~civil aviation~~ State authority responsible for oversight of the part 129 operator with respect to flightdeck access.

(c) Each foreign commercial air transport operator shall provide the Administrator with the registration numbers of each aircraft that meets the requirements of paragraph (a) of this section.

(~~e~~d) The requirements of paragraph (a) through (~~d~~c) except (~~d~~b)(3), do not apply to transport category passenger carrying airplanes originally type certificated with a maximum passenger

seating configuration of 19 seats or less, or to all-cargo airplanes with a payload capacity of 7,500 pounds or less.

Subpart H—Helicopter Operations

§ 129.XXt Helicopter Operations.

A foreign commercial air transport operator is authorized to conduct helicopter operations in accordance with the Operations Specifications issued by the Administrator.

§ 129.22 Communication and navigation equipment for rotorcraft operations under VFR over routes navigated by pilotage.

(a) No ~~foreign air carrier~~foreign commercial air transport operator may operate a rotorcraft under VFR over routes that can be navigated by pilotage unless the rotorcraft is equipped with the radio communication equipment necessary under normal operating conditions to fulfill the following:

(1) Communicate with at least one appropriate station from any point on the route;

(2) Communicate with appropriate air traffic control facilities from any point within Class B, Class C, or Class D airspace, or within a Class E surface area designated for an airport in which flights are intended; and

(3) Receive meteorological information from any point en route.

(b) No ~~foreign air carrier~~foreign commercial air transport operator may operate a rotorcraft at night under VFR over routes that can be navigated by pilotage unless that rotorcraft is equipped with—

(1) Radio communication equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section; and

(2) Navigation equipment suitable for the route to be flown.

Subpart ~~B~~ I—~~Continued Airworthiness and Safety Improvements~~ Maintenance, Preventive Maintenance, and Alterations of U.S.-Registered Aircraft

§ 129.101 ~~Purpose~~ Applicability and definitions.

(a) This subpart applies to operation of U.S.-registered aircraft in commercial air transport operations by ~~requires~~ a foreign person or foreign commercial air ~~carrier~~ transport operator ~~operating a U.S. registered airplane~~ aircraft ~~in common carriage~~ and requires such persons and operators to support the continued airworthiness of each ~~airplane~~U.S.-registered aircraft. These requirements may include, but are not limited to, approving and revising the maintenance program, incorporating design changes, and incorporating revisions to Instructions for Continued Airworthiness.

(b) For purposes of this subpart, the “FAA Oversight Office” is the aircraft certification office or office of the Transport Airplane Directorate with oversight responsibility for the relevant type certificate or supplemental type certificate, as determined by the Administrator.

(c) Except as provided by paragraph (d) of this section, this subpart prescribes requirements for maintenance, preventive maintenance, and alterations for all Operations Specifications holders.

(d) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft must assure that all work performed is accomplished in accordance with its manual.

(e) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (c) and (d) of this section, sections 129.XXv [Maintenance, preventive maintenance and alterations programs], 129.20 [Digital Flight Data Recorders], 129.111 [Electrical wiring interconnection systems (EWIS) maintenance program] and 129.113 [Fuel Tank System Maintenance Program] of this part also apply to U.S.-registered aircraft operated solely outside the United States in common carriage by a foreign person or foreign commercial air transport operator.

§ 129.103 ~~[Reserved]~~Responsibility for airworthiness.

(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations is responsible for --

(1) The airworthiness of its aircraft, including airframes, aircraft engines, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) A foreign commercial air transport operator or foreign person may make arrangements with another person for the performance of any maintenance, preventive maintenance, or alterations. However, this does not relieve the foreign commercial air transport operator or foreign person of the responsibility specified in paragraph (a) of this section.

§ 129.XXu Maintenance, preventive maintenance, and alterations.

(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations that performs any of its maintenance (other than required inspections), preventive maintenance, or alterations, and each person with whom it arranges for the performance of that work must be authorized by the Administrator to perform that work.

(b) Each foreign commercial air transport operator or foreign person that performs any inspections required by its manual in accordance with §129.XXx [Manual requirements] (b)(2) or (3) (in this subpart referred to as *required inspections*) and each person with whom it arranges for the performance of that work must be authorized by the Administrator to perform that work.

(c) Each person performing required inspections in addition to other maintenance, preventive maintenance, or alterations, shall organize the performance of those functions so as to separate the required inspection functions from the other maintenance, preventive maintenance, and alteration functions. The separation shall be below the level of administrative control at which overall responsibility for the required inspection functions and other maintenance, preventive maintenance, and alteration functions are exercised.

§ 129.XXv Maintenance, preventive maintenance, and alterations programs.

Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall have an inspection program and a program covering other maintenance, preventive maintenance, and alterations approved by Administrator that ensures that --

(a) Maintenance, preventive maintenance, and alterations performed by it, or by other persons, are performed in accordance with the foreign commercial air transport operator's or foreign person's manual;

(b) Competent personnel and authorized facilities and equipment are provided for the proper performance of maintenance, preventive maintenance, and alterations; and

(c) Each aircraft released to service is airworthy and has been properly maintained for operation under this part.

§ 129.XXw Minimum equipment list.

No foreign commercial air transport operator or foreign person conducting commercial air transport operations may operate a U.S.-registered aircraft with inoperable instruments or equipment unless the following conditions are met:

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

(b) The foreign commercial air transport operator or foreign person submits for review and approval its aircraft minimum equipment list based on the master minimum equipment list, to the assigned FAA office. The foreign commercial air transport operator or foreign person must show, before minimum equipment list approval can be obtained, that the maintenance procedures used under its maintenance program are authorized to support the use of its minimum equipment list.

(c) A copy of the applicable operations specifications paragraph permitting the foreign commercial air transport operator or foreign person to use an approved minimum equipment list is carried aboard the aircraft.

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

(e) The aircraft is operated under all applicable conditions and limitations contained in the minimum equipment list and operations specifications paragraph D095 authorizing the use of the list.

§ 129.XXx Manual requirements.

(a) Each foreign commercial air transport operator or foreign person operating U.S-registered aircraft in commercial air transport operations shall put in its manual a chart or description of its organization and a list of persons with whom it has arranged for the performance of any of its required inspections, other maintenance, preventive maintenance, or alterations, including a general description of that work.

(b) The foreign commercial air transport operator's or foreign person's manual must contain the programs required by §129.XXv [Maintenance, preventive maintenance and alterations programs] that must be followed in performing maintenance, preventive maintenance, and alterations of that foreign commercial air transport operator's or foreign person's aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, and must include at least the following:

(1) The method of performing routine and nonroutine maintenance (other than required inspections), preventive maintenance, and alterations.

(2) A designation of the items of maintenance and alteration that must be inspected (required inspections), including at least those that could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used.

(3) The method of performing required inspections and a designation by occupational title of personnel authorized to perform each required inspection.

(4) Procedures for the reinspection of work performed pursuant to previous required inspection findings.

(5) Procedures, standards, and limits necessary for required inspections and acceptance or rejection of the items required to be inspected and for periodic inspection and calibration of precision tools, measuring devices, and test equipment.

(6) Procedures to ensure that all required inspections are performed.

(7) Instructions to prevent any person who performs any item of work from performing any required inspection of that work.

(8) Instructions and procedures to prevent any decision of an inspector, regarding any required inspection from being countermanded by persons other than supervisory personnel of the inspection unit, or a person at that level of administrative control that has overall responsibility for the management of both the required inspection functions and the other maintenance, preventive maintenance, and alterations functions.

(9) Procedures to ensure that required inspections, other maintenance, preventive maintenance, and alterations that are not completed as a result of shift changes or similar work interruptions are properly completed before the aircraft is released to service.

(c) The foreign commercial air transport operator or foreign person must set forth in its manual a suitable system (which may include a coded system) that provides for preservation and retrieval of information in a manner acceptable to the Administrator and that provides --

(1) A description (or reference to data acceptable to the Administrator) of the work performed;

(2) The name of the person performing the work; and

(3) The name or other positive identification of the individual approving the work.

§ 129.109 Supplemental inspections for U.S.-registered aircraft.

(a) Applicability. This section applies to U.S.-registered, transport category, turbine powered airplanes with a type certificate issued after January 1, 1958 that as a result of original type certification or later increase in capacity have—

(1) A maximum type certificated passenger seating capacity of 30 or more; or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) General requirements. After December 20, 2010, a ~~certificate holder~~ foreign commercial air transport operator or foreign person conducting commercial air transport operations may not operate a~~n~~ U.S.-registered airplane under this part unless the following requirements have been met:

(1) Baseline Structure. The ~~certificate holder's~~foreign commercial air transport operator's or foreign person's maintenance program for the airplane includes FAA-approved damage-tolerance-based inspections and procedures for airplane structure susceptible to fatigue cracking that could contribute to a catastrophic failure. For the purpose of this section, this structure is termed "fatigue critical structure."

(2) Adverse effects of repairs, alterations, and modifications. The maintenance program for the airplane includes a means for addressing the adverse effects repairs, alterations, and modifications may have on fatigue critical structure and on inspections required by paragraph (b)(1) of this section. The means for addressing these adverse effects must be approved by the FAA Oversight Office.

(3) Changes to maintenance program. The changes made to the maintenance program required by paragraph (b)(1) and (b)(2) of this section, and any later revisions to these changes, must be submitted to the Principal Maintenance Inspector for review and approval.

§ 129.107 Repairs assessment for pressurized fuselages.

(a) No ~~foreign air carrier~~ foreign commercial air transport operator or foreign person~~s~~ operating a U.S~~.~~.-registered airplane in commercial air transport operations 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) [Reserved]

§ 129.105 Aging airplane inspections and records reviews for U.S.-registered multiengine aircraftairplanes.

(a) Operation after airplane inspection and records review. After the dates specified in this paragraph, a foreign air carrier foreign commercial air transport operator or foreign person may not operate a U.S.-registered multiengine airplane under this part unless the Administrator has notified the foreign air carrier foreign commercial air transport operator or foreign person that the Administrator has completed the aging airplane inspection and records review required by this section. During the inspection and records review, the foreign air carrierforeign commercial air transport operator or foreign person must demonstrate to the Administrator that the maintenance of age sensitive parts and components of the airplane has been adequate and timely enough to ensure the highest degree of safety.

(1) Airplanes exceeding 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 24 years in service on December 8, 2003, no later than December 5, 2007, and thereafter at intervals not to exceed 7 years.

(2) Airplanes exceeding 14 years in service but not 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 14 years in service, but not 24 years in service, on December 8, 2003, no later than December 4, 2008, and thereafter at intervals not to exceed 7 years.

(3) Airplanes not exceeding 14 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has not exceeded 14 years in service on December 8, 2003, no later than 5 years after the start of the airplane's 15th year in service and thereafter at intervals not to exceed 7 years.

(b) Unforeseen schedule conflict. In the event of an unforeseen scheduling conflict for a specific airplane, the Administrator may approve an extension of up to 90 days beyond an interval specified in paragraph (~~b~~a) of this section.

(c) Airplane and records availability. The ~~foreign air carrier~~foreign commercial air transport operator or foreign person must make available to the Administrator each U.S.-registered multiengine airplane for which an inspection and records review is required under this section, in a condition for inspection specified by the Administrator, together with the records containing the following information:

(1) Total years in service of the airplane;

(2) Total time in service of the airframe;

(3) Total flight cycles of the airframe;

(4) Date of the last inspection and records review required by this section;

(5) Current status of life-limited parts of the airframe;

(6) Time since the last overhaul of all structural components required to be overhauled on a specific time basis;

(7) Current inspection status of the airplane, including the time since the last inspection required by the inspection program under which the airplane is maintained;

(8) Current status of applicable airworthiness directives, including the date and methods of compliance, and if the airworthiness directive involves recurring action, the time and date when the next action is required;

(9) A list of major structural alterations; and

(10) A report of major structural repairs and the current inspection status for those repairs.

(d) Notification to Administrator. Each ~~foreign air carrier~~ foreign commercial air transport operator or foreign person must notify the Administrator at least 60 days before the date on which the airplane and airplane records will be made available for the inspection and records review.

§ 129.XXy Required inspection personnel.

(a) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may use any person to perform required inspections unless the person performing the inspection is appropriately certificated, properly trained, qualified, and authorized to do so.

(b) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may allow any person to perform a required inspection unless, at that time, the person performing that inspection is under the supervision and control of an inspection department or unit.

(c) No person may perform a required inspection if he performed the item of work required to be inspected.

(d) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall maintain, or shall determine that each person with whom it arranges to perform its required inspections maintains a current listing of persons who have been trained, qualified, and authorized to conduct required inspections. The persons must be identified by name, occupational title, and the inspections that they are authorized to perform. The foreign commercial air transport operator or foreign person (or person with whom it arranges to perform its required inspections) shall give written information

to each person so authorized describing the extent of his responsibilities, authorities, and inspectional limitations. The list shall be available for inspection by the Administrator.

§ 129.XXz Maintenance and preventive maintenance training program.
Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations and each person performing maintenance or preventive maintenance functions for that foreign commercial air transport operator or foreign person, shall have a training program to ensure that each person (including inspection personnel) who determines the adequacy of work done is fully informed about procedures and techniques and new equipment in use and is competent to perform his duties.

§ 129.XXaa Certificate Requirements
(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by repair stations certificated under the provisions of part 145, each person who is directly in charge of maintenance, preventive maintenance, or alteration, and each person performing required inspections must hold an appropriate airman certificate under part 65.
(b) For the purposes of this section, a person *directly in charge* is each person assigned to a position in which he is responsible for the work of a shop or station that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness. A person who is *directly in charge* need not physically observe and direct each worker constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

§ 129.XXab Maintenance recording requirements.
(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall keep (using the system specified in the manual required in §129.XXx [Manual Requirements]) the following records for the periods specified in paragraph (b) of this section:
(1) All the records necessary to show that all requirements for the issuance of an airworthiness release under §129.XXad [Airworthiness Release or Aircraft Log Entry] have been met.
(2) Records containing the following information:
(i) The total time in service of the airframe.
(ii) The total time in service of each engine and propeller.
(iii) The current status of life-limited parts of each airframe, engine, propeller, and appliance.
(iv) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.
(v) The identification of the current inspection status of the aircraft, including the times since the last inspections required by the inspection program under which the aircraft and its appliances are maintained.
(vi) The current status of applicable airworthiness directives, including the date and methods of compliance, and, if the airworthiness directive involves recurring action, the time and date when the next action is required.
(vii) A list of current major alterations to each airframe, engine, propeller, and appliance.
(b) Each foreign commercial air transport operator or foreign person shall retain the records required to be kept by this section for the following periods:

(1) Except for the records of the last complete overhaul of each airframe, engine, propeller, and appliance, the records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for one year after the work is performed.

(2) The records of the last complete overhaul of each airframe, engine, propeller, and appliance shall be retained until the work is superseded by work of equivalent scope and detail.

(3) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(c) The foreign commercial air transport operator or foreign person shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 129.XXac Transfer of Maintenance Records.

Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations who transfers possession of a U.S.-registered aircraft shall transfer to the person taking possession the following records of that aircraft, in plain language form or in coded form at the election of the person taking possession, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The record specified in §129.XXab(a)(2).

(b) The records specified in §129.XXab(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the person taking possession may permit the foreign commercial air transport operator or foreign person to keep physical custody of such records. However, custody of records in the foreign commercial air transport operator or foreign person does not relieve the person taking possession of his responsibility under §129.XXab(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 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.

§ 129.24 Cockpit voice recorders.

No person may operate an aircraft under this part that is registered in the United States unless it is equipped with an approved cockpit voice recorder that meets the standards of TSO–C123a, or later revision. The cockpit voice recorder must record the information 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 that part, as applicable to the aircraft.

§ 129.111 Electrical wiring interconnection systems (EWIS) maintenance program.

(a) Except as provided in paragraph (f) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of original type certification or later increase in capacity, have—

(1) A maximum type-certificated passenger capacity of 30 or more, or

(2) A maximum payload capacity of 7500 pounds or more.

(b) After March 10, 2011, no foreign person or ~~foreign air carrier~~ foreign commercial air transport operator may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane includes inspections and procedures for EWIS.

(c) The proposed EWIS maintenance program changes must be based on EWIS Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the provisions of Appendix H of part 25 of this chapter applicable to each affected airplane (including those ICA developed for supplemental type certificates installed on each airplane) and that have been approved by the FAA Oversight Office.

(1) For airplanes subject to §26.11 of this chapter, the EWIS ICA must comply with paragraphs H25.5(a)(1) and (b).

(2) For airplanes subject to §25.1729 of this chapter, the EWIS ICA must comply with paragraph H25.4 and all of paragraph H25.5.

(d) After March 10, 2011, before returning a U.S.-registered airplane to service after any alterations for which EWIS ICA are developed, the foreign person or ~~foreign air carrier~~foreign commercial air transport operator must include in the maintenance program for that airplane inspections and procedures for EWIS based on those ICA.

(e) The EWIS maintenance program changes identified in paragraphs (c) and (d) of this section and any later EWIS revisions must be submitted to the ~~Principal Inspector or Flight Standards International Field Office responsible for review and approval~~assigned FAA office.

(f) This section does not apply to the following airplane models:

(1) Lockheed L–188
(2) Bombardier CL–44
(3) Mitsubishi YS–11
(4) British Aerospace BAC 1–11
(5) Concorde
(6) deHavilland D.H. 106 Comet 4C
(7) VFW–Vereinigte Flugtechnische Werk VFW–614
(8) Illyushin Aviation IL 96T
(9) Bristol Aircraft Britannia 305
(10) Handley Page Herald Type 300
(11) Avions Marcel Dassault—Breguet Aviation Mercure 100C
(12) Airbus Caravelle
(13) Lockheed L–300

§ 129.113 Fuel tank system maintenance program.

(a) ~~Except as provided in paragraph (g) of this section, t~~This section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958~~,~~ that, as a result of original type certification or later increase in capacity, have—

(1) A maximum type-certificated passenger capacity of 30 or more, or
(2) A maximum payload capacity of 7500 pounds or more.

(b) For each U.S.-registered airplane on which an auxiliary fuel tank is installed under a field approval, before June 16, 2008, the foreign person or ~~foreign air carrier~~ foreign commercial air transport operator operating the airplane must submit to the FAA Oversight Office proposed maintenance instructions for the tank that meet the requirements of Special Federal Aviation Regulation No. 88 (SFAR 88) of this chapter.

(c) ~~After December 16, 2008, n~~No foreign person or ~~foreign air carrier~~foreign commercial air transport operator may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane has been revised to include applicable inspections, procedures, and limitations for fuel tank systems.

~~(d) The proposed fuel tank system maintenance program revisions must be based on fuel tank system Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the applicable provisions of SFAR 88 of this chapter or §25.1529 and part 25, Appendix H, of this chapter, in effect on June 6, 2001 (including those developed for auxiliary fuel tanks, if any, installed under supplemental type certificates or other design approval) and that have been approved by the FAA Oversight Office.~~
~~(e) After December 16, 2008, before returning a U.S.-registered airplane to service after any alteration for which fuel tank ICA are developed under SFAR 88, or under §25.1529 in effect on June 6, 2001, the foreign person or foreign air carrier must include in the maintenance program for the airplane inspections and procedures for the fuel tank system based on those ICA.~~
~~(f) The fuel tank system maintenance program changes identified in paragraphs (d) and (e) of this section and any later fuel tank system revisions must be submitted to the Principal Inspector or Flight Standards International Field Office responsible for review and approval.~~
~~(g) This section does not apply to the following airplane models:~~
~~(1) Bombardier CL–44~~
~~(2) Concorde~~
~~(3) deHavilland D.H. 106 Comet 4C~~
~~(4) VFW–Vereinigte Flugtechnische Werk VFW–614~~
~~(5) Illyushin Aviation IL 96T~~
~~(6) Bristol Aircraft Britannia 305~~
~~(7) Handley Page Herald Type 300~~
~~(8) Avions Marcel Dassault—Breguet Aviation Mercure 100C~~
~~(9) Airbus Caravelle~~
~~(10) Lockheed L–300~~

§ 129.XXad Airworthiness release or aircraft log entry.
(a) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may operate an aircraft after maintenance, preventive maintenance or alterations are performed on the aircraft unless it, or the person with whom it arranges for the performance of the maintenance, preventive maintenance, or alterations, prepares or causes to be prepared --
(1) An airworthiness release; or
(2) An appropriate entry in the aircraft log.
(b) The airworthiness release or log entry required by paragraph (a) of this section must --
(1) Be prepared in accordance with the procedures set forth in the foreign commercial air transport operator's or foreign person's approved maintenance program;
(2) Include a certification that --
(i) The work was performed in accordance with the requirements of the foreign commercial air transport operator's or foreign person's approved maintenance program;
(ii) All items required to be inspected were inspected by an authorized person who determined that the work was satisfactorily completed;
(iii) No known condition exists that would make the airplane unairworthy; and
(iv) So far as the work performed is concerned, the aircraft is in condition for safe operation; and
(3) Be signed by an authorized mechanic certificated under part 65.
(c) Notwithstanding paragraph (b)(3) of this section, after maintenance, preventive maintenance, or alterations performed by a repair station certificated under the provisions of part 145, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by that repair station.

(d) When an airworthiness release form is prepared, the foreign commercial air transport operator or foreign person must give a copy to the pilot in command and must keep a record thereof for at least two months.
(e) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the foreign commercial air transport operator or foreign person may state in its approved maintenance program that the signature of an authorized certificated mechanic constitutes that certification.

§ 129.XXae Mechanical Interruption Summary Report.
Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall submit to the assigned FAA office, before the end of the 10th day of each month, a summary report for the previous month of:
(a) Each interruption to a flight, caused by known or suspected mechanical difficulties or malfunctions.
(b) The number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed.
(c) The number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

§ 129.XXaf Service Difficulty Reports (Structural).
(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall report the occurrence or detection of each failure or defect related to --
(1) Corrosion, cracks, or disbonding that requires replacement or repair of the affected part;
(2) Corrosion, cracks, or disbonding that requires rework or blendout because the corrosion, cracks, or disbonding exceeds the manufacturer's established allowable damage limits;
(3) Cracks, fractures, or disbonding in a composite structure that the equipment manufacturer has designated as a primary structure or a principal structural element; or
(4) Repairs made in accordance with approved data not contained in the manufacturer's maintenance manual.
(b) In addition to the reports required by paragraph (a) of this section, each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall report any other failure or defect in aircraft structure that occurs or is detected at any time if that failure or defect has endangered or may endanger the safe operation of an aircraft.
(c) Each foreign commercial air transport operator or foreign person shall submit each report required by this section, covering each 24-hour period beginning at 0900 local time of each day and ending at 0900 local time on the next day, to a centralized collection point as specified by the Administrator. Each report of occurrences during a 24-hour period shall be submitted to the FAA within the next 96 hours. However, a report due on Saturday or Sunday may be submitted on the following Monday, and a report due on a holiday may be submitted on the next workday. Each foreign commercial air transport operator or foreign person also shall make the report data available in a form and manner acceptable to the Administrator for examination by the assigned FAA office.
(d) The foreign commercial air transport operator or foreign person holder shall submit the reports required by this section on a form or in another format acceptable to the Administrator. The reports shall include the following information:
(1) The manufacturer, model, serial number, and registration number of the aircraft;

(2) The foreign commercial air transport operator's or foreign person's designator;
(3) The date on which the failure or defect was discovered;
(4) The stage of ground operation during which the failure or defect was discovered;
(5) The part name, part condition, and location of the failure or defect;
(6) The applicable Joint Aircraft System/Component Code;
(7) The total cycles, if applicable, and total time of the aircraft;
(8) Other information necessary for a more complete analysis of the cause of the failure or defect, including corrosion classification, if applicable, or crack length and available information pertaining to type designation of the major component and the time since the last maintenance overhaul, repair, or inspection; and
(9) A unique control number for the occurrence, in a form acceptable to the Administrator.
(e) A report required by this section may be submitted by a certificated repair station when the reporting task has been assigned to that repair station by the foreign commercial air transport operator or foreign person. However, the foreign commercial air transport operator or foreign person is responsible for ensuring compliance with the provisions of this section. The foreign commercial air transport operator or foreign person shall receive a copy of each report submitted by the repair station.
(f) No person may withhold a report required by this section.
(g) If all information required by this section is not available, the foreign commercial air transport operator or foreign person shall submit available information. Upon receipt of additional information the foreign commercial air transport operator or foreign person shall submit that information using the unique control number from the original report.

~~**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. Communications facilities. List all 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 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.)~~

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Special Federal Aviation Regulation No. 97
Editorial Note: For the text of SFAR No. 97, see part 91 of this chapter.

Subpart A—General

§ 129.1 Applicability and definitions.

(a) This part prescribes rules governing commercial air transport operation into, within, or out of the territory of the United States of each foreign commercial air transport operator holding the following:

(1) A foreign commercial air transport operator permit issued by the U.S. Department of Transportation under 49 U.S.C. 41301 through 41306, or

(2) Other appropriate economic or exemption authority issued by the U.S. Department of Transportation.

(b) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (a) of this section, Subparts B and I of this part also apply to U.S.-registered aircraft operated solely outside the United States for the purposes of commercial air transport by a foreign person or foreign commercial air transport operator.

(c) This part does not govern operations conducted under part 375 of this Title.

(d) Definitions. For the purpose of this part--

(1) Foreign person means any person who is not a citizen of the United States and who operates a U.S.-registered aircraft for the purposes of commercial air transport solely outside the United States.

(2) Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.

(3) Common carriage means holding out or provision of air transportation to the public for compensation or hire. A foreign person or foreign commercial air transport operator conducts common carriage when it 'holds itself out' to the public, or a segment of the public, as willing to furnish air transportation with the limits of its facilities to any person who wants it.

(4) Foreign commercial air transport operator means a person, organization or enterprise, in possession of a valid air operator certificate issued by a foreign State, engaged in or offering to engage in an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire, within the territory of the United States.

(5) Commercial air transport operation means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire.

(6) Flight crewmember means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.

(7) Assigned FAA office means the international field office or international field unit responsible for management of the operations specifications issued to a foreign commercial air transport operator or foreign person engaged in commercial operations for purposes of common carriage.

Subpart B—Operations Specifications

§ 129.XXa Applicability.

This subpart prescribes the content of operations specifications and certain other requirements for operations conducted under part 129 of this chapter.

§ 129.11 General Requirements.

(a) Each foreign commercial air transport operator conducting operations into, within, or out of the territory of the United States, and each foreign commercial air transport operator or foreign

person operating U.S.-registered aircraft solely outside the United States in common carriage, will conduct its operations in accordance with its Air Operator Certificate and associated operations specifications, together with the operations specifications issued by the FAA under this part.
(b) Each foreign commercial air transport operator conducting operations into, within, or out of the territory of the United States will conduct its operations in accordance with:
(i) the applicable Standards contained in Annex 1 (Personnel Licensing), Annex 6 (Operation of Aircraft), Part I (International Commercial Air Transport — Aeroplanes) or Part III (International Operations — Helicopters), as appropriate, Annex 8 (Airworthiness of Aircraft), and Annex 18 (Safe Transport of Dangerous Good by Air) to the Convention on International Civil Aviation;
(ii) the applicable provisions of Title 14 of the Code of Federal Regulations (14 CFR) parts 91 and 129;
(iii) Title 49 CFR part 175; and
(iv) any other applicable regulations, laws, and orders of the United States.
(c) No foreign commercial air transport operator may operate to or from locations within the United States without, or in violation of, appropriate operations specifications.
(d) No foreign commercial air transport operator or foreign person will operate U.S.-registered aircraft solely outside the United States in common carriage without, or in violation of, appropriate operations specifications.
(e) Operations specifications issued under this part are effective until surrendered, suspended, revoked, or amended.
(f) Within 30 days after a foreign commercial air transport operator terminates operations under part 129 of this subchapter, the operations specifications must be surrendered by the foreign commercial air transport operator or foreign person to the assigned FAA office.
(g) No person operating under this part may operate or list on its operations specifications any airplane listed on operations specifications issued under 14 CFR part 125.
(h) At all times the foreign commercial air transport operator must have appropriate economic authority issued by the U.S. Department of Transportation (DOT) and an appropriate security program or waiver as approved by the Transportation Security Administration (TSA).
(i) The Administrator may amend, suspend, or revoke any or all provisions of a foreign commercial air transport operator's operations specifications upon a determination that safety in air commerce and the public interest requires such action.

§129.XXc Application for operations specifications.
(a) A foreign commercial air transport operator or foreign person applying to the FAA for operations specifications under this part must submit an application—
(1) In a form and manner prescribed by the FAA; and
(2) At least 90 days before the intended date of operation.
(b) General. Each application must be executed by an authorized officer, employee, or representative of the applicant having knowledge of the matter set forth therein, and must have attached thereto the written authority issued to that officer, employee, or representative by the applicant.

§129.XXd Contents of operations specifications.
(a) A foreign commercial air transport operator or foreign person authorized operations under this part will be issued only one set of operations specifications regardless of whether the operation is conducted under the provisions of §129.1(a), §129.1(b) or both.

(b) The contents of operations specifications issued to a foreign commercial air transport operator conducting operations into, within, or out of the territory of the United States under §129.1(a) will include—

(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the foreign commercial air transport operator;

(2) The designation of an agent for service, including the agent's full name and the address of its office or usual place of residence;

(3) The certificate number and validity of the foreign commercial air transport operator's Air Operator Certificate issued by the State of the Operator;

(4) The reference to the economic or exemption authority issued by the Department of Transportation;

(5) Any other business names under which the foreign commercial air transport operator may operate;

(6) Any authorized deviation and exemption granted from the requirements of this chapter;

(7) The kinds of operations authorized;

(8) Any airport limitations;

(9) The scheduled operations, regular, alternate and provisional airports to be used;

(10) Any aircraft interchange agreements and requirements;

(11) Any aircraft wet lease agreements and requirements;

(12) The type, registration markings and serial number of each aircraft that meets the equipment requirements of §129.28(a);

(13) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and

(14) Any other item the FAA determines is necessary.

(c) The contents of operations specifications issued to a foreign commercial air transport operator or foreign person operating U.S.-registered aircraft operated solely outside the United States for purposes of commercial air transport in accordance with §129.1(b) will include—

(1) The specific location and mailing address of the principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the FAA and the foreign commercial air transport operator or foreign person;

(2) In the case of a foreign commercial air transport operator, the identifying number and validity of the foreign commercial air transport operator's Air Operator Certificate issued by the State of the Operator;

(3) Any other business names under which the foreign commercial air transport operator or foreign person may operate;

(4) Any authorized deviation and exemption granted from the requirements of this chapter;

(5) The type, registration markings, serial number, category and class of each United States registered aircraft authorized for use;

(6) The approval of maintenance programs and minimum equipment lists for United States registered aircraft authorized for use; and

(7) Any other item the FAA determines is necessary.

§129.XXe Issuance or denial of operations specifications.

(a) A foreign applicant may be issued operations specifications, if after investigation, the FAA finds the applicant—

(1) Meets the applicable requirements of this part;

(2) Holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted;

(3) Complies with the applicable security requirements issued pursuant to 49 CFR chapter XII; and

(4) Is properly and adequately equipped to conduct the operations to be described in the operations specifications.

(b) An application may be denied if the FAA finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications.

§ 129.XXg Operations specifications Foreign commercial air transport operator's duty to maintain Operations Specifications.

(a) Each foreign commercial air transport operator or foreign person to whom operations specifications are issued will maintain a complete and separate set of operations specifications issued by the FAA including any amendments at their principal base of operations.

(b) Each foreign commercial air transport operator will keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.

§ 129.XXf Amendment of operations specifications.

(a) The assigned FAA office may amend any operations specifications issued under this part if—

(1) It determines that safety in air commerce requires that amendment; or

(2) Upon application by the holder, the assigned FAA office determines that safety in air commerce allows that amendment.

(b) The foreign air carrier or foreign person must file an application to amend operations specifications at least 15 days before the date proposed by the applicant for the amendment to become effective, unless a shorter filing period is approved. The application must be on a form and in a manner prescribed by the Administrator and be submitted to the assigned FAA office.

(c) Within 30 days after a notice of refusal to approve a foreign air carrier or foreign person's application for amendment is received, the foreign air carrier or foreign person may petition the responsible regional division manager of the Flight Standards Service, to reconsider the refusal to amend.

(d) When the assigned FAA office amends operations specifications, that office gives notice in writing to the foreign air carrier or foreign person of a proposed amendment to the operations specifications, fixing a period of not less than 7 days within which the foreign air carrier or foreign person may submit written information, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the assigned FAA office notifies the foreign air carrier or foreign person of any amendment adopted, or a rescission of the notice. That amendment becomes effective not less than 30 days after the foreign air carrier or foreign person receives notice of the adoption of the amendment, unless the foreign air carrier or foreign person petitions the responsible regional division manager of the Flight Standards Service for reconsideration of the amendment. In that case, the effective date of the amendment is stayed pending a decision by the division manager. If the assigned FAA office finds there is an emergency requiring immediate action as to safety in air commerce that makes the provisions of this paragraph impracticable or contrary to the public interest, the assigned FAA office notifies the foreign air carrier or foreign person that the amendment is effective on the date of receipt, without previous notice.

§ 129.XXf1 Suspension and revocation of Operations Specifications and changes to IASA status

(a) The FAA may amend, suspend or revoke any operations specifications issued under this part if —

(1) The FAA determines that safety in air commerce and the public interest require the amendment, suspension, or revocation; or

(2) The foreign commercial air transport operator or foreign person applies for the amendment, and the FAA determines that safety in air commerce and the public interest allows the amendment.

(b) Except as provided in paragraph (e) of this section, when the FAA initiates an amendment to or a suspension or revocation of a foreign commercial air transport operator or foreign person's operations specifications, the following procedure applies:

(1) The assigned FAA office notifies the foreign commercial air transport operator or foreign person in writing of the proposed amendment, suspension or revocation.

(2) The assigned FAA office sets a reasonable period (but not less than 7 days after the foreign commercial air transport operator or foreign person receives the written notification of the proposed amendment) within which the foreign commercial air transport operator or foreign person may submit written information, views, and arguments on the amendment, suspension or revocation.

(3) After considering all material presented, the assigned FAA office notifies the foreign commercial air transport operator or foreign person of --

(i) The adoption of the proposed amendment or the suspension or revocation;

(ii) The partial adoption of the proposed amendment; or

(iii) The withdrawal of the proposed amendment or the suspension or revocation.

(4) If the assigned FAA office issues an amendment to, or a suspension or revocation of the operations specifications, it becomes effective not less than 30 days after the foreign commercial air transport operator or foreign person receives notice of it unless --

(i) The assigned FAA office finds under paragraph (f) of this section that there is an emergency requiring immediate action with respect to safety in air commerce; or

(ii) The foreign commercial air transport operator or foreign person petitions for reconsideration of the amendment, suspension or revocation under paragraph (d) of this section.

(c) When the foreign commercial air transport operator or foreign person applies for an amendment to its operations specifications, the following procedure applies:

(1) The foreign commercial air transport operator or foreign person must file an application to amend its operations specifications in a form and manner prescribed by the FAA.

(2) After considering all material presented, the assigned FAA office notifies the foreign commercial air transport operator or foreign person of --

(i) The adoption of the applied for amendment;

(ii) The partial adoption of the applied for amendment; or

(iii) The denial of the applied for amendment.

(3) If the assigned FAA office approves the amendment, following coordination with the foreign commercial air transport operator or foreign person regarding its implementation, the amendment is effective on the date the FAA approves it.

(d) The foreign commercial air transport operator or foreign person may petition for reconsideration of a full or partial adoption of an amendment or a denial of an amendment, and may petition for reconsideration of a suspension or revocation. When a foreign commercial air transport operator or foreign person seeks reconsideration of a decision from the assigned FAA

office concerning the amendment, suspension or revocation of operations specifications, the following procedure applies:

(1) The foreign commercial air transport operator or foreign person must petition for reconsideration of that decision within 30 days of the date that the foreign commercial air transport operator or foreign person receives a notice of the decision.

(2) The foreign commercial air transport operator or foreign person must address its petition to the Director, Flight Standards Service.

(3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of any amendment, suspension or revocation issued by the assigned FAA office unless the assigned FAA office has found, under paragraph (f) of this section, that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce.

(e) Before the assigned FAA office may suspend or revoke a foreign commercial air transport operator or foreign person's operations specifications, it must first provide an opportunity for the foreign commercial air transport operator or foreign person to:

(1) surrender its operations specifications;

(2) request an opportunity to be heard in an informal conference with the FAA Counsel; or

(3) request a hearing to be conducted in accordance with the procedures established by Subpart D of 14 CFR Part 13.

(f) If the assigned FAA office finds that an emergency exists requiring immediate action with respect to safety in air commerce or air transportation that makes the procedures set out in this section impracticable or contrary to the public interest, that office may make the amendment, suspension or revocation effective the day the foreign air transport operator or foreign person receives notice of the amendment, suspension or revocation in writing. In the notice to the foreign commercial air transport operator or foreign person, the assigned FAA office will articulate the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment, suspension or revocation. Under these circumstances, the foreign air transport operator or foreign person may request a hearing to be conducted in accordance with the procedures established by Subpart D of 14 CFR Part 13. That hearing shall be conducted within seven (7) days after the FAA receives the request in writing. The amendment, suspension or revocation shall remain in effect unless or until the amendment, suspension or revocation is modified or reversed by the administrative law judge.

(g) Appeal of emergency amendment, suspension or revocation.

(1) Any party to the hearing may appeal from the order of the administrative law judge by filing a notice of appeal with the Administrator within 20 days after the date of issuance of the order.

(2) Any foreign commercial air transport operator or foreign person against whom an order of emergency amendment, suspension or revocation has been issued may appeal from the order of the administrative law judge upholding that emergency amendment, suspension or revocation by filing a notice of appeal with the Administrator within three days after the date of issuance of the order by the administrative law judge.

(3) Unless the Administrator expressly so provides, the filing of a notice of appeal does not stay the effectiveness of an order of emergency amendment, suspension or revocation.

(4) If a notice of appeal is not filed from the order issued by the administrative law judge upholding the emergency amendment, suspension or revocation, such order is the final agency order of compliance.

(5) Any person filing an appeal authorized by paragraph (1) of this section shall file an appeal brief with the Administrator within 40 days after the date of the issuance of the order, and serve

a copy on the other party. Any reply brief must be filed within 20 days after service of the appeal brief. A copy of the reply brief must be served on the appellant.

(6) Any person filing an appeal authorized by paragraph (2) of this section shall file an appeal brief with the Administrator with the notice of appeal and serve a copy on the other party. Any reply brief must be filed within 3 days after receipt of the appeal brief. A copy of the reply brief must be served on the appellant.

(7) On appeal the Administrator reviews the available record of the proceeding, and issues an order dismissing, reversing, modifying or affirming the emergency amendment, suspension or revocation. The Administrator's order includes the reasons for the action.

(8) In cases involving an emergency amendment, suspension or revocation, the Administrator's order on appeal shall be issued within ten days after the filing of the notice of appeal.

(h) Changes to IASA Status.

[To be drafted pending NPRM promulgation]

Subpart C—Authorizations and Limitations

§ 129.XXq Airport approvals – military airports.

If a military airport of the United States is to be used as a regular, alternate, refueling, or provisional airport, the foreign commercial air transport operator must obtain written permission to do so from the military organization concerned and submit a copy of that written permission to the Administrator.

§ 129.XXr Airport approvals – Special Pilot-in-Command (SPIC) airports.

The foreign commercial air transport operator is only authorized to conduct IFR operations into airports requiring special qualification by the pilot-in-command, as designated by the Administrator, in accordance with the provisions and limitations contained in the operations specifications issued by the Administrator.

§ 129.29 Smoking prohibitions.

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

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

§ 129.XXs Wet leasing of aircraft, interchange agreements and other arrangements [83 *bis*].

[To be drafted]

§ 129.XXag Operation of Airplane Design Group VI (ICAO Code F) Airplanes.
Foreign commercial air transport operators conducting operations of Airplane Design Group VI (ADG-VI) airplanes under this part must conduct such operations in accordance with the special authorizations and limitations contained in the operations specifications issued under this part.

Subpart D—Aircraft Equipment and Documentation

§ 129.17 Navigation and communication equipment.
(a) Subject to the applicable laws and regulations governing ownership and operation of radio and other communication equipment and to the operations specifications issued under this part, each foreign commercial air transport operator will equip its aircraft with such 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.

§ 129.18 Collision avoidance system.
Any airplane operated under part 129 must be equipped and operated according to the following table:

Collision Avoidance Systems

If you operate in the United States any . . .	Then you must operate that airplane with:
(a) Turbine-powered airplane of more than 33,000 pounds maximum certificated takeoff weight	(1) An appropriate class of Mode S transponder that meets Technical Standard Order (TSO) C–112, or a later version, and one of the following approved units: (i) TCAS II that meets TSO C–119b (version 7.0), or a later version.
	(ii) TCAS II that meets TSO C–119a (version 6.04A Enhanced) that was installed in that airplane before May 1, 2003. If that TCAS II version 6.04A Enhanced no longer can be repaired to TSO C–119a standards, it must be replaced with a TCAS II that meets TSO C–119b (version 7.0), or a later version. (iii) A collision avoidance system equivalent to TSO C–119b (version 7.0), or a later version, capable of coordinating with units that meet TSO C–119a (version 6.04A Enhanced), or a later version.
(b) Turbine-powered airplane with a passenger-seat configuration, excluding any pilot seat, or 10–30 seats	(1) TCAS I that meets TSO C–118, or a later version, or (2) A collision avoidance system equivalent to excluding any TSO C–118, or a later version, or (3) A collision avoidance system and Mode S transponder that meet paragraph (a)(1) of this section.

§ 129.XXp Terrain Awareness and Warning System (TAWS).
Each foreign commercial air transport operator must comply with the requirements of ICAO Annex 6 for the provision of a terrain awareness warning system.

§ 129.13 Airworthiness and registration certificates.
No foreign commercial air transport operator may operate any aircraft into, within, or out of the territory of the United States unless that aircraft carries a current registration certificate and displays the nationality and registration markings of State of Registry, and an airworthiness certificate issued or validated
(a) By the State of Registry; or
(b) By the State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.

Subpart E—Operating procedures

§ 129.XXh Procedures for operations during ground icing conditions.
(a) The foreign commercial air transport operator shall use a system to conduct operations during ground icing conditions in accordance with ICAO Annex 6 and as approved by the State of the operator.
(b) The foreign commercial air transport operator shall ensure that all personnel, including contract personnel, who are used in the conduct of aircraft deicing procedures, use the carrier's system referenced above.
(c) The foreign commercial air transport operator is responsible for initial and recurrent training and qualification for all affected personnel e.g., flight crew, aircraft dispatchers if applicable, maintenance representatives, ground crews, contract personnel, etc.

§ 129.XXi Land and hold short operations.
The foreign commercial air transport operator shall conduct Land and Hold Short Operations (LAHSO) only when authorized by the State of the Operator and at designated airports and specified runway configurations as identified by Air Traffic Services.

§ 129.XXj Operations in Reduced Vertical Separation Minimum (RVSM) airspace of the United States.
The foreign commercial air transport operator shall not conduct operations in United States airspace designated as RVSM airspace unless authorized in accordance with the operations specifications issued by the State of the operator.

§ 129.XXk Terminal instrument procedures.
(a) The foreign commercial air transport operator shall conduct terminal instrument operations provided:
(1) The procedure used is approved or accepted by the State of the operator; and
(2) One of the following conditions is met:
(i) The terminal instrument procedure used is prescribed by Title 14 Code of Federal Regulations Part 97, Standard Instrument Approach Procedures; or
(ii) At authorized U.S. military airports, the terminal instrument procedure used is prescribed by the U.S. military agency operating the airport.

(b) The foreign commercial air transport operator shall use the following conversion tables to convert any takeoff and landing minimum expressed in the metric linear measurement system to the U.S. standard linear measurement system.

Table 1

RVR Conversion	
Feet	**Meters**
300 ft	100 m
400 ft	125 m
500 ft	150 m
600 ft	175 m
700 ft	200 m
1000 ft	300 m
1200 ft	350 m
1600 ft	500 m
1800 ft	550 m
2000 ft	600 m
2100 ft	650 m
2400 ft	750 m
3000 ft	1000 m
4000 ft	1200 m
4500 ft	1400 m
5000 ft	1500 m
6000 ft	1800 m

Table 2

Meteorological Visibility Conversion		
Statute Miles	**Meters**	**Nautical Miles**
¼ sm	400 m	¼ nm
3/8 sm	600 m	3/8 nm
1/2 sm	800 m	1/2 nm
5/8 sm	1000 m	5/8 nm
3/4 sm	1200 m	7/10 nm
7/8 sm	1400 m	7/8 nm
1 sm	1600 m	9/10 nm
1 1/8 sm	1800 m	1 1/8 nm
1 ¼ sm	2000 m	1 1/10 nm
1 ½ sm	2400 m	1 3/10 nm
1 ¾ sm	2800 m	1 ½ nm
2 sm	3200 m	1 ¾ nm
2 ¼ sm	3600 m	2 nm
2 ½ sm	4000 m	2 2/10 nm
2 ¾ sm	4400 m	2 4/10 nm
3 sm	4800 m	2 6/10 nm

§ 129.XXl IFR RNAV Departure Procedures (DP) and Standard Terminal Arrivals (STARs).
The foreign commercial air transport operator is authorized to conduct IFR area navigation (RNAV) Instrument Departure Procedures (DPs) and Standard Terminal Arrivals (STARs) published as prescribed by 14 CFR Part 97, using approved area navigation systems to the airports and runways approved for such operations and shall conduct all such operations as approved by the State of the operator, and in accordance with the operations specifications issued by the Administrator.

§ 129.XXn Takeoff minimums.
The foreign commercial air transport operator shall not use any takeoff minimums lower than those prescribed in the operations specifications issued by the Administrator, and shall not use any takeoff minimums lower than those approved by the State of the operator.

§ 129.XXm IFR landing minimums.
The foreign commercial air transport operator shall not use any IFR landing minimum lower than those prescribed by the applicable published instrument approach procedure and shall not use any IFR landing minimums lower than those prescribed in the operations specifications issued by the Administrator.

§ 129.XXo Terminal Visual Flight Rules, Limitations, and Provisions.
The foreign commercial air transport operator shall conduct terminal area visual and charted visual operations in accordance with its Operations Specifications issued by the Administrator.

§ 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 into, within, or out of the territory of the United States.
(b) Each foreign commercial air transport operator 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 commercial air transport operator shall conform to the practices, procedures, and other requirements prescribed by the Administrator for the areas of operation.

Subpart F—Crew Requirements

§ 129.12 Pilot age limitations.
Foreign commercial air transport operators shall comply with the current age limitations of ICAO Annex 1 and 14 CFR Section 61.3, or as amended.

§ 129.15 Flight crewmember licenses.
(a) Each person acting as a flight crewmember must hold and be in possession of a license or its equivalent that shows the person's ability to perform duties in connection with the operation of the aircraft. The license or equivalent document will have been issued or rendered valid by:
(1) The State in which the aircraft is registered; or
(2) The State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 *bis* to the Convention on International Civil Aviation that covers the aircraft.
(b) Each person acting as a flight crewmember must hold and be in possession of a medical certificate or its equivalent as required by the State of the operator.

§ 129.21 Language proficiency.
Each foreign commercial air transport operator shall ensure that each flight crewmember demonstrates the ability to speak and understand the English language, for the purpose of the use of communication equipment, to an operational level 4 or higher proficiency as specified in ICAO Annex 1.

Subpart G—Security

§ 129.25 Airplane security.
Foreign commercial air transport operators conducting operations under this part must comply with the applicable security requirements in 49 CFR chapter XII, part 1546.

§ 129.28 Flightdeck security.

(a)(1) Except for a newly manufactured airplane on a non-revenue delivery flight, no foreign commercial air transport operator covered by §129.1(a) may operate:

(i) A passenger carrying transport category airplane into, within, or out of the territory of the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (a)(2) and (a)(3) of this section or an alternative standard found acceptable to the Administrator.

(ii) A transport category all-cargo airplane that had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, into, within, or out of the territory of the United States, except on overflights, unless the airplane's flightdeck door installation meets the requirements of paragraphs (a)(2) and (a)(3) of this section or an alternative standard found acceptable to the Administrator; or the operator has implemented a security program approved by the Transportation Security Administration (TSA) for the operation of all airplanes in that operator's fleet.

(2) The door must resist forcible intrusion by unauthorized persons and be capable of withstanding impacts of 300 joules (221.3 foot-pounds) at the critical locations on the door, as well as a 1,113-newton (250 pounds) constant tensile load on the knob or handle, and

(3) The door must resist penetration by small arms fire and fragmentation devices to a level equivalent to Level IIIa of the National Institute of Justice Standard (NIJ) 0101.04.

(b) No foreign commercial air transport operator covered by §129.1 may operate a passenger carrying transport category airplane, or a transport category all-cargo airplane that had a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002, into, within, or out of the territory of the United States, except for overflights, unless the operator has procedures in place that are acceptable to the State of the operator to prevent access to the flightdeck except as authorized as follows:

(1) No person other than a person who is assigned to perform duty on the flight deck may have a key to the flight deck door that will provide access to the flightdeck.

(2) Except when it is necessary to permit access and egress by persons authorized in accordance with paragraph (d)(3) of this section, a pilot in command of an airplane that has a lockable flight deck door in accordance with §129.28(a) and that is carrying passengers shall ensure that the door separating the flight crew compartment from the passenger compartment is closed and locked at all times when the airplane is being operated.

(3) No person may admit any person to the flight deck of an airplane unless the person being admitted is—

(i) A crewmember,

(ii) An inspector of the civil aviation authority responsible for oversight of the part 129 operator, or

(iii) Any other person authorized by the State authority responsible for oversight of the part 129 operator with respect to flightdeck access.

(c) Each foreign commercial air transport operator shall provide the Administrator with the registration numbers of each aircraft that meets the requirements of paragraph (a) of this section.

(d) The requirements of paragraph (a) through (c) except (b)(3), do not apply to transport category passenger carrying airplanes originally type certificated with a maximum passenger seating configuration of 19 seats or less, or to all-cargo airplanes with a payload capacity of 7,500 pounds or less.

Subpart H—Helicopter Operations

§ 129.XXt Helicopter Operations.

A foreign commercial air transport operator is authorized to conduct helicopter operations in accordance with the Operations Specifications issued by the Administrator.

§ 129.22 Communication and navigation equipment for rotorcraft operations under VFR over routes navigated by pilotage.

(a) No foreign commercial air transport operator may operate a rotorcraft under VFR over routes that can be navigated by pilotage unless the rotorcraft is equipped with the radio communication equipment necessary under normal operating conditions to fulfill the following:

(1) Communicate with at least one appropriate station from any point on the route;

(2) Communicate with appropriate air traffic control facilities from any point within Class B, Class C, or Class D airspace, or within a Class E surface area designated for an airport in which flights are intended; and

(3) Receive meteorological information from any point en route.

(b) No foreign commercial air transport operator may operate a rotorcraft at night under VFR over routes that can be navigated by pilotage unless that rotorcraft is equipped with—

(1) Radio communication equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section; and

(2) Navigation equipment suitable for the route to be flown.

Subpart I— Maintenance, Preventive Maintenance, and Alterations of U.S.-Registered Aircraft

§ 129.101 Applicability and definitions.

(a) This subpart applies to operation of U.S.-registered aircraft in commercial air transport operations by a foreign person or foreign commercial air transport operator and requires such persons and operators to support the continued airworthiness of each U.S.-registered aircraft. These requirements may include, but are not limited to, approving and revising the maintenance program, incorporating design changes, and incorporating revisions to Instructions for Continued Airworthiness.

(b) For purposes of this subpart, the “FAA Oversight Office” is the aircraft certification office or office of the Transport Airplane Directorate with oversight responsibility for the relevant type certificate or supplemental type certificate, as determined by the Administrator.

(c) Except as provided by paragraph (d) of this section, this subpart prescribes requirements for maintenance, preventive maintenance, and alterations for all Operations Specifications holders.

(d) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft must assure that all work performed is accomplished in accordance with its manual.

(e) Operations of U.S.-registered aircraft solely outside the United States. In addition to the operations specified under paragraph (c) and (d) of this section, sections 129.XXv [Maintenance, preventive maintenance and alterations programs], 129.20 [Digital Flight Data Recorders], 129.111 [Electrical wiring interconnection systems (EWIS) maintenance program] and 129.113 [Fuel Tank System Maintenance Program] of this part also apply to U.S.-registered aircraft operated solely outside the United States in common carriage by a foreign person or foreign commercial air transport operator.

§ 129.103 Responsibility for airworthiness.
(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations is responsible for --
(1) The airworthiness of its aircraft, including airframes, aircraft engines, propellers, appliances, and parts thereof; and
(2) The performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, in accordance with its manual and the regulations of this chapter.
(b) A foreign commercial air transport operator or foreign person may make arrangements with another person for the performance of any maintenance, preventive maintenance, or alterations. However, this does not relieve the foreign commercial air transport operator or foreign person of the responsibility specified in paragraph (a) of this section.

§ 129.XXu Maintenance, preventive maintenance, and alterations.
(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations that performs any of its maintenance (other than required inspections), preventive maintenance, or alterations, and each person with whom it arranges for the performance of that work must be authorized by the Administrator to perform that work.
(b) Each foreign commercial air transport operator or foreign person that performs any inspections required by its manual in accordance with §129.XXx [Manual requirements] (b)(2) or (3) (in this subpart referred to as *required inspections*) and each person with whom it arranges for the performance of that work must be authorized by the Administrator to perform that work.
(c) Each person performing required inspections in addition to other maintenance, preventive maintenance, or alterations, shall organize the performance of those functions so as to separate the required inspection functions from the other maintenance, preventive maintenance, and alteration functions. The separation shall be below the level of administrative control at which overall responsibility for the required inspection functions and other maintenance, preventive maintenance, and alteration functions are exercised.

§ 129.XXv Maintenance, preventive maintenance, and alterations programs.
Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall have an inspection program and a program covering other maintenance, preventive maintenance, and alterations approved by Administrator that ensures that --
(a) Maintenance, preventive maintenance, and alterations performed by it, or by other persons, are performed in accordance with the foreign commercial air transport operator's or foreign person's manual;
(b) Competent personnel and authorized facilities and equipment are provided for the proper performance of maintenance, preventive maintenance, and alterations; and
(c) Each aircraft released to service is airworthy and has been properly maintained for operation under this part.

§ 129.XXw Minimum equipment list.

No foreign commercial air transport operator or foreign person conducting commercial air transport operations may operate a U.S.-registered aircraft with inoperable instruments or equipment unless the following conditions are met:

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

(b) The foreign commercial air transport operator or foreign person submits for review and approval its aircraft minimum equipment list based on the master minimum equipment list, to the assigned FAA office. The foreign commercial air transport operator or foreign person must show, before minimum equipment list approval can be obtained, that the maintenance procedures used under its maintenance program are authorized to support the use of its minimum equipment list.

(c) A copy of the applicable operations specifications paragraph permitting the foreign commercial air transport operator or foreign person to use an approved minimum equipment list is carried aboard the aircraft.

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

(e) The aircraft is operated under all applicable conditions and limitations contained in the minimum equipment list and operations specifications paragraph D095 authorizing the use of the list.

§ 129.XXx Manual requirements.

(a) Each foreign commercial air transport operator or foreign person operating U.S-registered aircraft in commercial air transport operations shall put in its manual a chart or description of its organization and a list of persons with whom it has arranged for the performance of any of its required inspections, other maintenance, preventive maintenance, or alterations, including a general description of that work.

(b) The foreign commercial air transport operator's or foreign person's manual must contain the programs required by §129.XXv [Maintenance, preventive maintenance and alterations programs] that must be followed in performing maintenance, preventive maintenance, and alterations of that foreign commercial air transport operator's or foreign person's aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, and must include at least the following:

(1) The method of performing routine and nonroutine maintenance (other than required inspections), preventive maintenance, and alterations.

(2) A designation of the items of maintenance and alteration that must be inspected (required inspections), including at least those that could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used.

(3) The method of performing required inspections and a designation by occupational title of personnel authorized to perform each required inspection.

(4) Procedures for the reinspection of work performed pursuant to previous required inspection findings.

(5) Procedures, standards, and limits necessary for required inspections and acceptance or rejection of the items required to be inspected and for periodic inspection and calibration of precision tools, measuring devices, and test equipment.

(6) Procedures to ensure that all required inspections are performed.

(7) Instructions to prevent any person who performs any item of work from performing any required inspection of that work.

(8) Instructions and procedures to prevent any decision of an inspector, regarding any required inspection from being countermanded by persons other than supervisory personnel of the inspection unit, or a person at that level of administrative control that has overall responsibility for the management of both the required inspection functions and the other maintenance, preventive maintenance, and alterations functions.

(9) Procedures to ensure that required inspections, other maintenance, preventive maintenance, and alterations that are not completed as a result of shift changes or similar work interruptions are properly completed before the aircraft is released to service.

(c) The foreign commercial air transport operator or foreign person must set forth in its manual a suitable system (which may include a coded system) that provides for preservation and retrieval of information in a manner acceptable to the Administrator and that provides --

(1) A description (or reference to data acceptable to the Administrator) of the work performed;

(2) The name of the person performing the work; and

(3) The name or other positive identification of the individual approving the work.

§ 129.109 Supplemental inspections for U.S.-registered aircraft.

(a) Applicability. This section applies to U.S.-registered, transport category, turbine powered airplanes with a type certificate issued after January 1, 1958 that as a result of original type certification or later increase in capacity have—

(1) A maximum type certificated passenger seating capacity of 30 or more; or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) General requirements. After December 20, 2010, a foreign commercial air transport operator or foreign person conducting commercial air transport operations may not operate a U.S.-registered airplane under this part unless the following requirements have been met:

(1) Baseline Structure. The foreign commercial air transport operator's or foreign person's maintenance program for the airplane includes FAA-approved damage-tolerance-based inspections and procedures for airplane structure susceptible to fatigue cracking that could contribute to a catastrophic failure. For the purpose of this section, this structure is termed "fatigue critical structure."

(2) Adverse effects of repairs, alterations, and modifications. The maintenance program for the airplane includes a means for addressing the adverse effects repairs, alterations, and modifications may have on fatigue critical structure and on inspections required by paragraph (b)(1) of this section. The means for addressing these adverse effects must be approved by the FAA Oversight Office.

(3) Changes to maintenance program. The changes made to the maintenance program required by paragraph (b)(1) and (b)(2) of this section, and any later revisions to these changes, must be submitted to the Principal Maintenance Inspector for review and approval.

§ 129.107 Repairs assessment for pressurized fuselages.

(a) No foreign commercial air transport operator or foreign person operating a U.S.-registered airplane in commercial air transport operations 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) [Reserved]

§ 129.105 Aging airplane inspection and records review for U.S.-registered multiengineairplanes.

(a) Operation after airplane inspection and records review. After the dates specified in this paragraph, a foreign commercial air transport operator or foreign person may not operate a U.S.-registered multiengine airplane under this part unless the Administrator has notified the foreign commercial air transport operator or foreign person that the Administrator has completed the aging airplane inspection and records review required by this section. During the inspection and records review, the foreign commercial air transport operator or foreign person must demonstrate to the Administrator that the maintenance of age sensitive parts and components of the airplane has been adequate and timely enough to ensure the highest degree of safety.

(1) Airplanes exceeding 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 24 years in service on December 8, 2003, no later than December 5, 2007, and thereafter at intervals not to exceed 7 years.

(2) Airplanes exceeding 14 years in service but not 24 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has exceeded 14 years in service, but not 24 years in service, on December 8, 2003, no later than December 4, 2008, and thereafter at intervals not to exceed 7 years.

(3) Airplanes not exceeding 14 years in service on December 8, 2003; initial and repetitive inspections and records reviews. For an airplane that has not exceeded 14 years in service on

December 8, 2003, no later than 5 years after the start of the airplane's 15th year in service and thereafter at intervals not to exceed 7 years.
(b) Unforeseen schedule conflict. In the event of an unforeseen scheduling conflict for a specific airplane, the Administrator may approve an extension of up to 90 days beyond an interval specified in paragraph (a) of this section.
(c) Airplane and records availability. The foreign commercial air transport operator or foreign person must make available to the Administrator each U.S.-registered multiengine airplane for which an inspection and records review is required under this section, in a condition for inspection specified by the Administrator, together with the records containing the following information:
(1) Total years in service of the airplane;
(2) Total time in service of the airframe;
(3) Total flight cycles of the airframe;
(4) Date of the last inspection and records review required by this section;
(5) Current status of life-limited parts of the airframe;
(6) Time since the last overhaul of all structural components required to be overhauled on a specific time basis;
(7) Current inspection status of the airplane, including the time since the last inspection required by the inspection program under which the airplane is maintained;
(8) Current status of applicable airworthiness directives, including the date and methods of compliance, and if the airworthiness directive involves recurring action, the time and date when the next action is required;
(9) A list of major structural alterations; and
(10) A report of major structural repairs and the current inspection status for those repairs.
(d) Notification to Administrator. Each foreign commercial air transport operator or foreign person must notify the Administrator at least 60 days before the date on which the airplane and airplane records will be made available for the inspection and records review.

§ 129.XXy Required inspection personnel.
(a) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may use any person to perform required inspections unless the person performing the inspection is appropriately certificated, properly trained, qualified, and authorized to do so.
(b) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may allow any person to perform a required inspection unless, at that time, the person performing that inspection is under the supervision and control of an inspection department or unit.
(c) No person may perform a required inspection if he performed the item of work required to be inspected.
(d) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall maintain, or shall determine that each person with whom it arranges to perform its required inspections maintains a current listing of persons who have been trained, qualified, and authorized to conduct required inspections. The persons must be identified by name, occupational title, and the inspections that they are authorized to perform. The foreign commercial air transport operator or foreign person (or person with whom it arranges to perform its required inspections) shall give written information to each person so authorized describing the extent of his responsibilities, authorities, and inspectional limitations. The list shall be available for inspection by the Administrator.

§ 129.XXz Maintenance and preventive maintenance training program.
Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations and each person performing maintenance or preventive maintenance functions for that foreign commercial air transport operator or foreign person, shall have a training program to ensure that each person (including inspection personnel) who determines the adequacy of work done is fully informed about procedures and techniques and new equipment in use and is competent to perform his duties.

§ 129.XXaa Certificate Requirements
(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by repair stations certificated under the provisions of part 145, each person who is directly in charge of maintenance, preventive maintenance, or alteration, and each person performing required inspections must hold an appropriate airman certificate under part 65.
(b) For the purposes of this section, a person *directly in charge* is each person assigned to a position in which he is responsible for the work of a shop or station that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness. A person who is *directly in charge* need not physically observe and direct each worker constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

§ 129.XXab Maintenance recording requirements.
(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall keep (using the system specified in the manual required in §129.XXx [Manual Requirements]) the following records for the periods specified in paragraph (b) of this section:
(1) All the records necessary to show that all requirements for the issuance of an airworthiness release under §129.XXad [Airworthiness Release or Aircraft Log Entry] have been met.
(2) Records containing the following information:
(i) The total time in service of the airframe.
(ii) The total time in service of each engine and propeller.
(iii) The current status of life-limited parts of each airframe, engine, propeller, and appliance.
(iv) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.
(v) The identification of the current inspection status of the aircraft, including the times since the last inspections required by the inspection program under which the aircraft and its appliances are maintained.
(vi) The current status of applicable airworthiness directives, including the date and methods of compliance, and, if the airworthiness directive involves recurring action, the time and date when the next action is required.
(vii) A list of current major alterations to each airframe, engine, propeller, and appliance.
(b) Each foreign commercial air transport operator or foreign person shall retain the records required to be kept by this section for the following periods:
(1) Except for the records of the last complete overhaul of each airframe, engine, propeller, and appliance, the records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for one year after the work is performed.

(2) The records of the last complete overhaul of each airframe, engine, propeller, and appliance shall be retained until the work is superseded by work of equivalent scope and detail.

(3) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(c) The foreign commercial air transport operator or foreign person shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 129.XXac Transfer of Maintenance Records.

Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations who transfers possession of a U.S.-registered aircraft shall transfer to the person taking possession the following records of that aircraft, in plain language form or in coded form at the election of the person taking possession, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The record specified in §129.XXab(a)(2).

(b) The records specified in §129.XXab(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the person taking possession may permit the foreign commercial air transport operator or foreign person to keep physical custody of such records. However, custody of records in the foreign commercial air transport operator or foreign person does not relieve the person taking possession of his responsibility under §129.XXab(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 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 or 135 of this chapter, and must be installed by the compliance times required by those parts, as applicable to the aircraft.

§ 129.24 Cockpit voice recorders.

No person may operate an aircraft under this part that is registered in the United States unless it is equipped with an approved cockpit voice recorder that meets the standards of TSO–C123a, or later revision. The cockpit voice recorder must record the information that would be required to be recorded if the aircraft were operated under part 121 or 135 of this chapter, and must be installed by the compliance times required by that part, as applicable to the aircraft.

§ 129.111 Electrical wiring interconnection systems (EWIS) maintenance program.

(a) Except as provided in paragraph (f) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of original type certification or later increase in capacity, have—

(1) A maximum type-certificated passenger capacity of 30 or more, or

(2) A maximum payload capacity of 7500 pounds or more.

(b) After March 10, 2011, no foreign person or foreign commercial air transport operator may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane includes inspections and procedures for EWIS.
(c) The proposed EWIS maintenance program changes must be based on EWIS Instructions for Continued Airworthiness (ICA) that have been developed in accordance with the provisions of Appendix H of part 25 of this chapter applicable to each affected airplane (including those ICA developed for supplemental type certificates installed on each airplane) and that have been approved by the FAA Oversight Office.
(1) For airplanes subject to §26.11 of this chapter, the EWIS ICA must comply with paragraphs H25.5(a)(1) and (b).
(2) For airplanes subject to §25.1729 of this chapter, the EWIS ICA must comply with paragraph H25.4 and all of paragraph H25.5.
(d) After March 10, 2011, before returning a U.S.-registered airplane to service after any alterations for which EWIS ICA are developed, the foreign person or foreign commercial air transport operator must include in the maintenance program for that airplane inspections and procedures for EWIS based on those ICA.
(e) The EWIS maintenance program changes identified in paragraphs (c) and (d) of this section and any later EWIS revisions must be submitted to the assigned FAA office.
(f) This section does not apply to the following airplane models:
(1) Lockheed L–188
(2) Bombardier CL–44
(3) Mitsubishi YS–11
(4) British Aerospace BAC 1–11
(5) Concorde
(6) deHavilland D.H. 106 Comet 4C
(7) VFW–Vereinigte Flugtechnische Werk VFW–614
(8) Illyushin Aviation IL 96T
(9) Bristol Aircraft Britannia 305
(10) Handley Page Herald Type 300
(11) Avions Marcel Dassault—Breguet Aviation Mercure 100C
(12) Airbus Caravelle
(13) Lockheed L–300

§ 129.113 Fuel tank system maintenance program.
(a) This section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958 that, as a result of original type certification or later increase in capacity, have—
(1) A maximum type-certificated passenger capacity of 30 or more, or
(2) A maximum payload capacity of 7500 pounds or more.
(b) For each U.S.-registered airplane on which an auxiliary fuel tank is installed under a field approval, before June 16, 2008, the foreign person or foreign commercial air transport operator operating the airplane must submit to the FAA Oversight Office proposed maintenance instructions for the tank that meet the requirements of Special Federal Aviation Regulation No. 88 (SFAR 88) of this chapter.
(c) No foreign person or foreign commercial air transport operator may operate a U.S.-registered airplane identified in paragraph (a) of this section unless the maintenance program for that airplane has been revised to include applicable inspections, procedures, and limitations for fuel tank systems.

§ 129.XXad Airworthiness release or aircraft log entry.

(a) No foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations may operate an aircraft after maintenance, preventive maintenance or alterations are performed on the aircraft unless it, or the person with whom it arranges for the performance of the maintenance, preventive maintenance, or alterations, prepares or causes to be prepared --

(1) An airworthiness release; or

(2) An appropriate entry in the aircraft log.

(b) The airworthiness release or log entry required by paragraph (a) of this section must --

(1) Be prepared in accordance with the procedures set forth in the foreign commercial air transport operator's or foreign person's approved maintenance program;

(2) Include a certification that --

(i) The work was performed in accordance with the requirements of the foreign commercial air transport operator's or foreign person's approved maintenance program;

(ii) All items required to be inspected were inspected by an authorized person who determined that the work was satisfactorily completed;

(iii) No known condition exists that would make the airplane unairworthy; and

(iv) So far as the work performed is concerned, the aircraft is in condition for safe operation; and

(3) Be signed by an authorized mechanic certificated under part 65.

(c) Notwithstanding paragraph (b)(3) of this section, after maintenance, preventive maintenance, or alterations performed by a repair station certificated under the provisions of part 145, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by that repair station.

(d) When an airworthiness release form is prepared, the foreign commercial air transport operator or foreign person must give a copy to the pilot in command and must keep a record thereof for at least two months.

(e) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the foreign commercial air transport operator or foreign person may state in its approved maintenance program that the signature of an authorized certificated mechanic constitutes that certification.

§ 129.XXae Mechanical Interruption Summary Report.

Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall submit to the assigned FAA office, before the end of the 10th day of each month, a summary report for the previous month of:

(a) Each interruption to a flight, caused by known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

§ 129.XXaf Service Difficulty Reports (Structural).

(a) Each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall report the occurrence or detection of each failure or defect related to --

(1) Corrosion, cracks, or disbonding that requires replacement or repair of the affected part;

(2) Corrosion, cracks, or disbonding that requires rework or blendout because the corrosion, cracks, or disbonding exceeds the manufacturer's established allowable damage limits;

(3) Cracks, fractures, or disbonding in a composite structure that the equipment manufacturer has designated as a primary structure or a principal structural element; or

(4) Repairs made in accordance with approved data not contained in the manufacturer's maintenance manual.

(b) In addition to the reports required by paragraph (a) of this section, each foreign commercial air transport operator or foreign person operating U.S.-registered aircraft in commercial air transport operations shall report any other failure or defect in aircraft structure that occurs or is detected at any time if that failure or defect has endangered or may endanger the safe operation of an aircraft.

(c) Each foreign commercial air transport operator or foreign person shall submit each report required by this section, covering each 24-hour period beginning at 0900 local time of each day and ending at 0900 local time on the next day, to a centralized collection point as specified by the Administrator. Each report of occurrences during a 24-hour period shall be submitted to the FAA within the next 96 hours. However, a report due on Saturday or Sunday may be submitted on the following Monday, and a report due on a holiday may be submitted on the next workday. Each foreign commercial air transport operator or foreign person also shall make the report data available in a form and manner acceptable to the Administrator for examination by the assigned FAA office.

(d) The foreign commercial air transport operator or foreign person holder shall submit the reports required by this section on a form or in another format acceptable to the Administrator. The reports shall include the following information:

(1) The manufacturer, model, serial number, and registration number of the aircraft;

(2) The foreign commercial air transport operator's or foreign person's designator;

(3) The date on which the failure or defect was discovered;

(4) The stage of ground operation during which the failure or defect was discovered;

(5) The part name, part condition, and location of the failure or defect;

(6) The applicable Joint Aircraft System/Component Code;

(7) The total cycles, if applicable, and total time of the aircraft;

(8) Other information necessary for a more complete analysis of the cause of the failure or defect, including corrosion classification, if applicable, or crack length and available information pertaining to type designation of the major component and the time since the last maintenance overhaul, repair, or inspection; and

(9) A unique control number for the occurrence, in a form acceptable to the Administrator.

(e) A report required by this section may be submitted by a certificated repair station when the reporting task has been assigned to that repair station by the foreign commercial air transport operator or foreign person. However, the foreign commercial air transport operator or foreign person is responsible for ensuring compliance with the provisions of this section. The foreign commercial air transport operator or foreign person shall receive a copy of each report submitted by the repair station.

(f) No person may withhold a report required by this section.

(g) If all information required by this section is not available, the foreign commercial air transport operator or foreign person shall submit available information. Upon receipt of additional

information the foreign commercial air transport operator or foreign person shall submit that information using the unique control number from the original report.

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APPENDIX E

ACRONYM LISTING

ACRONYM	Meaning
14 CFR	Title 14, Code of Federal Regulations
AC	advisory circular
ACO	Aircraft Certification Office
ADG-VI	Airplane Design Group VI
ADF	automatic direction finder
ADS	Automatic Dependent Surveillance
ADS–B	Automatic Dependent Surveillance–Broadcast
AFE	above field elevation
AFGS	auto flight guidance system
AFM	aircraft flight manual
AIP	Aeronautical Information Publication
ALD	available landing distance
AOC	aircraft operating certificate
AOM	aircraft operating manual
ARC	aviation rulemaking committee
ATA	Air Transport Association of America, Inc.
ATC	air traffic control
ATCSCC	Air Traffic Control System Command Center
CAA	civil aviation authority
CDCCL	critical design control configuration limitations
CDTI	cockpit display of traffic information
CL	centerline lights
CPDLC	controller-pilot data link communications
CVFP	charted visual flight procedure
DA	decision altitude
DH	decision height
DME	distance measuring equipment
DOT	Department of Transportation
DP	departure procedures
EASA	European Aviation Safety Agency
EWIS	electrical wiring interconnection systems
FAA	Federal Aviation Administration
FDE	fault detection and exclusion
FMS	flight management system
GLS	GPS landing system
GPS	global positioning system
H	‘height’ value
HAT	height above the touchdown zone
HGS	head-up guidance system
HIRL	high intensity runway lights

ACRONYM	Meaning
IASA	International Aviation Safety Assessment program
IATA	International Air Transport Association
IAP	instrument approach procedures
ICA	instructions for continued airworthiness
ICAO	International Civil Aviation Organization
IFO	international field office
IFR	instrument flight rules
IFU	international field unit
ILS	instrument landing system
INS	inertial navigation system
IRU	inertial reference unit
JAA	Joint Aviation Authorities
JAR	Joint Aviation Requirements
LAA	lowest authorized altitudes
LAHSO	land and hold short operations
MDA	minimum descent altitude
MEA	minimum en route IFR altitude
MEL	minimum equipment list
MLS	microwave landing system
MOCA	minimum obstacle clearance altitude
NDB	non-directional beacon
NPRM	notice of proposed rulemaking
NIJ	National Institute of Justice
NTSB	National Transportation Safety Board
NADP	noise abatement departure profile
nm	nautical mile
NWS	National Weather Service
OpSpecs	operations specifications
OPSS	Operations Specification Subsystem
OSWG	Ops Spec Working Group
PAPI	Precision Approach Path Indicator
POI	principal operations inspector
PRM	precision runway monitoring
RAIM	receiver autonomous integrity monitoring
RCLM	runway centerline marking
RNAV–GPS	area navigation–global positioning system
RNAV–GNSS	area navigation–global navigation satellite system
RNAV	area navigation
RNP	required navigation performance
RVR	runway visual range
RVSM	reduced vertical separation minimum
RVV	runway visibility value
RW	runway
SAAAR	Special Aircraft and Aircrew Authorization Required

ACRONYM	Meaning
SFAR	Special Federal Aviation Regulation
SIAP	standard instrument approach procedure
SID	standard instrument departure
SMGCS	Surface Movement Guidance and Control System
SPIC	special pilot-in-command
SSR	secondary surveillance radar
SSEC	static source error correction
STARS	standard terminal arrivals
TAWS	terrain awareness and warning system
TCAS	traffic alert and collision avoidance system
TDZ	touchdown zone
TSA	Transportation Security Administration
TSO	technical standard order
VASI	visual approach slope indicator
VFR	visual flight rules
VHF	very high frequency
VOR	VHF omnidirectional range
WAAS	wide area augmentation system
WEBOPSS	Web-based operational safety system