NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.447

National Policy

Effective Date:
2/1/18

Cancellation Date:
2/1/19

SUBJ: Part 129 OpSpecs A001, A003, A028, and A570

1. Purpose of This Notice. This notice announces a revision to Operations Specification (OpSpec) A003, Aircraft Authorization, for Title 14 of the Code of Federal Regulations (14 CFR) part 129 only, and decommissions OpSpec A570, One-Year Extension of Compliance Times in Section 129.117(e), for part 129 and § 129.14. This notice announces revised guidance for Federal Aviation Administration (FAA) offices and inspectors with oversight responsibility for operators conducting airplane operations under part 129. Specifically, the guidance updates are for OpSpecs A001, Issuance and Applicability, and Reports; A003; A028, Aircraft Wet Lease Agreements; and A570.

2. Audience. The primary audience for this notice is International Field Offices (IFO), principal operations inspectors (POI), principal maintenance inspectors (PMI), and principal avionics inspectors (PAI) with oversight responsibility for operators issued OpSpecs under part 129. The secondary audience includes all Flight Standards divisions, branches, and offices.

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

4. Explanation of Policy Changes.

a. OpSpec Templates in the Web-Based Operations Safety System (WebOPSS).

(1) OpSpec A003. The International Program Division (AFS-50) together with the Flight Technologies and Procedures Division (AFS-400) have amended the part 129 OpSpec A003 template in WebOPSS as follows:

(a) Updated Table 1 for data communications (Data Comm). The update includes replacement of the two columns with one column tailored to the flight plan descriptor codes used for Data Comm in U.S. domestic airspace.

(b) Updated the data link communications selectable text from Departure Clearance (DCL) trials to data communications en route.

(2) OpSpec A570. AFS-50 together with the Aircraft Maintenance Division (AFS-300) have decommissioned OpSpec A570 for part 129 (both the part 129 and § 129.14 set of templates). OpSpec A570 was decommissioned because there are no more part 129 or § 129.14 operators that have this OpSpec issued; and the rule requirements, based on which this OpSpec was made available, do not permit any more (part 129 or § 129.14) operators to apply for the extension.

b. FAA Order 8900.1.

(1) Volume 12, Chapter 2, Section 3, Part 129 Part A Operations Specifications.

(a) OpSpec A001. Changes to the A001 guidance provides clarity on:

1. The Department of Transportation (DOT) economic authority expiration.

2. The appropriate Transportation Security Administration (TSA) security program.

3. The authorized radio call sign and the ICAO three-letter designator.

(b) OpSpec A003. Changes to the A003 guidance include:

1. Updating inspector guidance for the OpSpec changes as specified above.

2. Adding a new paragraph detailing the January 1, 2020 requirement that all aircraft operating in U.S. airspace must comply with 14 CFR part 91, §§ 91.225 and 91.227 with regard to Automatic Dependent Surveillance-Broadcast (ADS-B) Out equipment.

Note: Controller-Pilot Data Link Communication (CPDLC)-DCL is now operational at various U.S. airports. In 2018, data link communications will be implemented in U.S. en route airspace. When that occurs, if the operator has Data Comm that meets the requirements of U.S. airspace and is already authorized via A003, then the operator can use Data Comm within the United States whenever/wherever it is available.

Note: The National Airspace System (NAS) Data Communications Guide replaced the Data Communications Implementation Team (DCIT) CPDLC-DCL Flight Deck User Guide. When Data Comm is available for en route in U.S. airspace, Advisory Circular (AC) 90-117, Data Link Communications, will contain the requirements for en route in U.S. airspace as well. The FAA is looking to add a new designator flight planning code for Data Comm en route in U.S. airspace. When this occurs, the FAA is expected to issue a notice and update both AC 90-117 and the U.S. Aeronautical Information Publication (AIP).

(c) OpSpec A028. AFS-50 added a link to the DOT website where PIs may find additional information related to economic authority and wet leases.

(d) OpSpec A570. All OpSpec A570 guidance was removed.

(2) Volume 12, Chapter 2, Section 9, Lease Agreements, Interchange Arrangements, and Charter Arrangements. For clarity, the following information was added to paragraph 12-350, Dry Lease:

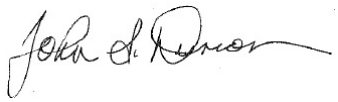
> "Between the State of the Operator and State of Registry (under a dry lease) there may be a Memorandum of Understanding (MOU). The MOU would describe how maintenance oversight functions, duties, and responsibilities are overseen between the two Civil Aviation Authorities (CAA)."

c. OpSpec A003 Instructions. The instructions were updated for the latest revision of OpSpec A003.

5. Guidance. Appendix A contains the sample OpSpec A003 template that applies to part 129.

6. Action. This is a mandatory revision to OpSpec A003 affecting principal inspectors (PI) with responsibility for the issuance, amendment, and oversight of OpSpecs for part 129 (the part 129 templates). PIs must reissue OpSpec A003 by September 1, 2018, or when operations using data link communications are authorized, whichever occurs first. Since no part 129 or § 129.14 operators have OpSpec A570 issued to them, and the rule language has prevented any part 129 or § 129.14 operators from obtaining the extension (OpSpec A570) for some time, no action is required in respect to OpSpec A570.

7. Disposition. The information in this notice has been incorporated into Order 8900.1. Please direct any questions or comments concerning the information in this notice to the International Operations Branch (AFS-52) at 202-267-0923.



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Appendix A. Sample OpSpec A003, Aircraft Authorized for Operations to the United States: 14 CFR Part 129

a. The foreign air carrier is authorized to conduct its operations in the United States using only the following:

Table 1 – Authorized Aircraft, Configuration, Conditions, and Certain Operations, Data Link

Aircraft				Configuration, Conditions, and Certain Operations Authorized					Data Link Flight Plan Code(s)
Aircraft M/M/S	**Serial Number**	**Registration Number**	**Configuration**	**En Route**	**Condition of Flight**	**Part 36 (Noise)**	**RVSM**	**Ground Deicing Program**	
[LOAD]	[LOAD]	[LOAD]	[LOAD]	[LOAD]	[LOAD]	[LOAD]	[Drop down list] Yes No	[Drop down list] Yes No	[Drop down list] J3 J4 Not authorized

b. Limitations and Conditions. The following authorizations and limitations apply:

(1) All State of the Operator more restrictive limitations apply.

(SELECT the first option if the foreign air carrier is authorized VFR en route operations ONLY. SELECT the second option if the foreign air carrier is authorized for IFR en route operations. IF VFR en route operations selected, skip to subparagraph b(3)—data link options.)

○ (2) The foreign air carrier is authorized VFR en route operations only.

○ (2) IFR En Route Operations. IFR en route provisions must be met.

(a) When conducting IFR Class I navigation:

(i) An aircraft's position must be "reliably fixed" as necessary to navigate to the degree of accuracy required for ATC.

(ii) The airways used must lie within the operational service volume of the facilities defining the airways or off-airway routing with the following exception: operations over routes with a minimum en route altitude (MEA) gap (or International Civil Aviation Organization (ICAO) equivalent).

(iii) The facilities which define an airway must be used as the primary navigation reference except as follows: An area navigation system may be used if the aircraft's position can be "reliably fixed" at least once each hour using airway navigation facilities to the degree of accuracy required for ATC. This system must be certificated for use in IFR flight for the conduct

of Class I navigation over the routes being flown and authorized in accordance with paragraph B035.

(b) Except in Class G airspace, operate IFR flights:

(i) Over routing predicated on ATC radar vectoring services.

(ii) Over off-airway routings, which are predicated on airways navigation facilities, (including flights to alternate or diversionary airports), provided the following conditions are met:

(A) Airways navigation facilities must be the primary navigation reference for these off-airway routings and the off-airway routings must lie within the operational service volume of the facilities used. Such off-airway operation must be authorized by the appropriate ATC facility.

(B) The operation must be conducted in accordance with the route width and MEA criteria prescribed for or applied to the foreign air carrier by the appropriate ICAO contracting state.

(IF the foreign air carrier is authorized for IFR en route operations in subparagraph b(2), SELECT one of the following options for subparagraph b(2)(c)—Class G airspace authorization: IF Class G airspace is NOT authorized, SELECT the FIRST option; IF Class G airspace is authorized, SELECT the second option.)

○ (c) The foreign air carrier is not authorized to conduct IFR en route operations in Class G airspace.

○ (c) For IFR en route in Class G, the facilities and services necessary to safely conduct operations in Class G airspace must be available and operational during the period of operation in Class G airspace.

(IF the foreign air carrier is authorized for IFR en route operations in Class G airspace in subparagraph b(2)(c), SELECT one of the following options for subparagraph b(2)(c)(i) for whether operations must be conducted under IFR, VFR, or either. SELECT the first option for IFR ONLY. SELECT the second option for VFR. SELECT the third option for either IFR or VFR.)

○ (i) IFR en route operations in Class G airspace must be conducted under IFR.

○ (i) IFR en route operations in Class G airspace may be conducted under VFR.

○ (i) IFR en route operations in Class G airspace may be conducted under IFR or VFR.

(SELECT the first option for subparagraph b(3) if the foreign air carrier is NOT authorized to use Data Comm within the U.S. SELECT the second option if the foreign air carrier is authorized to use Data Comm within the U.S.)

○ (3) The foreign air carrier is not authorized to use data link communications.

○ (3) Data Communications (Data Comm). Operations using data link communications within the United States where the air traffic service (ATS) infrastructure supports the use of Future Air Navigation System (FANS 1/A or equivalent) ATC data link equipment must be conducted in accordance with the following:

(a) Data link operations are conducted in an environment where air traffic surveillance is available (e.g., radar or ADS-B).

(b) Data link messages with ATS may be used as a supplement to voice communications. Voice communications must be continually monitored since there is still a requirement for the aircraft to be equipped with operating VHF voice and, when required, HF voice radios along the entire route of flight.

(c) Flightcrew members have completed the State of the Operator approved training program prior to conducting data link operations. Flightcrew members are familiar with and comply with:

(i) All STC and AFM limitations.

(ii) All provisions applicable to the use and operation of the installed data link system.

(iii) Regulations, policies, and procedures applicable in the United States and/or Flight Information Regions, as published in documents such as Aeronautical Information Publications and NOTAMs to include applicable flight planning designators.

(iv) National Airspace System (NAS) Data Communications Guide.

(d) The foreign air carrier has incorporated into their maintenance program the data link equipment or systems manufacturer's requirements for maintenance, and instructions for continued airworthiness for the data link equipment and aircraft listed in Table 1 above.

(e) U.S. En Route. For U.S. en route operations, VHF Digital Link (VDL) Mode 2 (M2) is required and the airplane navigation system must have "push to load" capability enabling the pilot to incorporate the following Controller-Pilot Data Link Communication (CPDLC) message sets into the flight management system (FMS): UM79, UM80, and UM83. The VDL M2 requirements include a tunable radio approved by Technical Standard Order (TSO)-C160a, or later in lieu of TSO-C160. If not equipped with VDL M2, the operator must use an alternate means of compliance in coordination with their Communication Service Provider (CSP).

(Check the following box for subparagraph b(4) IF the foreign air carrier has aircraft without an MEL. Then use the field below to identify the specific aircraft.)

☐ (4) The following aircraft listed below do not have a minimum equipment list (MEL). Accordingly, the foreign air carrier must not take off the following aircraft with inoperable instruments or equipment installed.

(ENTER aircraft without an MEL into Textbox.)