

VOLUME 12 INTERNATIONAL AVIATION

CHAPTER 4 PART 129 OPERATIONS

Section 14 International Field Office Recordkeeping—Part 129 Foreign Air Carriers and Foreign Persons

Source Basis:

- **Section 129.5, Operations Specifications.**
- **Section 129.7, Application, Issuance, or Denial of Operations Specifications.**
- **Section 129.9, Contents of Operations Specifications.**
- **Section 129.11, Amendment, Suspension and Termination of Operations Specifications.**
- **Administrative.**

14.1 GENERAL.

14.1.1 Purpose. This section provides Federal Aviation Administration (FAA) Flight Standards Service (FS) policy for the management and disposition of records associated with foreign air carriers and foreign persons under Title 14 of the Code of Federal Regulations (14 CFR) part 129.

14.1.2 Scope. This section is applicable to all FAA FS personnel, International Field Offices (IFO), and FS offices having responsibilities associated with part 129 foreign air carrier records.

14.1.3 Safety Assurance System (SAS) Activity Recording (AR) Codes. None.

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

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

14.3 RECORDS MAINTENANCE AND DISPOSITION REQUIREMENTS. In addition to this policy, all records must be maintained in accordance with FAA Order 1350.14, Records Management.

14.3.1 Part 129 Operations Specifications (OpSpec) Holders. The IFO responsible for the foreign air carrier or foreign person's part 129 OpSpecs also maintains responsibility of the associated records, as appropriate. Part 129 OpSpec holders include:

- a) Part 129 foreign air carrier operating within the United States and utilizing aircraft of U.S. registry, foreign registry, or both; and
- b) Part 129 foreign air carriers or foreign persons conducting operations with U.S.-registered aircraft solely outside the United States.

14.3.2 Means of Maintaining Records. Records may be maintained either in paper form or electronically. For electronically maintained records, adequate electronic backup must be maintained to prevent loss of required records.

14.3.3 Records Retention. The following records will be maintained as indicated and in accordance with Order 1350.14:

a) Permanent Records. The following will be kept, until superseded or canceled, as permanent records:

- 1) Copy of current foreign Air Operator Certificate (AOC);
- 2) Copy of current foreign OpSpecs and/or other special provisions;
- 3) Current economic authority, e.g., permit, exemption, or registration, as appropriate (for foreign air carriers operating in the United States);
- 4) Current FAA-approved minimum equipment list (MEL) (for U.S.-registered aircraft only);
- 5) Current FAA-approved maintenance program (for U.S.-registered aircraft only);
- 6) Copy of current lease agreement or written memorandum (conveyance) of the terms of a lease for U.S.-registered aircraft, including amendments;
- 7) Copy of current lease agreement or written memorandum (conveyance) required for aircraft wet lease agreement or interchange arrangement operations, including amendments;
- 8) Copy of application and/or renewal package (or computerized list) for each current Special Purpose Pilot Authorization (SPPA) or Special Purpose Airman Certificate (for foreign air carriers using U.S.-registered aircraft); and
- 9) Original application package resulting in the issuance of FAA OpSpecs that includes all forms and documents submitted (for U.S.-registered aircraft solely outside the United States only).

b) Five-Year Retention. The following records will be maintained for 5 years after they are canceled or superseded, then destroyed:

- 1) Original application package resulting in the issuance of FAA OpSpecs that includes all forms and documents submitted (for foreign air carriers or foreign persons operating in the United States);
- 2) Copy of original or superseded economic authority, e.g., permit, exemption, or registration, as appropriate (for conducting operations within the United States only);
- 3) Copy of original FAA-issued OpSpecs, unless electronically maintained in the Web-based Operations Safety System (WebOPSS);

- 4) Copy of amended FAA-issued OpSpecs, unless electronically maintained in WebOPSS (for U.S.-registered aircraft solely outside the United States only);
- 5) Copy of current foreign-issued OpSpecs or special provisions, kept until superseded (for U.S.-registered aircraft solely outside the United States only); and
- 6) Subsequent requests/applications for amendment of FAA OpSpecs.

14.3.4 General Correspondence Files. General correspondence files are routine correspondence, reports, and safety-related documents pertaining to the administration of programs for the safety of flight of civil aircraft. These files assure the airworthiness of aircraft, the competence of airmen, the adequacy of flight operations and maintenance activities, and the evaluation of in-flight facility performance. Destroy these files after 2 years.

14.3.5 Legal Enforcement Case Files. Legal enforcement case files relate to legal actions taken with respect to alleged violations of 14 CFR, consisting of violation reports, technical analyses, evidentiary materials, sanction documents, and related correspondence.

- a) Transfer these files to the Federal Records Center (FRC) 2 years after the case is closed in the Enforcement Information System (EIS). (Refer to Order 1350.14.)
- b) For cases resulting in no action, destroy the files 30 days (or no more than 90 days) after the case is closed in the EIS.
- c) For cases resulting in administrative enforcement action, destroy the information that identifies the individual 2 years after the case is closed in the EIS.

14.3.6 Accidental Records Destruction. For issues regarding accidental destruction of records, refer to Order 1350.14. Managers should develop checklists or other documentation to reflect their review/acknowledgement of missing or unrecoverable documents.

14.3.7 Hand-Signed OpSpecs. Once both the IFO and the foreign air carrier or foreign person agree on the proposed OpSpec, the IFO puts the authorizing document in “Signed” status, moves it to “Active,” prints two copies, and signs both. Both copies are then delivered to the foreign air carrier or foreign person for signature. When both copies are signed, the IFO retains one copy and the foreign air carrier or foreign person retains the other. When the foreign air carrier or foreign person signs the OpSpec as received, the foreign air carrier or foreign person is acknowledging they have reviewed the OpSpec and agree to comply with the specifications appearing in the authorizing document.

- a) Principal inspectors (PI) will keep a current, signed copy of all OpSpec documents, including the table of contents, on file in the IFO.
- b) All current OpSpec authorizing documents in effect for the foreign air carrier or foreign person will be filed together.

c) The electronic version of the OpSpecs will remain in effect within WebOPSS until amended.

d) When amended, the previous active OpSpecs will be electronically archived.

14.3.8 Electronically Signed OpSpecs. After the foreign air carrier or foreign person has completed a new or amended OpSpec authorizing document and placed it in “Draft” status in WebOPSS, the following takes place:

a) The IFO reviews the proposed authorizing document in the workspace area and makes or suggests any proposed changes.

b) Once both the IFO and foreign air carrier or foreign person agree on the proposal, they electronically sign the authorizing document and advise the IFO that the “Industry Signature” has been accomplished. When accomplished, the foreign air carrier or foreign person is acknowledging that it agrees to comply with the specifications appearing in the authorizing document.

c) The IFO then electronically signs the authorizing document and moves the document to the “Issued” area (tab) in WebOPSS.

d) Once the OpSpec authorizing document is in the “Issued” area, the IFO may wish to print a paper copy of the document for data retention purposes. However, a printed copy is not required, as the active OpSpecs will be retained in the WebOPSS database.

e) When an OpSpec is amended, the previous active OpSpec will be electronically archived.

14.3.9 Recordkeeping Job Aid. Although use of the recordkeeping job aid (Figure 4-14A) is not mandatory, it is recommended for use to assist in correct records maintenance.

a) Each responsible IFO or FS office ensures that the appropriate records on each foreign air carrier and foreign person are maintained in accordance with this section and Order 1350.14.

b) Managers should develop checklists or other documentation to reflect their review/acknowledgement of missing or unrecoverable documents.

c) For accidental destruction of records, refer to Order 1350.14.

Figure 4-14A. Recordkeeping Job Aid

Name of Foreign Air Carrier/Foreign Person	FAA Designator	State of the Operator
I/O/FS Office Manager		
Principal Operations Inspector (POI)	Principal Maintenance Inspector (PMI)	Principal Avionics Inspector (PAI)

Part A: Foreign Air Carrier with FAA-Issued 14 CFR Part 129 Operations Specifications (OpSpecs) Conducting Operations within the United States

PERMANENT RECORDS (KEPT UNTIL SUPERSEDED OR CANCELED)	FILE LOCATION HARDCOPY/ELECTRONIC/CD
1. Copy of current foreign Air Operator Certificate (AOC).	
2. Copy of current foreign OpSpecs or other foreign AOC special provisions.	
3. Current economic authority (permit, exemption, or registration, as appropriate).	
4. Current FAA-approved minimum equipment list (MEL) (for U.S.-registered aircraft only).	
5. Current FAA-approved maintenance program (for U.S.-registered aircraft only).	
6. Copy of current lease agreement or written memorandum (conveyance) of the terms of a lease agreement for U.S.-registered aircraft, including amendments.	
7. Copy of current lease agreement or written memorandum (conveyance) required for aircraft wet lease agreement or interchange arrangement operations, including amendments.	
8. Copy of application and/or renewal package (or computerized list) for each current Special Purpose Pilot Authorization (SPPA) or Special Purpose Airman Certificate (for foreign air carriers using U.S.-registered aircraft).	

CASE FILES—KEPT FOR AT LEAST 5 YEARS AFTER SUPERSEDED OR CANCELED	FILE LOCATION HARDCOPY/ELECTRONIC/CD
9. Original application package resulting in issuance of FAA OpSpecs.	
10. Copy of original or superseded economic authority (permit, exemption, or registration, as appropriate).	
11. Copy of original FAA-issued OpSpecs (unless electronically maintained in the Web-based Operations Safety System (WebOPSS)).	
12. Subsequent applications for amendment of FAA OpSpecs.	
CASE FILES—KEPT FOR AT LEAST 2 YEARS	FILE LOCATION HARDCOPY/ELECTRONIC/CD
General Correspondence Files: Routine correspondence, reports, and safety-related documents pertaining to the administration of programs for the safety of flight of civil aircraft by assuring the airworthiness of aircraft, the competence of airmen, the adequacy of flight operations and maintenance activities, and the evaluation of in-flight facility performance.	
LEGAL ENFORCEMENT CASE FILES	FILE LOCATION HARDCOPY/ELECTRONIC/CD
Legal Enforcement Case Files: Case files relating to legal actions taken with respect to alleged violations of 14 CFR, consisting of violation reports, technical analyses, evidentiary materials, sanction documents, and related correspondence. Transfer the files to the Federal Records Center (FRC) 2 years after the case is closed in the Enforcement Information System (EIS). (Refer to Order 1350.14.) For cases resulting in no action, destroy the files 30 days (or no more than 90 days) after the case is closed in the EIS. For cases resulting in administrative enforcement action, destroy the information that identifies the individual 2 years after the case is closed in the EIS.	

**Part B: Foreign Air Carrier/Foreign Person with FAA-Issued Part 129 OpSpecs
Conducting Operations with U.S.-Registered Aircraft Operated Solely Outside
the United States in Common Carriage**

PERMANENT RECORDS (KEPT UNTIL SUPERSEDED OR CANCELED)	FILE LOCATION HARDCOPY/ELECTRONIC/CD
1. Copy of current foreign AOC.	
2. Copy of current foreign OpSpecs or other foreign AOC special provisions.	
3. Current FAA-approved maintenance program.	
4. Copy of current lease agreement or written memorandum (conveyance) of the terms of a lease agreement for U.S.-registered aircraft, including amendments.	
5. Copy of current lease agreement or written memorandum (conveyance) required for aircraft wet lease agreement or interchange arrangement operations.	
6. Copy of application and/or renewal package (or computerized list) for each current SPPA or Special Purpose Airman Certificate.	
7. Original application package resulting in issuance of FAA OpSpecs.	
CASE FILES—KEPT FOR AT LEAST 5 YEARS AFTER SUPERSEDED OR CANCELED	FILE LOCATION HARDCOPY/ELECTRONIC/CD
8. Copy of original FAA-issued OpSpecs (unless electronically maintained in WebOPSS).	
9. Copy of amended FAA-issued OpSpecs (unless electronically maintained in WebOPSS).	
10. Copy of current foreign-issued OpSpecs or special provisions, kept until superseded.	
11. Subsequent applications for amendment of FAA OpSpecs.	

CASE FILES—KEPT FOR AT LEAST 2 YEARS	FILE LOCATION HARDCOPY/ELECTRONIC/CD
<p>General Correspondence Files:</p> <p>Routine correspondence, reports, and safety-related documents pertaining to the administration of programs for the safety of flight of civil aircraft by assuring the airworthiness of aircraft, the competence of airmen, the adequacy of flight operations and maintenance activities, and the evaluation of in-flight facility performance.</p>	
LEGAL ENFORCEMENT CASE FILES	FILE LOCATION HARDCOPY/ELECTRONIC/CD
<p>Legal Enforcement Case Files:</p> <p>Case files relating to legal actions taken with respect to alleged violations of 14 CFR, consisting of violation reports, technical analyses, evidentiary materials, sanction documents, and related correspondence. Transfer the files to the FRC 2 years after the case is closed in the EIS. (Refer to Order 1350.14.)</p> <p>For cases resulting in no action, destroy the files 30 days (or no more than 90 days) after the case is closed in the EIS.</p> <p>For cases resulting in administrative enforcement action, destroy the information that identifies the individual 2 years after the case is closed in the EIS.</p>	