



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

**NOTICE
N 8900.3**

Effective Date:

5/17/07

Cancellation Date:

5/17/08

SUBJ: Issuance of Letter of Authorization A049 for Commercial Air Tours Conducted Under Section 91.147

- 1. Purpose of This Notice.** This notice provides information to aviation safety inspectors (ASI) pertaining to the issuance of a letter of authorization (LOA) for commercial air tour operations for compensation or hire conducted in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.147, from the automated Operations Safety System (OPSS). This notice is applicable to part 119 certificate holders and part 91 operators who conduct commercial air tour operations under part 91, § 91.147.
- 2. Audience.** We will distribute this notice to the division level in the Flight Standards Service in Washington headquarters, including the Regulatory Standards Division at the Mike Monroney Aeronautical Center; to the branch level in the regional Flight Standards divisions; and to all Flight Standards District Offices (FSDO).
- 3. Where You Can Find This Notice.** Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avr.faa.gov>. Operators may find this information on the Federal Aviation Administration's (FAA) Web site at: http://www.faa.gov/library/manuals/examiners_inspectors/8000/.
- 4. Background.** A final rule, Federal Register (72 FR 6911) on National Air Tour Safety Standards was published February 13, 2007 to add new § 91.147. Section 91.147, Passenger carrying flights for compensation or hire, requires all operators including certificate holders conducting these commercial air tour flights to apply for, receive, and comply with an LOA issued by the FSDO nearest to its principal place of business.
- 5. Discussion.**

 - a.** The National Air Tour Safety Standards final rule (72 FR 6884) applies to commercial air tours conducted in airplanes and helicopters with Standard Airworthiness Certificates only. It does not apply to those with restricted, limited, or experimental certificates or gliders (powered or unpowered), balloons, parachutes (powered or unpowered), gyroplanes, or airships. This final rule (72 FR 6911) also contains a new part 91, § 91.146, that replaces existing 14 CFR part 61, § 61.113(d) and it provides new guidance and definitions for certain flights for charitable purposes. FSDO reporting procedures for these flights have not changed; however, the regulations for who may fly and how often these flights may be conducted have changed. Responsible inspectors should review these regulations in order to adequately oversee these types of flights.

Distribution: A-W(FS)-2; A-X(FS)-3; A-FFS-7 (LTD); AMA-200 (12 cys) Initiated By: AFS-250
(Electronically: A-W(FS)-2; A-X(FS)-2; A-FFS-7)

b. This final rule reorganizes existing 14 CFR part 136 and makes provisions for future subparts to be added. Originally, part 136 was published using the provisions of the National Parks Air Tour Management Act of 2000. Those rules have been recodified as part 136 subpart B. New subpart A added by this final rule provides additional safety guidance for operators who conduct commercial air tours, and safety regulation for charitable flights conducted under § 91.146.

c. In addition, Special Federal Aviation Regulations (SFAR) 71, Special Operating Rules for Air Tour Operators in the State of Hawaii, was codified in appendix A of part 136.

6. Guidance. Appendix A of this notice provides guidance for the new LOA A049 in regard to the National Air Tour Safety Standards rule and specifically the requirements in § 91.147. Appendix B provides a sample of the new A049 LOA, Commercial Air Tour Operations Authorization and Antidrug and Alcohol Misuse Prevention Program Registration.

7. Action.

a. ASIs should provide a copy of this notice to any affected operator or certificate holder.

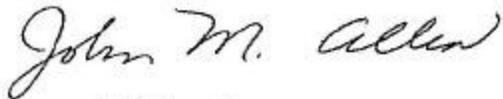
b. The Drug Abatement Division (AAM-800), 800 Independence Avenue, SW, Washington, DC 20591, sent a letter to all the current 14 CFR part 135, § 135.1(c) operators with drug and alcohol testing program registrations to inform them that they must go to their FSDO to have this new LOA A049 issued in place of their existing registration.

(1) Part 91 operators with four-character identifiers were created in the OPSS for those part 91 operators conducting sightseeing operations previously under § 135.1(c). Most of these part 91 operators' registrations were recorded in the A449 template of the OPSS by AAM-800. Existing A449 registration will be archived and operators will be issued the LOA A049 by the FSDO from the OPSS. When a part 91 operator requests the issuance of LOA A049 and does not appear in your FSDO OPSS, please contact Aviation Safety (AVS) Support Central at (405) 954-7272.

(2) Issuing LOA A049 from the part 91 database of the OPSS records the antidrug and alcohol misuse prevention program registration like A449 but it also provides for compliance with the new § 91.147 requirement for issuing of an LOA to conduct these commercial air tour operations by September 11, 2007.

c. Certificate holders that conduct commercial air tour operations under § 91.147 must be issued a separate LOA from the part 91 database and issued a separate four-character identifier. Certificate holders must implement a second drug and alcohol testing program to conduct operations under § 91.147. Even though the same company may be conducting operations under part 135 or 121 and air tour operations under § 91.147, the FAA's regulations consider the two operations to be separate entities for drug and alcohol purposes.

8. Disposition. We will permanently incorporate the information in this notice in FSIMS before this notice expires. Any questions regarding the guidance in this notice should be directed to AFS-200 at (202) 267-8166. For automated OPSS technical support in issuing the applicable template, you may call AVS Support Central at (405) 954-7272. This guidance is also available in the OPSS Guidance Subsystem in association with all A049 and A449 templates.



James J. Ballough
Director, Flight Standards Service

Appendix A. Order 8400.10, Volume 3, Chapter 1, Section 3, Paragraph 63**A049—Letter of Authorization for Commercial Air Tour Operations and Antidrug and Alcohol Misuse Prevention Program Registration**

A. This letter of authorization (LOA) applies to Title 14 of the Code of Federal Regulations (14 CFR) part 91 operators and part 119 certificate holders operating under part 121 or part 135 who conduct commercial air tour operations for compensation or hire under part 91, § 91.147.

(1) *Part 91 Operators in OPSS.* If a part 91 operator is not already identified in automated Operations Safety System (OPSS), general instructions for putting an operator into the OPSS in order to issue the automated part 91 LOA A049 is associated with all A001 templates in the part 91 database of the OPSS. If you need further assistance, please contact Aviation Safety (AVS) Support Central at 405-954-7272.

(a) Due to programmatic limitations, we are unable to provide any other title than principal operations inspector (POI), principal maintenance inspector (PMI), or principal avionics inspector (PAI) for the signature block in the OPSS for part 91 LOAs. Thus, the office manager or applicable supervisor that chooses to sign the part 91 authorizations will be identified as a POI, PMI, or PAI instead of manager or supervisor.

(b) When issuing a part 91 authorization from the OPSS, at a minimum the A001, Issuance and Applicability; and A004, Summary of Authorizations templates should be included in the operator's package.

(2) Operators who are uncomfortable with the limitations in new § 91.146 and wish to continue flights supporting charities, nonprofit organizations, and community events may also use § 91.147 and must be issued A049. Part 91 operators using § 91.147 also have the option of becoming certificated operators in order to conduct commercial air tour operations under part 135 or part 121.

B. *Passenger Carrying Flights for Compensation or Hire (14 CFR § 91.147).* Commercial Air Tours (defined in 14 CFR part 136, § 136.1) are passenger-carrying flights conducted in accordance with (IAW) § 91.147. All operators or certificate holders must apply for and operate IAW the LOA A049 issued by the FSDO nearest to its principal place of business by September 11, 2007. The seven items listed in § 91.147(c) represent the minimum amount of information required for the national database and the issuance of LOA A049 to the part 91 operators. Certificate holders comply with most of these requirements through the issuance of other applicable operations specifications (OpSpecs):

(1) Name of operator, agent, and any DBA (doing business as) under which that operator does business (template/OpSpec A001);

(2) Principal business address and mailing address (template/OpSpec A001);

(3) Principal place of business (if different from business address) (template/OpSpec A001);

- (4) Name of person responsible for management of the business (LOA A049);
- (5) Name of person responsible for aircraft maintenance (LOA A049);
- (6) Type of aircraft, registration numbers(s), and make/model/series (LOA A049); and
- (7) An Antidrug and Alcohol Misuse Prevention Program registration (LOA A049).

NOTE: The operator must register and implement its drug and alcohol testing programs IAW part 121, appendices I and J.

C. Some operators may have agreements with other parts of the FAA or outside associations to conduct flights in a certain way or airspace. These special agreements need to be documented in the LOA A049. The documentation of these agreements in LOA A049 does not imply nor require that the agreements are approved by the Flight Standards principal inspector.

D. Section 136.3 now allows amendment and reconsideration of LOAs through § 119.51.

E. The Hawaii air tour operators conducting these commercial air tour operations under § 91.147 must be issued LOA A049. The Hawaiian air tour operators may be issued a deviation (previously under SFAR 71) using LOA/OpSpec B048. The deviation authorizes the operator/certificate holder to conduct § 91.147 commercial air tour operations below an altitude of 1,500 feet above the surface IAW the appropriate requirements of part 136 and part 136, appendix A, and the limitations and provisions of B048.

F. The requirements of § 91.147 and those of § 136.37 are two separate requirements. Some commercial air tour operators conduct overflights of national parks and fall under the exception in § 136.37. OpSpec/LOA B057 is required for national parks and is issued in addition to LOA A049. OpSpec/LOA B057 authorizes a certificate holder or operator to conduct commercial air tour operations over national park(s) and tribal lands within or abutting the national park IAW part 136. See OpSpec/LOA B057 for guidance regarding air tour operations under § 136.37.

G. The National Air Tour Safety Standards final rule (72 FR 6911) published on February 13, 2007, and effective March 15, 2007, set safety and oversight rules for a broad variety of sightseeing and commercial air tour flights with changes in parts 61, 91, 119, 121, 135, and 136. Intended effects of this rule are to identify the air tour operators in a national database, standardize requirements for commercial air tour operators, and consolidate air tour safety standards within part 136. The rule change responded to National Transportation Safety Board (NTSB) recommendations, Government Accountability Office (GAO) reports, and Department of Transportation Inspector (DOT) General Reports that recommend better oversight of the sightseeing (commercial air tour) industry. The preamble and final rule are posted on the DOT Web site at URL:

<http://dms.dot.gov/search/document.cfm?documentid=452251&docketid=4521>

Appendix B. Sample LOA A049

Letter of Authorization
Commercial Air Tour Operations Authorization and Antidrug and Alcohol Misuse
Prevention Program Registration

1. The operator, TEXT101, that is documented at the end of this Letter of Authorization (LOA) is authorized to conduct commercial air tour operations under Title 14 Code of Federal Regulations (CFR) section 91.147 in accordance with (IAW) the limitations and provisions of this LOA and is subject to the conditions that all operations are conducted within the applicable airspace.
2. Authorized Aircraft. The aircraft used for section 91.147 commercial air tour operations are listed in Table 1 below:

**Table 1 – Aircraft Authorized for
Commercial Air Tour Operations Under Section 91.147**

Aircraft M/M/S	Aircraft Registration No.

3. The commercial air tour operator has the following agreements with other parts of the FAA including air traffic or associations outside of the FAA. The documentation of these agreements below does not imply nor require that the agreements are authorized by the Flight Standards principal inspector. (If there are no agreements, enter N/A in Table 2.)

**Table 2
Agreements with Other Parts of the FAA or Associations**

Kind of or Description of Agreement	FAA or Other Association

4. Antidrug and Alcohol Misuse Prevention Program Registration. The operator certifies that it will comply with the registration and implementation requirements of 14 CFR Part 121 Appendices I and J and 49 CFR Part 40 for its Antidrug Testing and Alcohol Misuse Prevention Program. Antidrug and Alcohol Misuse Prevention Program records are maintained and available for inspection by the FAA’s Drug Abatement Compliance and Enforcement Inspectors at the location listed in Table 3 below (*This should be the company location where the Drug Abatement Compliance and Enforcement Inspectors will conduct the inspection and not the consortium, lab, or third party administrator.*)

Table 3 – Location of Records for Inspection

	Location of Antidrug and Alcohol Misuse Prevention Program Records:	Telephone Number:
Address:		
Address:		
City:		
State:		
Zip code:		

(a) All Antidrug and Alcohol Misuse Prevention Program inspections, guidance, and enforcement activity will be conducted exclusively by the Drug Abatement Division. All questions regarding this program should be directed to the Drug Abatement Division.

(b) The operator must implement its Antidrug and Alcohol Misuse Prevention Program fully in accordance with 14 CFR Part 121, appendices I and J, and 49 CFR Part 40.

(c) The operator is responsible for ensuring that its contractors who perform safety-sensitive work for the operator are subject to an Antidrug and Alcohol Misuse Prevention Program.

(d) The operator is responsible for updating this LOA when any of the following changes occur:

(1) Location or phone number where the Antidrug and Alcohol Misuse Prevention Records are kept.

(2) If the operator's number of safety-sensitive employees goes to 50 and above, or falls below 50 safety-sensitive employees.

(e) The operator with 50 or more employees performing a safety-sensitive function on January 1 of the calendar year must submit an annual report to the Drug Abatement Division of the FAA. The operator with fewer than 50 employees performing a safety-sensitive function on January 1 of any calendar year must submit an annual report upon request of the Administrator, as specified in the regulations.

The applicable statement must be selected for insertion into the LOA:

(f) The operator has fewer than 50 safety-sensitive employees.

(g) The operator has 50 or more safety-sensitive employees.

5. Responsible Person. The Responsible Person for commercial air tour operations may be either an agent for service (who must be a U.S. citizen) or a person who accepts responsibility for complying with the stated regulations by signing this document.

(a) If the Responsible Person signing this LOA relinquishes responsibility, this LOA becomes invalid.

(b) Enter the name, e-mail address, and telephone number in Table 4 of the person responsible for the management of the business and the person responsible for the aircraft maintenance.

Table 4 - Responsible Persons

Name	E-mail Address	Telephone Number	Responsibility (selectables)
			Aircraft Maintenance
			Business Management

6. If the operator conducts overflights of national parks and/or abutting tribal lands in its commercial air tour operations per 14 CFR section 136.37 that requires specific authorization, LOA or operations specifications B057 must also be issued.