

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.239

National Policy

Effective Date:
10/17/13

Cancellation Date:
10/17/14

SUBJ: OpSpec A545, Authorized Airports for Domestic or Flag Substitute Scheduled Operations

1. Purpose of This Notice. This notice announces a new operations specification (OpSpec) A545, Authorized Airports for Domestic or Flag Substitute Scheduled Operations. This OpSpec has been created as a replacement to OpSpec A345, Substitute Scheduled Service as a Supplemental Air Carrier, which is being decommissioned by headquarters (HQ). This notice also announces new guidance for issuing OpSpec A545. The new guidance is contained in Federal Aviation Administration (FAA) Order 8900.1, Volume 3, Chapter 18, Section 3.

2. Audience. The primary audience for this notice is FAA certificate-holding district offices (CHDO) (including certificate management offices (CMO) and Flight Standards District Offices (FSDO)), and principal operations inspectors (POI) with oversight responsibility of certificate holders conducting Title 14 of the Code of Federal Regulations (14 CFR) part 121 operations. The secondary audience includes Flight Standards Service (AFS) divisions and branches in the regions and in HQ.

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

4. Background. Nonstandard OpSpec A345 requires HQ approval to issue. When used in conjunction with a current arrangement that includes a list of airports (stations), OpSpec A345 allowed a certificate holder to conduct limited substitute scheduled operations (domestic or flag) using airports not listed in its OpSpec C070, Airports Authorized for Scheduled Operations.

a. AFS-200 Review of OpSpec A345. The Air Transportation Division (AFS-200) conducted an informal review of OpSpec A345 templates issued to part 121 certificate holders. At the time of the review, none of the certificate holders issued OpSpec A345 had any current arrangements containing a list of airports on file with their CHDOs. The authority contained in OpSpec A345 only applies to airports listed in a current arrangement. Without a list of airports contained in a current arrangement as required by OpSpec A345, certificate holders may only conduct substitute scheduled operations using airports listed in their OpSpec C070.

b. Determination to Decommission OpSpec A345. After conducting a review of the A345 OpSpecs, and the associated guidance documents contained in the Web-based Operations Safety System (WebOPSS), AFS-200 discovered conflicting information related to the intent and application of the OpSpec. This, combined with a lack of official guidance published in FAA Order 8900.1, led some to believe that OpSpec A345 alone provided a certificate holder with the authority to conduct a kind of operation (flag or domestic), and to conduct a domestic and/or flag operation using airports not listed in OpSpec C070 in the certificate holder's OpSpecs. Due to the confusion regarding OpSpec A345's intent and application, AFS-200 has decided to decommission nonstandard OpSpec A345, which requires HQ approval, and replace it with standard OpSpec A545, which is a time-limited temporary authorization that does not require HQ approval.

5. Key Regulatory Requirements Applicable to Substitute Operations (14 CFR Part 119):

a. Section 119.49(a)(4). Section 119.49(a)(4) requires each certificate holder conducting domestic or flag operations to have OpSpecs that contain each regular, alternate, refueling and provisional airport to be used in scheduled operations.

b. Section 119.49(a)(4)(ii). Section 119.49(a)(4)(ii) states specifically that a certificate holder may not conduct a domestic or flag operation using any airport not listed in its OpSpecs. This was recently emphasized in a legal interpretation to § 121.631, which was published in 2013.

c. Section 119.49(a)(4)(i). Section 119.49(a)(4)(i) permits, when approved by the Administrator, a certificate holder to reference a list of airports used in scheduled operations, as opposed to listing the airport in OpSpec C070. This requires the certificate holder to maintain a current list, and reference the list specifically in the appropriate OpSpec.

d. Section 119.53(e). Section 119.53(e) allows a certificate holder conducting part 121 operations to conduct a substitute operation on behalf of another certificate holder, provided the certificate holder conducting the substitute operation holds the necessary authority in its OpSpecs. This was recently emphasized in a legal interpretation of § 119.53(e), which was published in 2012. In order to conduct a substitute operation, the following criteria must be satisfied:

(1) The certificate holder conducting the substitute operation must hold the same Department of Transportation (DOT) Economic Authority as the certificate holder arranging for the substitute operation.

(2) The certificate holder conducting the substitute operation must hold the same authority to conduct a kind of operation as the certificate holder arranging for the substitute operation. "Kind of operation" is defined in 14 CFR part 110, § 110.2 (e.g., Domestic, flag or supplemental). The means whereby the FAA authorizes a certificate holder to conduct a kind of operation is OpSpec A001, Issuance and Applicability.

(3) The certificate holder conducting the substitute operation must conduct that operation in accordance with the same operations authority (scheduled airports and/or authorized areas of en route operations) held by the certificate holder arranging for the substitute operation.

(a) If the substitute operation is for scheduled service (domestic or flag), the certificate holder conducting the substitute operation may only conduct the operation using airports for which it holds authority for scheduled operations. OpSpec A545 notwithstanding, OpSpec C070 is the OpSpec that lists the certificate holders authorized airports for scheduled operations. The certificate holder conducting the substitute operation must also have authority in OpSpec B050, Authorized Areas of En Route Operation, Limitations, and Procedures, for the areas of operation in which, and through which the substitute operation will be conducted.

(b) If the substitute operation is for nonscheduled service (supplemental) the certificate holder must have authority in OpSpec B050 for the areas of operation in which, and through which the substitute operation will be conducted.

e. Section 119.63. Section 119.63 contains recency of operation requirements applicable to conducting a kind of operation. If a certificate holder does not conduct the kind of operation within the specified time period, it must advise the Administrator at least 5 consecutive calendar-days before resuming that kind of operation. POIs of certificate holders that do not meet the recency of operation requirements will need at least 5 consecutive calendar-days' notice of a certificate holder's desire to conduct a substitute operation. During the 5 consecutive calendar-days, the certificate holder must make itself available and accessible to the POI (or his/her delegate) should he or she decide to conduct a full inspection reexamination, prior to commencement of the substitute operation. Recency requirements for part 121 domestic, flag and supplemental operations are as follows:

(1) A certificate holder is considered to have recency in conducting domestic and/or flag operations if it has conducted those operations within a 30 consecutive calendar-day period.

(2) A certificate holder is considered to have recency in conducting supplemental operations if it has conducted those operations within a 90 consecutive calendar-day period. Certificate holders who have met the recency requirements for conducting domestic or flag operations within a 30 consecutive calendar-day period, are considered to have recency in conducting a supplemental operation.

6. OpSpec A545. AFS-200 has developed standard OpSpec A545 as an alternative means for POIs to authorize a certificate holder to list airports for use in temporary domestic or flag substitute scheduled service. Since WebOPSS provides immediate access to OpSpecs via the internet, there is no longer a need to maintain a separate list of airports for use in substitute scheduled operations. OpSpec A545 is a standard OpSpec and POIs may issue it without obtaining prior approval from AFS-200. Prior to issuing OpSpec A545, POIs must ensure the certificate holder meets the appropriate regulatory requirements specified in paragraph 5 of this notice, and all of the conditions and limitations contained in OpSpec A545. A sample of OpSpec A545 is contained in this notice. Note that this is just a sample; the actual OpSpec A545 template is active in WebOPSS, and may contain subtle differences to the contents of this notice.

7. Guidance. Order 8900.1, Volume 3, Chapter 18, Section 3, contains new guidance related to OpSpec A545. OpSpec A545 does not apply to all substitute operations. The new guidance explains when to issue OpSpec A545, and when it is not necessary. Before issuing OpSpec A545, POIs must review this guidance.

8. Action.

a. Archive OpSpec A345. POIs of certificate holders who are currently issued OpSpec A345 have 90 days from the date of this notice to archive the OpSpec. After 90 days, HQ will automatically decommission the template.

b. Issue OpSpec A545. POIs may issue OpSpec A545 at any time to a certificate holder who desires to conduct a substitute scheduled operation, provided the certificate holder is able to comply with the regulatory requirements of §§ 119.49(a)(4)(ii), 119.53(e), and 119.63. POIs must review Order 8900.1, Volume 3, Chapter 18, Section 3, Part A Operations Specification—General, OpSpec A545, prior to issuing the template to any certificate holder. POIs may not issue OpSpec A545 to a certificate holder who is unable to comply with all of the conditions and limitations of the OpSpec.

9. Disposition. We will incorporate the information in this notice into FAA Order 8900.1 before this notice expires. Direct all questions or comments concerning this notice to the New Program Implementation and International Support Branch (AFS-240) at 202-267-8166.

for 

John S. Duncan
Director, Flight Standards Service

Appendix A. Sample OpSpec A545, Authorized Airports for Domestic or Flag Substitute Scheduled Operations

a. In accordance with 14 CFR §§ 119.49(a)(4)(i), 119.49(a)(4)(ii) and 119.53(e), the certificate holder is authorized to conduct a single substitute scheduled operation using the airports listed in Table 1 of this operations specification.

Table 1—Temporary Listing of Airports for Use in Substitute Scheduled Operations.

| Airport Ident. | Authorized Aircraft | Regular Airport | Start Date of Substitute operation |
|----------------|---------------------|--------------------|------------------------------------|
| | | (Select Yes or No) | |

b. Conditions and Limitations:

(1) The certificate holder must have authority to conduct domestic or flag operations, as appropriate, listed in A001 of these operations specifications.

(2) The certificate holder must comply with all regulations applicable to domestic or flag operations, based on the kind of operation required for the substitute scheduled operation.

(3) The airports listed in Table 1 of this operations specification, are in addition to the regular, provisional, refueling and alternate airports listed in C070 of these operations specifications, and are for use in this temporary substitute operation only.

(a) All origin and destination airports must be listed, and designated as regular airports in Table 1 of this operations specification.

(b) Any airports for use as provisional, refueling or alternate airports that are not listed in C070 of these operations specifications must be listed in Table 1 of this operations specification.

(c) All airports not designated as regular airports are considered to be interchangeable as provisional, refueling, and alternate airports, and satisfy the requirements of § 119.49(a)(4)(ii).

(4) Airports located in the United States, the District of Columbia, or any territory or possession of the United States must meet the requirements of § 121.590. Airports located outside of the United States, the District of Columbia, or any territory or possession of the United States, must meet requirements equivalent to those contained in § 121.590.

(5) The certificate holder must ensure compliance with § 121.549(a), and provide the pilot in command with the appropriate aeronautical charts to conduct the substitute operation.

(6) Prior to conducting the substitute operation the certificate holder must ensure the following:

(a) All station facilities are available to sustain adequate ground handling for arrival and departure of the aircraft involved in the substitute operation.

(b) Competent personnel; adequate facilities and equipment (including spare parts, supplies and materials) are available for the proper servicing, maintenance, and preventive maintenance of aircraft and auxiliary equipment.

(7) This substitute scheduled operation is limited to five consecutive calendar-days.

(8) This authorization expires upon conclusion of the substitute scheduled operation, or at the end of the fifth calendar day from the start date of the operation, whichever is less.

(9) Substitute scheduled operations using the regular airports listed in Table 1 of this operations specification, are not permitted more than once in 30 calendar days.