

# NOTICE

## U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

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National Policy

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1/28/21

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**SUBJ: LOA D098, Short-Term Operations in Airspace Requiring Specific Approval**

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**1. Purpose of This Notice.** This notice announces a mandatory revision to Letter of Authorization (LOA) D098 for Title 14 of the Code of Federal Regulations (14 CFR) part 91 operators. This revision changes the title of LOA D098 and updates the language to standardize its use and conform it to the requirements associated for long-term authorization. This notice also announces the provision of aviation safety inspector (ASI) guidance on the issuance of LOA D098.

**2. Audience.** The primary audience for this notice is the Flight Standards Safety Assurance offices' ASIs. The secondary audience includes the Safety Standards and Foundational Business 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](https://employees.faa.gov/tools_resources/orders_notices). Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <https://fsims.avs.faa.gov>. Operators can find this notice on the Federal Aviation Administration's (FAA) website at <https://fsims.faa.gov>. This notice is available to the public at [https://www.faa.gov/regulations\\_policies/orders\\_notices](https://www.faa.gov/regulations_policies/orders_notices).

**4. Background.** LOA D098 is currently issued to part 91 operators who have a requirement for short-term authority for operations in airspace where a State requires specific operational approval. Short-term operations include aircraft delivery or ferry, sales demonstration, operations for aircraft modification or repair, and any other operation for which the FAA finds this authority applicable. For those operators associated with frequent movement of aircraft that already meet the training, equipment, and performance standards necessary for authorization, the bundling nature of D098 and short-term status is more efficient than changing multiple LOAs each time an aircraft must be added or removed from the LOA. LOA D098 can provide advantages for some ferry operations when the aircraft and ferry operator meet all requirements for operation in designated airspace. Additionally, the principal inspector (PI) may include newly manufactured aircraft on D098 prior to issuance of the initial standard airworthiness certificate for new aircraft. However, those aircraft may not be operated under the provisions of the LOA until the standard airworthiness certificate has been issued for the aircraft. Each individual short-term operation authorized in Table 1 of LOA D098 is time limited with an expiration date. It is intended to support short-term operations and not to circumvent the issuance of the individual long-term LOA authorization for new operators. Part 91 operators requiring short-term operation

authorization must ensure that they meet the training and procedural requirements for the areas of intended operation and that the aircraft have the appropriate communication, navigation, and surveillance for the areas of intended operation.

## 5. Guidance.

- The sample LOA D098 template in Appendix A applies to part 91.
- Guidance on issuing LOA D098 has been added to FAA Order 8900.1, Volume 3, Chapter 18, Section 6, Parts D and E Maintenance Operations Specifications/Management Specifications/Letters of Authorization.

**6. Explanation of Changes to LOA D098.** The changes are being implemented to update LOA D098 to standardize its use and to conform it to the requirements associated for long-term authorization. Operators may apply for one or more of the following individual authorizations bundled on one LOA D098:

- Required Navigation Performance (RNP) 10/4/2 (oceanic and remote continental).
- RNP 10 Single Long-Range Navigation System (S-LRNS).
- North Atlantic High Level Airspace (NAT HLA).
- Reduced Vertical Separation Minimum (RVSM).

**a. Title 14 CFR Part 125 Airplanes.** Airplanes having a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more normally operate in accordance with part 125. These part 125-applicable airplanes can be operated under part 91 for short-term operations under a Letter of Deviation Authority (LODA) Special Flight Authorization (SFA). A LODA SFA is a LODA authorizing an operator to accomplish short-term operations normally for a maximum of 30 days. These short-term operations include sales demonstration flights, ferry flights, and training flights (refer to Order 8900.1, Volume 2, Chapter 6, Section 3, Evaluate an Application for Deviation Authority Under Part 125, for additional information). Operators issued a LODA SFA may be eligible for issuance of D098 if they meet the requirements specified in LOA D098.

**b. Term of a Short-Term Operation Authorization.** Typically, an expiration date will be limited to 30 days (continuous calendar-days) or less for an individual short-term operation authorization listed in Table 1 of LOA D098; however, when justified, the date may extend up to 60 days, or a short-term operation authorization may be renewed consecutively to 60 days. An operator wishing to conduct short-term operations after the 60-day interval must reapply. An exception would be for manufacturers exercising continuous and exclusive operational control of newly built aircraft, who may extend the expiration date out to 180 days. It is also acceptable to specify that a short-term operation authorization expires upon reaching a specified destination in addition to the specific expiration date (e.g., expires on June 30, 2020, or upon arrival at John F. Kennedy International Airport (KJFK), whichever occurs first).

### c. Issuing LOA D098.

(1) In coordination with the responsible Flight Standards office, the operator determines the short-term operation authorizations required for the area of intended operation.

(2) The operator submits documentation sufficient to establish eligibility for the required short-term operation authorizations.

**Note:** When considering authorization for operators of aircraft holding special airworthiness certificates, refer to the associated limitations issued with the certificate and evaluate if the required systems are airworthy and meet performance requirements.

(3) If it is determined that the operator and aircraft qualify for the specific short-term operation(s) being requested, the PI authorizes the short-term operation(s) in Table 1 of D098 and issues the LOA.

(4) When submitting subsequent requests for amendments of D098, the operator should update the application documentation with changes clearly marked or provide a positive statement that no items have changed since the last application.

(5) When processing initial requests for any air navigation operations involving NAT HLA authorizations or RNP 10/4/2, inspectors should request guidance from specialists in the Flight Technologies and Procedures Division. Initial oceanic and remote authorizations require coordination in accordance with Order 8900.1, Volume 4, Chapter 1, Section 4, Class II Navigation.

**7. Eligibility.** LOA D098 will be issued if the operator and operator's aircraft meet the requirements of one or more short-term operations being requested. When operating under a special flight permit, eligibility for the specific approval should be evaluated and documented prior to issuing the authorization. Eligibility criteria for individual short-term operation authorizations can be found in the Order 8900.1, Volume 3, Chapter 18, Section 4, Part B Operations Specifications—En Route Authorizations and Limitations, guidance paragraphs listed below.

**a. RNP 10/4/2.** OpSpec/MSpec/LOA B036, Oceanic and Remote Continental Navigation Using Multiple Long-Range Navigation Systems (LRNS). Also refer to Order 8900.1, Volume 4, Chapter 12, Section 1, Issue a Letter of Authorization, and part 91, §§ 91.205 and 91.703.

**b. RNP 10 S-LRNS.** OpSpec/MSpec/LOA B054, Oceanic and Remote Airspace Navigation Using a Single Long-Range Navigation System. Also refer to Order 8900.1, Volume 4, Chapter 12, Section 1.

**Note 1:** The operator and the operator's aircraft must qualify for one of the navigation specifications listed above as a prerequisite to operating in airspace designated as NAT HLA.

**Note 2:** The FAA allows Performance-based Navigation (PBN) authorizations to be bundled. This concept provides the FAA more latitude in granting a wider range of authorizations on a single operator application. For example, if an operator is granted RNP 4 authorization, there is no need to also list RNP 10 in Table 1 of LOA D098, as this is conferred by the more stringent requirement. Refer to Advisory Circular (AC) 90-105, Approval Guidance for RNP Operations

and Barometric Vertical Navigation in the U.S. National Airspace System and in Oceanic and Remote Continental Airspace.

**c. NAT HLA.** OpSpec/MSpec/LOA B039, Operations in North Atlantic High Level Airspace (NAT HLA). Also refer to Order 8900.1, Volume 4, Chapter 12, Section 1.

**Note:** D098 limits NAT HLA operations to special contingency routes or Automatic Dependent Surveillance–Broadcast (ADS-B) corridor, if equipped. Operations within other regions of the NAT require other separate specific authorizations, such as data communications, as applicable.

**d. RVSM.** OpSpec/MSpec/LOA B046, Operations in Reduced Vertical Separation Minimum (RVSM) Airspace. Also refer to Order 8900.1, Volume 4, Chapter 10, Authorization to Conduct Flight in Reduced Vertical Separation Minimum Airspace.

**8. Action.** This is a mandatory revision to LOA D098. The following steps should be completed within 12 months from the effective date of this notice. Applicable ASIs should review this notice and the LOA D098 guidance added to Order 8900.1, Volume 3, Chapter 18, Section 6 for the issuance of LOA D098. ASIs for part 91 operators should review all D098 LOAs issued to the operators for whom they have oversight responsibility. Operators currently issued LOA D098 must either be issued an amended LOA D098 based on the revision announced in this notice, or the operator's LOA D098 must be archived, as applicable.

**a. Expired/Invalid Authorizations.** If all short-term operation authorizations listed on an operator's issued LOA D098 have expired or the entire LOA is considered invalid for any other reason, upon notifying the operator, archive the operator's LOA D098. Provide this notification by email or letter to the Responsible Person. When archiving an operator's D098, the operator's LOA A004, Summary of Authorizations, must be reissued to remove the LOA D098 authorization statement.

**b. Valid Authorizations.** If one or more of the short-term operation authorizations listed on an operator's issued LOA D098 are still valid, amend and reissue the operator's LOA D098 based on the template revision announced in this notice. Ensure that any expired aircraft authorizations are removed before reissuing the operator's D098. ASIs must also reissue LOA A004 to incorporate the revised authorization for LOA D098.

**9. Disposition.** We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct questions or comments concerning the information in this notice to the Flight Technologies and Procedures Division, Flight Operations Group (FOG) at 202-267-8795, or the Aircraft Maintenance Division, Avionics Branch at 202-267-1675.



Robert C. Carty  
Deputy Executive Director, Flight Standards Service

## **Appendix A. Sample LOA D098, Short-Term Operations in Airspace Requiring Specific Approval: 14 CFR Part 91**

1. The operator listed at the bottom of this Letter of Authorization (LOA) is authorized to conduct short-term operations listed in Table 1, Aircraft Authorized for Short-Term Operations, below in accordance with the limitations and provisions of this LOA.

a. Short-term operations include aircraft delivery or ferry, sales demonstration, operations for aircraft modification or repair, and any other short-term operation to which the FAA finds this authority applicable.

b. The operator is authorized to use the aircraft listed in Table 1 below for the short-term operations authorized until the expiration date or upon arrival at the destination, if applicable, whichever occurs first.

**Table 1 – Aircraft Authorized for Short-Term Operations**

<b>Aircraft Registration Number</b>	<b>Aircraft Serial Number</b>	<b>Aircraft M/M/S</b>	<b>Operations Authorized</b>	<b>Limitations and/or Destination (as applicable)</b>	<b>Expiration Date</b>

c. If a newly manufactured aircraft is listed in Table 1 above prior to its initial standard airworthiness certificate being issued, that aircraft is not authorized for use under the provisions of this LOA until the standard airworthiness certificate has been issued.

2. The operator must conduct flights in accordance with the following conditions and limitations as applicable to the particular authorization listed in Table 1 above:

a. Crew Training. Crew training conducted by [Text Box]. In accordance with 14 CFR Part 91, §§ 91.3 and 91.703(a)(1), (2), and (4) and International Civil Aviation Organization (ICAO) Annex 2, Rules of the Air, Paragraph 2.3.2, Pre-Flight Action, crews are responsible for policies and procedures in areas of operation where flights are conducted.

b. Reduced Vertical Separation Minimum (RVSM) Compliance. For in-service aircraft, aircraft documents must show completion of inspections and modifications required by the appropriate RVSM Data Package (e.g., Service Bulletin (SB), Supplemental Type Certificate (STC)). For newly built aircraft, the Airplane Flight Manual (AFM) contains a statement of RVSM compliance.

c. Aircraft Navigation Systems. Aircraft must meet navigation system equipment requirements. Required navigation systems must meet performance requirements and be operational at entry into the airspace of intended operation.

d. Aircraft Communication Systems. Aircraft must meet communication system equipment requirements and communications systems must be operational at entry into the airspace of intended operation.

e. Maintenance of Aircraft Communications and Navigation Systems. Aircraft communications and navigation systems must be maintained in accordance with the airplane or equipment manufacturer's recommendations.

3. Responsible Person. This LOA is considered invalid until signed by the Responsible Person listed in Table 2, Responsible Person. The Responsible Person must have ongoing knowledge of the operations of the aircraft and may be the individual who acts as the operator or, if the operator is a legal entity, an officer, employee, or person duly designated to sign on behalf of the operator. By signing this document, the Responsible Person assumes responsibility for ensuring the operator complies with all applicable regulations, requirements, limitations, and provisions of this LOA.

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

b. The name, email address, and/or telephone number of the Responsible Person signing this LOA are listed in Table 2 below.

**Table 2 – Responsible Person**

Name	Email Address	Telephone

4. A copy of this LOA must be kept on the applicable aircraft.