

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.635

National Policy

Effective Date:
7/24/22

Cancellation Date:
7/24/23

SUBJ: Decommissioning OpSpec/LOA A529, Special Authorization for Emergency Operations to Support Regional Disaster Recovery

1. Purpose of This Notice. This notice announces the decommissioning of operations specification (OpSpec)/Letter of Authorization (LOA) A529; revisions to the guidance in Federal Aviation Administration (FAA) Order 8900.1, Volume 3, Chapter 2, Section 1, Exemptions, Deviations, Waivers, and Authorizations; and the removal of the guidance from Order 8900.1, Volume 3, Chapter 18, Section 9, Emergency Actions Involving Air Carrier Operations.

2. Audience. The primary audience for this notice is the Flight Standards Safety Assurance offices' aviation safety inspectors (ASI), certificate management offices (CMO), and International Field Offices (IFO). 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 and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Background. The Special Authorization for Emergency Operations to Support Regional Disaster Recovery paragraph originated in response to Hurricane Katrina. This paragraph eventually became A529, granting temporary relief to air carriers to conduct emergency relief operations in an area restricted to disaster recovery operations only in the event that navigational aids and lighting normally required for air transportation of passengers or cargo were unavailable. Discontinuities in the issuance of A529 have been observed and created a lack of consistency when certificate holders applied for this paragraph granting emergency relief.

5. Discussion.

a. Emergency Operation. Title 14 of the Code of Federal Regulations (14 CFR) part 119, § 119.57 specifies requirements for obtaining deviation authority to perform an emergency operation. The term "emergency operation" means an immediate but temporary action to transport persons or supplies to prevent or reduce the loss of life or property when an unanticipated threat to life or property occurs. Operations under a long-term contract to provide certain types of protection (such as rescue, firefighting, or security) to the public cannot be classified as an unanticipated, temporary action. An "emergency operation" under § 119.57 is not

related to the pilot-in-command (PIC) responsibility and authority (emergency authority) provided in 14 CFR part 91, § 91.3.

b. Decommissioning A529. Historically, A529 has been issued in response to these emergency requests. Issuance of this paragraph has often led to inconsistent outcomes; in some cases, it steered operators to believe they had been granted relief from regulatory requirements. This outcome could lead to unsafe conditions. As a result, paragraph A529 is being decommissioned and replaced with guidance in Order 8900.1, Volume 3, Chapter 2, Section 1, Paragraph 3-40, Deviation to Perform an Emergency Operation, to authorize and process deviations in accordance with § 119.57.

6. Action. Principal inspectors (PI) should archive existing A529 paragraphs within 30 calendar-days of the issuance of this notice.

7. 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 Greg Maury, Air Transportation Division (AFS-200), at 901-350-0596.



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