



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

NOTICE
N 8700.46

Effective Date:
7/5/06
Cancellation Date:
7/5/07

**SUBJ: LETTERS OF DEVIATION AUTHORITY TO DEVIATE FROM THE
CERTIFICATION AND OPERATIONS SPECIFICATION REQUIREMENTS
OF PART 125**

1. PURPOSE. This notice provides revised guidance pertaining to the issuance of Title 14 of the Code of Federal Regulations (14 CFR) part 125, Letters of Deviation Authority (LODA).

2. DISTRIBUTION. This notice is distributed to the division level in the Flight Standards Service in Washington headquarters; to the branch level in the regional Flight Standards divisions; to the Flight Standards District Offices (FSDO); and to the Regulatory Standards Division at the Mike Monroney Aeronautical Center. This notice is also distributed electronically to the division level in the Flight Standards Service in Washington headquarters and to all regional Flight Standards divisions and district offices. This information is also available on the Federal Aviation Administration's (FAA) Web site at: http://www.faa.gov/library/manuals/examiners_inspectors/8700/notices/.

3. BACKGROUND.

a. Operators using airplanes having a passenger-seat configuration of 20 seats or more, excluding each crewmember seat, or a payload capacity of 6,000 pounds or more when common carriage is not involved, must have a certificate issued under part 125.

b. Part 125, section 125.3 provides that an operator or applicant may be granted a deviation from specified sections of part 125. FAA Order 8700.1, General Aviation Operations Inspector's Handbook, Volume 2, Chapter 73, Evaluate an Application for Deviation Authority or Special Flight Authorization Under FAR Part 125, provides guidance when considering requests for such deviations. The current vol. 2, ch. 73 uses the term "full deviation." The term "blanket deviation" has also been used to describe broad exemptions from part 125 requirements.

c. In some cases, the term full or blanket deviation was interpreted to mean a deviation from all part 125 requirements. However, the FAA determined that safety standards were compromised when operators were issued deviations relieving them from all part 125 requirements. Accordingly, the term full deviation as used in vol. 2, ch. 73 should not be interpreted to mean a complete deviation from all part 125 requirements. Instead, full or blanket deviation should be interpreted to mean a deviation to the fullest extent permissible by regulation and policy while maintaining an equivalent level of safety.

4. GUIDANCE. The General Aviation and Commercial Division, AFS-800, is revising guidance for vol. 2, ch. 73. This revision will outline how deviations are approved and issued for certificate holders under part 125. The revision will also clarify that an LODA should only be issued for conducting noncommercial operations (i.e., operations in which persons or cargo are transported without compensation or hire or operations that do not involve the transportation of persons or cargo). In addition, the revised guidance will clarify that operators may not conduct commercial operations not involving common carriage under 14 CFR part 91 if the operator uses an airplane with a passenger seating configuration of 20 or more seats, or a maximum payload capacity of 6,000 pounds or more. This prohibition applies both to part 125 certificate holders and part 125 LODA holders, and specifically includes the operations described in part 91 subpart F, section 91.501(b).

a. Administering LODAs and Deviations.

(1) In January 2006, the FAA issued Notice N 8700.45, Issuance of Part 91 Authorizations from the automated Operations Safety System (OPSS), which required letters of authorization (LOA) for operations such as Reduced Vertical Separation Minimums (RVSM), minimum navigation performance specifications (MNPS), and/or required navigation performance (RNP-10). These LOAs are issued from the OPSS.

(2) This notice continues the process outlined in Notice N 8700.45, to enable the FAA to track and administer all LODAs in the same manner and to provide nationally standardized deviations. These deviations must accompany the LODA and, through the OPSS process, will be accountable, traceable, current, and readily available to part 125 certificate holders, the LODA holders, and the Agency. The operators and their airplanes must be entered into a nationwide tracking system through issuance of all appropriate authorizations from the OPSS. This allows the FAA to identify and account for, on a national basis, all of these operations conducted in the United States and those special authorizations for operations outside the United States.

(3) Deviations are identified in the deviation database of the automated OPSS in operations specification (OpSpec) and template A005. Deviations requested that are not listed in the drop-down data box will be handled through a separate application process.

NOTE: At no time should deviations be added or manually entered without following the guidance in this notice.

b. Templates Available in the OPSS.

(1) **Sample of New LODA.** A sample of the new LODA (template A125) is in Appendix 1.

(2) **Operator into OPSS.** General instructions for entering an operator into the OPSS to issue an automated LODA (template A125 in part 91M of the OPSS) and subsequent deviations (template A005) are available in the OPSS Guidance Subsystem in association with template A001, and also at <http://www.opspecs.com> under the link for LOA guidance. For

assistance, please contact the OPSS help desk at (405) 954-7272 or via e-mail at 9-awa-afs-opssprob@faa.gov.

(3) Other Templates Available in the OPSS. Optional templates that the principal inspectors (PI) need to perform surveillance of the part 125 deviation holders are now available in the OPSS.

c. Authorizing Deviations. An operator/company (or certificate holder) must apply for a deviation. The requestor must submit a specific request to its certificate-holding district office (CHDO).

(1) The requestor must identify in a letter the specific regulatory sections from which a deviation is requested. An entity seeking deviation authority from one or several sections of part 125 must file the request at least 60 days prior to the date of intended operations. The requestor may not deviate from the rule until authority is granted or the part 125 certificate is issued.

(2) The letter and any attachments must contain the specific reasons for the deviation, information to show that an equivalent level of safety will be maintained, and any other information the FAA may require.

(3) If the PI determines that an equivalent level of safety will be maintained, he/she may authorize the deviation by selecting the deviation from the OPSS database.

(4) The OPSS provides standardized selections of deviations that are available for authorization in template A005, Exemptions and Deviations. (Detailed instructions for assigning deviations from the OPSS for authorizing in template A005 are available in the OPSS guidance subsystem in association with template A005 in all databases).

(5) Inspectors may only authorize deviations identified in the OPSS database.

NOTE: Deviations not identified in the database must not be manually entered.

(6) If the specific deviation is not in the OPSS national database, a request to add the deviation to the deviation database must be sent via e-mail (from the PIs) to the OPSS help desk at 9-awa-afs-opssprob@faa.gov.

(7) The PI's request for the deviation to be put into the OPSS deviation database must contain the deviation, its authority, and description of the deviation. For example:

Deviation Authority	Deviation From	Description
125.3	125.5(a) and 119.23(a)	Authorizes a deviation from the requirement to hold a 14 CFR part 125 operating certificate and OpSpecs.

(8) Once the appropriate FAA policy division (the General Aviation and Commercial Division, AFS-800; or the Aircraft Maintenance Division, AFS-300) approves the deviation, it will be entered into the OPSS deviation database and made available for authorizing in LOA template A005.

5. ACTION. Offices must now review all previously issued LODA for compliance and reissue the LODA using template A125 from the OPSS. A list of the specific sections of part 125 for which deviation authority is granted is also required using template A005. This will include the specific conditions with which the deviation holder must comply. Each PI responsible for existing LODA holders should review the requirements of this notice carefully and provide a copy to each LODA holder.

a. Within 6 months of the publication of this notice, each LODA holder must show the FAA how it complies with each part 125 requirement of the new LODA and provide a letter of compliance explaining how it will meet an equivalent level of safety while operating under each specific deviation to the part 125 requirement(s).

b. By the end of the 6-month period, the LODA holder must be issued the new LODA (template A125) and the A005 template authorizing any specific deviations to part 125. If that timeframe cannot be met, the LODA holder must petition for an extension from AFS-800 through its PI(s) within 30 days of the final deadline.

c. Notwithstanding the references in part 125 to the requirements for a “certificate holder,” an operator/company that is authorized a deviation from the requirement for a certificate and from operations specifications, must still comply with or request a specific deviation from other sections of part 125.

d. The following part 91 templates, which are available in the OPSS, must be issued *with* the issuance of an LODA (template A125):

- A001, Issuance and Applicability
- A003, Airplane Authorization
- A004, Summary of Authorizations
- A005, Exemptions, Deviations, and Waivers
- A007, Agent for Service
- A008, Flight Release Authority
- A009, Airport Aeronautical Data
- A010, Aeronautical Weather Data
- A031, Flightcrew and Flight Attendant Requirements
- A447, Emergency Airworthiness Directive Notification
- C082, Landing Performance Assessments After Departure for All Turbojet Operators
- D085, Airplane Inspection and Maintenance Programs, Major Inspections, and Time Limits
- D195, Minimum Equipment List (MEL)
- E096, Weight and Balance Control Procedures

e. Optional LOAs for special areas of operations are available in the OPSS; if authorized, these must be issued from the OPSS. For example, use template B034 for issuing PRNAV authorizations for European airspace, B039 for NAT/MNPS, B046 for RVSM, B036 for RNP-10 (Pacific operations), CAT II/III, and so forth. The guidance for the issuance of these operations is associated with each template in the OPSS.

6. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY

CODES. Use PTRS code 1328 for authorizing deviations.

7. INQUIRIES. Questions regarding this notice and its policies should be directed to AFS-800 at (202) 267-8212. If you need assistance in entering your operator into the OPSS or issuing a template from the OPSS, please contact the OPSS help desk at (405) 954-7272 or via e-mail at 9-awa-afs-opssprob@faa.gov.

8. DISPOSITION. The material in this notice will be incorporated into FAA Order 8700.1, vol. 2, ch. 73.

ORIGINAL SIGNED BY
CAROL E. GILES (for)

James J. Ballough
Director, Flight Standards Service



U.S. Department
of Transportation
**Federal Aviation
Administration**

14 CFR Part 91 Operations

Appendix 1. Sample A125 Letter of Deviation Authority (LODA)

1. **Letter of Deviation Authority.** The operator/company listed at the bottom of this document is hereby issued a Letter of Deviation Authority (LODA) from the requirements of 14 CFR Section 125.5 to hold a Part 125 operating certificate and operations specifications, as provided by 14 CFR Section 119.23(a), Section 125.3(a) and as authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.
2. This LODA is issued for the purpose of conducting noncommercial operations. Noncommercial operations are operations in which persons or cargo are transported without compensation or hire (including reimbursement for operating costs), or operations that do not involve the transportation of persons or cargo. The LODA authorizes the company/operator to transport its personnel, property, and guests. Guests may only travel on flights for which the company/operator has a business purpose.
3. Any operations, other than those authorized by this LODA, will result in the termination of this deviation authority. This LODA must be surrendered upon the request of the Administrator or an authorized representative. A copy of this LODA must be carried in the airplane(s) as required by 14 CFR § 125.7 and presented for inspection upon the request of the Administrator or an authorized representative.
4. This LODA is issued with the understanding that the company/operator shall:
 - a. Operate its airplane (make/model and registration number) authorized in A003, Airplane Authorization, in compliance with 14 CFR Sections 125.91 and 125.93 notwithstanding specific deviations and/or waivers (per Part 91 Subpart J) as authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.
 - b. Conduct operations in accordance with 14 CFR Sections 125.25, 125.37, 125.39, 125.45, 125.47 (A001, Issuance and Applicability), 125.49, 125.51, and 125.53, of Subpart B, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers. A007, Letter of Authorization for Agent for Service must be issued to show compliance or equivalent level of safety to CFR section 125.25.
 - c. Comply with the Manual Requirements of 14 CFR 125 Subpart C, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.
 - d. Comply with the Airplane Requirements of 14 CFR Part 125 Subpart D, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.
 - e. Comply with the Special Airworthiness Requirements of 14 CFR Part 125 Subpart E, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.
 - f. Comply with the Instrument and Equipment Requirements of 14 CFR Part 125 Subpart F, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.
 - g. Comply with the Maintenance Requirements of 14 CFR Part 125 Subpart G and operate its airplane and

corresponding maintenance programs as authorized in D085, Letter of Authorization for Airplane Inspection and Maintenance Programs, Major Inspections and Time Limits, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.

h. Comply with the airmen and flight crewmember requirements of 14 CFR Part 125, Subparts H and I, and provide initial and/or recurrent training for flightcrew and flight attendant emergency training as authorized in A031, Letter of Authorization for Flightcrew and Flight Attendant Requirements, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.

i. Conduct flight operations in accordance with 14 CFR Part 125, subparts J, K and L, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers. These operations shall be described in A008, Letter of Authorization for Flight Release Authority.

j. Comply with the requirements of 14 CFR Part 125 Appendices A, B, C, D, and E, notwithstanding specific deviations authorized in Table 2 of A005, Letter of Authorization for Exemptions, Deviations and Waivers.

k. Comply with the Special Area of Authorization requirements contained in LOA's B034, B036, B039, B046, B050, and D098, as applicable, if issued.

l. Comply with the requirements of 14 CFR sections 91.213 and 125.201 by the issuance of a Letter of Authorization for an MEL (LOA D195).

m. Notify the manager of the Flight Standard District Office of any material change in the facts stated in your letter of compliance for this LODA and/or any changes in the original authorizations and deviations herein.

5. This LODA will remain in effect until superseded, withdrawn, or rescinded.

6. Responsible Person. The Responsible Person for the operator's Letter of Deviation Authority (LODA) may be either an agent for service (who must be a U.S. citizen) or a person who is a U.S. citizen or holds a U.S. pilot certificate and accepts responsibility for complying with the stated regulations by signing this document.

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

b. Enter the name, e-mail address, and telephone number in Table 1 of the Responsible Person signing this LODA:

Table 1 - Responsible Person

Name	E-mail Address	Telephone Number
TABL01	TABL51	TABL52

TEXT99