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THE WHYS AND HOWS OF SPECIAL AUTHORIZATIONS - PART 91 LOAs

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OVERVIEW

“Special authorizations” is a collective term for certain specific authorizations from the FAA that come in various forms:

1. Letters of Authorization (LOAs) or Letters of Deviation (LODAs) primarily for non-commercial operators
2. Operations Specifications (OpSpecs) for commercial and certain other operators
3. Management Specifications (MSpecs) for fractional operators

Obtaining special authorizations – figuring out which ones you need and how to get them – can be one of the most confusing tasks for professional aviation managers to tackle.

The purpose of this resource is not to give a definitive list of what authorizations each operator needs or forms to fill out to apply for them, because they and their individual requirements can literally change from day to day. Instead, this resource is designed to provide some background information on where the concept of special authorizations came from, where to find information on specific authorizations, and some best practices an aviation manager – be it a single-pilot operation up to a multi-crew flight department– can use to obtain the appropriate authorizations as quickly and efficiently as possible.

To assist in obtaining these authorizations, this article therefore briefly touches on the following subjects:

- History of special authorizations
- Current status of special authorizations
- Tips on applications for 14 CFR Part 91 LOAs
- Frequently asked questions

HISTORY OF SPECIAL AUTHORIZATIONS

The conduct of flight was largely unregulated in the early days of U.S. civil aviation. Even when the U.S. government began to provide some regulatory oversight, this oversight was relatively simple due to the lack of complexity of aircraft and their operations. As FAA Order 8900.¹ observes with respect to the initial oversight of commercial air transportation operations:

The early U.S. Civil Air Regulations (CAR) did not provide for OpSpecs. A valid certificate or temporary permit was the principal federal authorization for conducting any air commerce operations. In addition to the certificate or permit, each operator had to possess valid competency letters, or temporary letters, issued by the Secretary of Commerce. These letters, which contained information relating to the operator’s services, routes, aircraft, maintenance, airmen and weather procedures, were appended to and considered part of the operating certificate. For example, CAR Part 61.01 required each air carrier to operate in compliance with the terms, conditions, specifications, limitations or other provisions of its certificate or temporary permit, which included the competency or temporary letters².

As the complexity of aircraft and civil aviation grew, however, there was an awareness of the growing need to establish and administer safety standards to accommodate many variables. These variables included: a wide and growing range of aircraft, varied operator capabilities, the numerous situations requiring different types of air transportation, and the continual, rapid changes in aviation technology. It was impractical to address these variables through the promulgation of safety regulations for each and every type of air transport situation and the varying degrees of operator capabilities. It was viewed as impractical to address the rapidly changing aviation technology and environment through the regulatory process. Safety regulations would be extremely complex and unwieldy if all possible variations and situations were addressed by regulation³.

Therefore, by 1953, the Civil Aeronautics Board began to require air carriers to obtain what operators would recognize today as OpSpecs. By 1958, with the passage of Title 49 of the United States Code (formerly the Federal Aviation Act of

¹ The Order 8900.1 is found in the FAA’s Dynamic Regulatory System at [drs.faa.gov/2/FAA_Order_8900.1_Vol_3_\(General_Technical_Information\)_Ch_18_\(Operations_Specifications\)_Sect_1_\(Background_Information\)_Par_3.677_\(History_of_OpSpecs\)](https://www.faa.gov/2/FAA_Order_8900.1_Vol_3_(General_Technical_Information)_Ch_18_(Operations_Specifications)_Sect_1_(Background_Information)_Par_3.677_(History_of_OpSpecs)).

² FAA Order 8900.1, Vol. 3 (General Technical Information), Ch. 18 (Operations Specifications), Sect. 1 (Background Information), Par. 3.677 (History of OpSpecs).

³ See Order 8900.1, Vol. 3 (General Technical Information), Ch. 18 (Operations Specifications), Sect. 1 (Background Information), Par. 3.678 (Conceptual Need for OpSpecs).

1958), the newly formed FAA began to require air operators and air carriers to obtain OpSpecs that would then actually become part of their certification. In the same vein, the concept of LOAs and LODAs began to be applied to non-commercial operators.

CURRENT STATUS OF SPECIAL AUTHORIZATIONS

The current approach to special authorizations was formalized by the Federal Aviation Act of 1958. Under that statute, as well as the federal aviation regulations that were originally issued pursuant to the statute and that have been amended from time to time since then:

- “Operations Specifications” or “OpSpecs” became required as part of an air carrier, operating and repair station certificate pursuant to 14 CFR Parts 121, 125, 135 and 145.
- Management Specifications or “MSpecs” subsequently became required for Part 91K managers upon the formalization of the Part 91K fractional ownership regulations.
- Letters of Authorization and/or Letters of Deviation (“LOAs” and “LODAs”) became required for Part 91 operators.⁴ Note that in this last category (i.e., LOAs and LODAs) the application for and the issuance of these authorizations is considered voluntary based on the specific types of situations that are being regulated. For example, the regulations do not require a Part 91 operator to use Controller Pilot Data Link Communications (CPDLC) while crossing the Atlantic, but they do require such an operator to apply for and obtain a CPDLC LOA before that operator may do so; if such an operator did not want to fly in airspace that requires CPDLC, it will never be obligated to obtain the applicable LOA.

This system continued to develop in the late 1990s and into the 2000s, when the automated safety system (“OPSS”) and web-based operations safety systems (“WebOPSS”) were established. OPSS and WebOPSS consist of standard and non-standard templates for OpSpecs, MSpecs and LOAs. Examples of the types of authorizations that are required can be found in the list of OpSpecs/MSpecs/LOAs templates that are provided in the Order 8900.1,⁵ and include:

- Part A LOAs/MSpecs/OpSpecs – General: Templates for administrative authorizations such as A006 – Management Personnel, or A056 – Data Link Communications, etc.
- Part B LOAs/MSpecs/OpSpecs – Enroute Authorizations and Limitations: Templates for enroute authorizations and limitations regarding flight in airspace such as B046 – Operations in Reduced Vertical Separation Minimum (RVSM) Airspace, or B039 – Operations in North Atlantic High-Level Airspace, etc.
- Part C LOAs/MSpecs/OpSpecs – Airplane Terminal Instrument Procedures and Airport Authorizations and Limitations: Templates for authorizations such as C081 – Special Instrument and RNAV Visual Flight Procedures, etc.
- Parts D and E Maintenance LOAs/MSpecs/OpSpecs: Templates for authorizations such as D072 – Continuous Airworthiness Maintenance Program, or D095 – Minimum Equipment List, etc.

The FAA published Advisory [Circular 91-70](#), which includes a table describing the various LOAs that may be needed in Special Areas of Operation (SAOs). However, the FAA does not provide a complete list of all possible LOAs. Moreover, the requirements are, at the end of the day, spelled out in each of the regulatory sections that trigger the type of authorization in the first place, and these can, in rare instances, change from time to time. But this information is effectively contained within the Order 8900.1 paragraphs listed above. Moreover, a review of the other sections of Order 8900.1 reveals specific provisions that discuss in detail a number of the authorizations that are referenced above with respect to their templates.⁶ Finally, the benefit of reviewing these paragraphs is that they provide a wealth of information as to what is required of an operator in order to obtain each of the applicable authorizations (as discussed further below).

Even though there is no official and publicly available list, as of the date that this paper was initially published by NBAA, the Order 8900.1 indicated that the following authorizations were the LOAs and/or related paragraphs and authorizations available to Part 91 operators **(with the most used authorizations listed in bold type)**:

⁴ LODAs are also used by Part 125M operators that do not hold out to the public.

⁵ For example, 8900.1, Vol. 3 (General Technical Information) provides extensive details on the process for applying for and having reviewed applications for LOAs and LODAs, and Vol. 4 (Aircraft Equipment and Operational Authorizations) has specific and detailed chapters associated with various authorizations such as RVSM and MEL authorizations.

⁶ For example, 8900.1, Vol. 3 (General Technical Information) provides extensive details on the process for applying for and having reviewed applications for LOAs and LODAs, and Vol. 4 (Aircraft Equipment and Operational Authorizations) has specific and detailed chapters associated with various authorizations such as RVSM and MEL authorizations.

Part A

001 Issuance and Applicability

004 Summary of Authorizations

005 Exemptions, Deviations and Waivers

007 Agent for Service

011 Carry-On Baggage Program

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

056 Data Link Communications

115 Deviation Authority for Conducting Flight Training in Experimental Category Aircraft (14 CFR Section 91.319(h))

320 Special Federal Aviation Regulation (SFAR) No. 77 Grant of Exemption

321 Special Federal Aviation Regulation (SFAR) No. 77 Authorization-Erbil International Airport (ORER) and Sulaymaniyah International Airport (ORSU)

353 In-Trail Procedures (ITP) using ADS-B In

510 Special Flight Authorization (SFA) for Ferry Flights

511 Special Flight Authorization (SFA) for Sales Demonstration Flights

512 Special Flight Authorization (SFA) for Training Flights

520 Special Federal Aviation Regulation (SFAR) No. 77 Approval

529 Special Authorization for Emergency Operations to Support Regional Disaster Recovery

532 Special Federal Aviation Regulation (SFAR) No. 112 Approval for Operations Authorized by Another U.S. Government Agency

534 Special Federal Aviation Regulation (SFAR) No. 87 Approval for Operations Authorized by Another U.S. Government Agency

Part B

036 Oceanic and Remote Continental Navigation Using Multiple Long-Range Navigation Systems (LRNS)

039 Operations in North Atlantic High-Level Airspace (NAT HLA)

046 Operations in Reduced Vertical Separation Minimum (RVSM) Airspace

050 Special Authorizations for Certain Areas of Operations

054 Oceanic and Remote Airspace Navigation Using a Single Long-Range Navigation System (S-LRNS)

057 National Parks Air Tour Management Operations Under 14 CFR Part 136

501 FAA/Industry Training Standards (FITS) Courses

548 Air Tour Operations Below 1,500 Feet AGL in the State of Hawaii

Part C

052 Straight-In Non-Precision, APV, and Category I Precision Approach and Landing Minima - All Airports

59 Category II Instrument Approach and Landing Operations

60 Category III Instrument Approach and Landing Operations

063 Area Navigation (RNAV) and Required Navigation Performance (RNP) Terminal Operations

073 Vertical Navigation (VNAV) Instrument Approach Procedures (IAP) Using Minimum Descent Altitude (MDA) as a Decision Altitude (DA)/Decision Height (DH)

081 Special Non 14 CFR Part 97 Instrument Approach or Departure Procedures

358 Special Restrictions for "RNP-like" Foreign RNAV Terminal Instrument Procedures with RNP Lines of Minima

381 Special Non 14 CFR Part 97 Terminal Instrument Procedures, Regional Authorization

384 Required Navigation Performance (RNP) Procedures With Authorization Required (AR)

Part D

095 MMEL Used as an MEL

97 Aging Aircraft Programs

98 Flight in Special Areas of Operation For Short-Term Operations

195 Minimum Equipment List (MEL)

Part J

- 501 Parachute Operations Over or Into a Congested Area or Open-Air Assembly of Persons
- 550 Banner Towing Operations
- 501 Certificate of Authorization U.S. Operator NAFTA SAS in Mexico
- 502 Certificate of Authorization U.S. Operator NAFTA SAS in Canada
- 503 Letter of Registration U.S. Operator Firefighting and/or Forest Fire Management NAFTA SAS in Mexico
- 504 Letter of Registration U.S. Operator Firefighting and/or Forest Fire Management NAFTA SAS in Canada
- 505 Certificate of Authorization Mexican Operator NAFTA SAS in U.S.
- 506 Letter of Registration Mexican Operator Firefighting and/or Forest Fire Management NAFTA SAS in U.S.
- 507 Certificate of Authorization Canadian Operator NAFTA SAS in U.S.
- 508 Letter of Registration Canadian Operator Firefighting and/or Forest Fire Management NAFTA SAS in U.S.
 - 1. Continued Use of Level I Flight Training Devices (FTD)
 - 2. Flight Training Devices (FTD), Levels 2, 3, and 5

Many more special authorizations are available for commercial operators. While not required for Part 91 operators, these additional authorizations may be made available upon request if the operator can demonstrate a need.

TIPS ON APPLICATIONS FOR 14 CFR PART 91 LOAs

Here are some tips on best practices for applying for these authorizations. In summary, these steps are straightforward and logical:

1. Identify the right applicant for the LOA.
2. Identify the LOAs the applicant might need in order to conduct its desired flight operations.
3. Research both inspector and operator guidance on each of those LOAs.
4. Submit the application using the forms the FAA has provided.
5. Hand-deliver the application package if you can.
6. Periodically follow-up with the FSDO in a professional manner.

Here is a discussion of each of these steps in more detail:

1. Identify the Right Applicant for the LOA

A party that wishes to utilize a particular authorization should check the underlying regulation to make sure that the application is being submitted by the correct person or entity. As a rule, the person or party that should be applying for the LOA is the operator of the operation in question, i.e., the person who has operational control of the flight. In any event, it is critical to understand that it is the rule that controls. In some cases, for example, verbal instructions of an FAA safety inspector have led an applicant to submit the application in the name of the wrong person or entity. It is the applicant who bears the ultimate responsibility to submit the application in the name of the correct party. If the applicant received questionable instructions from a safety inspector, that applicant should clarify, in writing, with the FAA. NBAA can help resolve questions on responsibilities and regulatory requirements.

Using the requirements for an RVSM LOA as an example, 14 C.F.R. §§ 91.180/91.706 state in part:

“ . . . no person may operate a civil aircraft (of U.S. registry) in airspace designated as Reduced Vertical Separation Minimum (RVSM) airspace unless:

- (1) The operator and the operator’s aircraft comply with the requirements of Appendix G of [Part 91]; and
- (2) The operator is authorized by the Administrator to conduct such operations.”

Stated another way, special authorizations should be applied for by, and issued to registered owners that are:

- Part 91 – personal/business operators for their non-air-transportation use (meaning, under the applicable statute and related regulations, aircraft use that is not solely for the purpose of moving passengers from point-to-point as a reimbursed or compensated business activity in and of itself, but instead is the movement of employees or guests that is incidental to and within the scope of the regular, non-air transportation business activity of that business operation, in which case that owner/operator would obtain the applicable LOAs); or

- Parties assuming operational control under “dry” lease or use agreements:
- Part 91 operator lessees who would then obtain their own LOAs; or

NOTE – it is entirely appropriate that an aircraft holding or leasing company has entered into multiple non-exclusive aircraft dry leases for the use of an airplane, which in turn means that each individual lessee will need to obtain its own LOAs as the occasional Part 91 operator of that aircraft.

This in turn means that special authorizations should not be applied for by, or issued to:

- “Flight Department Companies” – companies that have no business other than owning and operating aircraft for the benefit of that company’s underlying owners and affiliates. Although this issue goes beyond the scope of this paper, the FAA considers such companies to be commercial operators that must obtain their own commercial certification (such as a Part 135 air carrier certificate), in which event the operations would be conducted under Part 135 and the operator would obtain its special authorizations through its OpSpecs.
- “Non-Operating Holding Companies” – companies, such as limited liability companies, that are usually set up to own and lease the aircraft to other parties – as noted above. In this event, each of the individual lessees would need to obtain its own set of LOAs, and could not operate under a “generic” set of LOAs issued in the name of the registered-owner holding company.
- Aircraft Management Companies – third-party companies that are hired by the Part 91 operator to assist in the management, maintenance and operations of the aircraft. In this instance, if the Part 91 management company actually assumes operational control of the aircraft (which is what would be indicated if that management company is applying for Part 91 LOAs in its own name), then it would have turned itself into a commercial operator, thereby requiring it to obtain an air carrier certificate and operate the aircraft under the applicable commercial rules, such as Part 135 for non-transport-category on-demand operations.

2. Identify the Various LOAs the Applicant Might Need in Order to Conduct its Desired Flight Operations

Once you have identified the correct party to be the applicant for the LOA, the next step is to determine which LOAs are required. As noted above, this generally involves an analysis of what type of aircraft you are flying and where you want to go with it. Most multi-engine turbine aircraft operated within the U.S. will usually want to have RVSM and MEL authorizations. If the aircraft will be routinely operated over water or overseas, then certain additional area navigation authorizations may be appropriate. In any event, the operator will need to review the regulations and Order 8900.1 information outlined above to determine if any other authorizations are appropriate.

A brief summary of some of the most common LOAs for Part 91 operators is included here to aid in that process.

	Domestic U.S.	Hawaii	North/Central/ South America	WATRS Airspace including Bermuda	Foreign operations beyond Americas and WATRS
A056		Recommended	Required if using	Required if using	Required
B036		Recommended*	Recommended	Required	Required
B039					Required**
B046		Required	Required	Required	Required
C048	Required if using	Required if using	Required if using	Required if using	Required if using
C052			Required if using	Required if using	Required if using
C063			Recommended	Recommended	Required***
D095	Recommended	Recommended	Required	Required	Required if using
D195	Recommended	Recommended	Recommended	Recommended	Required

* B036 is not required for Hawaii, but is strongly recommended without advanced coordination with KZAK Oceanic.

** B039 is required for NAT HLA

*** Operators should check the AIP to determine if a specific country requires C063

LOA A056	Data Link Communications (CPDLC/ADS-C) Not required for Part 91 operators, to use data link systems in the U.S. Required to use data link systems outside of the United States.
LOA B036	Oceanic and Remote Continental Navigation Using Multiple Long Range Navigation Systems For Part 91, required to indicate oceanic RNP for oceanic and remote airspace plus certain oceanic control areas in the Gulf of Mexico that require RNP-2, 4 or 10 authorization. B036 is required for unrestricted operations in the North Atlantic.
LOA B039	Operations in the North Atlantic High-Level Airspace (NAT HLA)
LOA B046	Reduce Vertical Separation Minimums (RVSM) Required for operations outside US sovereign airspace, including the rest of North American (Mexico and Canada). Operations limited to the contiguous United States and equipped with ADS-B Out receive an automatic authorization in accordance with 14 CFR Part 91, Appendix G, Section 9. The automatic authorization does not require applying to the FAA for an authorization, but operators still must follow height-monitoring protocols.
B054	Oceanic and Remote Airspace Navigation Using a Single Long-Range Navigation System Used to authorize RNP-10 operations using a single LRNS in specified geographic areas. B036 authorizes use of multiple long-range navigation systems, while B054 is for aircraft using a single long-range navigation system. The process to apply for B054 authorization is similar to applying for B036. Operations under B054 in NAT HLA with a single long-range navigation system are limited to the special routes (e.g., Blue Spruce routes). Guidance to be published to allow being issued.
LOA C048	Enhanced Flight Vision Systems (EFVS) Required if you intend to use EFVS outside the U.S. or during the entire landing procedure, including touchdown and rollout. Not required if used to 100 feet above touchdown within the U.S.
LOA C052	RNAV (GNSS) Instrument Approach Procedures (RNP APCH Operations) Includes LNAV/VNAV, and LPV operations, as well as Precision Runway Monitor (PRM) approaches in some foreign countries. Not required for operation within the U.S.
LOA C063	RNAV and RNP Terminal Operations (RNAV-1/RNP-1) Not required for Part 91 operators in the U.S., but it is available for operations outside of the U.S.
LOA D095	Use of the Master Minimum Equipment List (MMEL) as an MEL Operators must ensure compliance with all authorizations and limitations required by LOA D095. Operators must be sure they are in compliance with their current LOA, which consists of four parts: <ol style="list-style-type: none"> 1. The aircraft-specific LOA. 2. The MEL procedures document, containing maintenance and operations procedures developed by the operator. 3. The master minimum equipment list (MMEL) preamble. 4. The MMEL itself, developed by the aircraft manufacturer and approved by the FAA.
All four required parts together, make up a Part 91 MEL that is acceptable to EASA.	
LOA D195	Use of an aircraft specific operator-developed Minimum Equipment List (MEL) Not currently required for operations within the U.S., but is recommended for operators conducting flights outside of the U.S.

3. Research Both Inspector and Operator Guidance on Each of the Desired LOAs

Once you have identified both the correct operator/applicant and the desired LOAs, the next step is to look to the guidance that the FAA has provided with respect to each authorization. This is generally provided in two forms. A good starting point is Order 8900.1, found in the Dynamic Regulatory System (DRS). This official guidance to the FAA inspector corps lays out in great detail all of the various issues to be addressed for each authorization. While this resource is technically targeted to FAA inspectors and not LOA applicants, if the applicant understands exactly what the inspectors will be evaluating, this can help the applicant hone in on exactly what is needed and ignore what is not.

By way of example, within Order 8900.1 Vol. 3, Ch. 18, Sect. 4, Part B is the section titled “OPSPEC/MSPEC/LOA B046 - OPERATIONS IN REDUCED VERTICAL SEPARATION MINIMUM (RVSM) AIRSPACE.” This provides a high-level overview of where and why an LOA for RVSM airspace is required, as well as references to both the underlying regulatory sections and additional outside references regarding the authorization. The next section to review will be Order 8900.1 Vol. 4, Ch. 10 (Evaluate Operator’s Application to Conduct Flight in Reduced Vertical Separation Minimum Airspace).

Once you have reviewed inspector guidance, the next area to target will be other guidance issued specifically for the benefit for operators. Keeping with the RVSM example, the FAA recently issued a revised Advisory Circular, AC 91-85A, which provides detailed guidance on what is required with respect to applying for an RVSM LOA.

Finally, the last step is to further search the FAA’s website to determine if the agency has provided any further guidance or information with respect to the LOA in question. Again, in the area of RVSM LOAs, the FAA has created a specific web page – https://www.faa.gov/air_traffic/separation_standards/rvsm/ – that is devoted to this topic, and includes links to various suggested documents, such as general information documents and job aids to assist in completing an appropriate application.

4. Submit the Application Using the Forms the FAA Has Provided

Although the process described so far can appear to be daunting, by following these steps, you should generally find that the FAA has provided a significant number of details and proposed documentation that can be used for the application in question. The point of this step is that if the FAA has provided a suggested form, then it is well worth your while to use it. This will not only make your task quicker, but it will make the FAA’s review of your application that quicker as well, because it will be in their own format, i.e., something the FAA has already approved and that the inspector force should be familiar with.

Other common-sense rules apply here as well. The application package should be complete and be professional in appearance. It should include information on each of the required elements you have researched during the process described above. It should not include things that are not required. Ideally, it should come under the cover of a letter from the applicant/operator that specifically requests the FAA to process and issue the authorization that is being sought.

At the end of the day, this is arguably the most important step. While it is predicated on all of the work that has been accomplished in the other steps listed above, the basic admonition “garbage in, garbage out” applies. To the extent you have prepared and submitted a package that clearly and completely addresses all the information the FAA is required to review under its own guidance for the issuance of an LOA, you have made it infinitely easier for a safety inspector to process your package and get it off his or her desk. To the extent you have not provided the information that is required, you have slowed the process down for everyone. Keep in mind that it is not the FAA’s job to prepare an application for you, or to correct or complete a package that has errors or is missing key information. The FAA’s job is to review what the applicant has submitted, and if it is complete and meets all the requirements, to then issue the applicable authorization.

5. Hand-Deliver the Application Package If You Can

Although access to the FSDO is generally limited, if at all possible, it is a good idea to seek a specific meeting with a FSDO inspector who can accept the application and ask any initial questions that might arise. This serves several purposes, one of which is simply ensuring that the application package is in the hands of the FAA and the review and issuance process has started. It also serves to give you a contact to communicate with both during the application review process and once the application has been approved and delivered. A delivery receipt should be obtained for any documentation dropped off with the FAA in person. This may be helpful for tracking purposes later.

6. Periodically follow up with the FSDO

Finally, once all the steps above have been followed, don’t be afraid to periodically reach back out to the FSDO. Ask which inspector has been assigned to process the application package, and then check with that person to see if any further information is required of the applicant. This doesn’t mean to call every day. Generally speaking, the review and issuance of LOAs is completed on a “first come, first serve” and as workload-permits basis, so the processing of the package is, to some extent, outside of the control of the individual inspectors. That said, if the applicant is acting in a professional manner and makes it clear that he or she is available to quickly address any questions that have arisen, experience shows that this will help facilitate faster processing of the application. Conversely, taking an unprofessional approach quite often leads to the opposite result.

SUMMARY

The process of applying for the appropriate special authorizations from the FAA is not easy, but it is manageable. If you follow the steps outlined above, you will have a better chance of determining exactly what you need, and then obtaining the correct authorizations as quickly and efficiently as possible.

FREQUENTLY ASKED QUESTIONS

1. Can I cross the North Atlantic without B039?

Aircraft unable to meet navigation (RNP) or aircraft performance requirements for the NAT HLA airspace can choose to fly above FL420 or below FL285 and still cross the North Atlantic Ocean. However, a Part 91 operator could cross the NAT, outside HLA, without a B036 or a B054 LOA.

2. Can I operate on the Blue Spruce Routes without any LOAs?

Within the NAT HLA, special routes, referred to as “Blue Spruce Routes,” have been designed for aircraft equipped with a single installed S-LRNS or a deferral of one of two M-LRNS’s. While Blue Spruce Routes lessen certain communication and navigation equipment requirements certain LOAs are still required to operate in the NAT HLA. As these routes, between FL285 and FL420, are part of the NAT HLA, they still require LOA B039, which should be obtained prior to navigating the area.

Normal short-range navigation equipment (VOR, DME, ADF) can also be used on some of these routes, as they provide the ability to fly within VHF radio range of a land station and, in some cases, without an installed HF radio, if flown above FL300.

Note: If your aircraft is NOT FANS 1/A compliant (LOA/OpSpec A056) you will not be authorized to operate on certain Blue Spruce airways. Check with the North Atlantic Operations and Airspace Manual (ICAO NAT Doc 007) for further information and approved routing or contact an international operations provider for more information.

3. Which LOAs do I need to fly to Europe from the US?

Below is a list of LOAs that must be considered before planning the North Atlantic crossing. Schedule sufficient lead time to obtain these authorizations along with other requirements to operate within destination countries. Three to six months lead time is not uncommon based on the quality of the submission and the backlog of the FAA processing the authorization.

- B036 Oceanic and Remote Continental Navigation using Multiple Long Range Navigation Systems M-LRNS (RNP 4/RNP 10)
- B039 Operations in North Atlantic High-Level Airspace (NAT HLA)
- B046 Reduced Vertical Separation Minimum (RVSM)
- B054 Oceanic and Remote Airspace Navigation Using a Single Long-Range Navigation System
- C052 Straight-In non-Precision, APV, and Category I Precision Approach and Landing Minima- All Airports

Note: Operators will need either B036 or B054 based on the number of LRNSs installed on the aircraft.



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