

VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 18 OPERATIONS SPECIFICATIONS

Section 1 Safety Assurance System: Background Information

3-676 APPLICABILITY. This chapter contains direction and guidance for issuance of operations specifications (OpSpecs) to Title 14 of the Code of Federal Regulations (14 CFR) part 121, 125, 129, 133, 135, and 145 certificate holders. For 14 CFR part 142 certificate holders, training specifications (TSpecs) policy guidance is located in Volume 3. Direction and guidance is also included for amending, canceling, suspending, or revoking the OpSpecs for parts 121, 125, 135, and 145 certificate holders. Information on the processing of part 129 foreign air carrier OpSpecs is contained in Volume 12, Chapter 2. The policy and guidance for 14 CFR part 91K fractional owners, management specifications (MSpecs) is integrated with the OpSpecs guidance. General guidance for the issuance of other automated authorizations from the Web-based Operations Safety System (WebOPSS) is contained in Section 2 of this chapter. The WebOPSS also contains automated authorizations for part 91 operations (letters of authorization (LOA) and Letters of Deviation Authority (LODA)), 14 CFR part 141 pilot schools (Training Specifications), and 14 CFR part 137 templates used for documenting required information.

NOTE: Unless otherwise noted, the term “operator,” when used in this chapter, applies to a general aviation operator/company conducting part 91 operations; a program manager conducting part 91K fractional ownership operations; an air carrier certificate holder conducting part 121 or 135 operations; a certificate holder or a LODA holder conducting part 125 operations; a rotorcraft external-load certificate holder conducting part 133 operations; an agricultural aircraft operator conducting part 137 operations; and/or a foreign air carrier or foreign person conducting part 129 operations, as applicable. This chapter uses the singular term “operator” for simplicity; however, uses of the term “operator” do not necessarily apply to all operations.

3-677 HISTORY OF OPSPECS. The early U.S. Civil Air Regulations (CARs) 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 letters. In 1953, the Civil Aeronautics Board (CAB) revised the CARs to require that each operator apply for OpSpecs at the time of application for an air carrier certificate. Air carriers that existed at that time were issued OpSpecs to be used instead of the competency or temporary letters. These revised rules specified that the OpSpecs were not part of an air carrier certificate. However, part 145, Repair Stations, does specify that the OpSpecs are a part of a Repair Station Certificate. In addition, part 133, Rotorcraft External-Load Operations, does not specify that the OpSpecs are a part of the certificate.

3-678 CONCEPTUAL NEED FOR OPSPECS/MSPECS. Within the air transportation industry, there is a need to establish and administer safety standards to accommodate many variables. These variables include: a wide range of aircraft, varied operator capabilities, the various situations requiring different types of air transportation, and the continual, rapid changes in aviation technology. It is 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. Also, it is 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 regulation. Instead, the safety standards established by regulation should usually have a broad application that allows varying acceptable methods of compliance. The OpSpecs provide an effective method for establishing safety standards that address a wide range of variables. In addition, OpSpecs can be adapted to a specific certificate holder or operator's class and size of aircraft and type and kinds of operations. OpSpecs can be tailored to suit an individual certificate holder or operator's needs. Only those authorizations, limitations, standards, and procedures that are applicable to a certificate holder or operator need to be included.

3-679 LEGAL BASIS FOR OPSPECS. Title 49 of the United States Code (49 U.S.C.) (formerly, the Federal Aviation Act of 1958 (FA Act)), through the Secretary of Transportation, empowers the FAA to issue certificates to qualified air operators. Title 49 U.S.C., § 44701 requires each air carrier certificate to include the terms, conditions, and limitations reasonably necessary to ensure safety in air transportation. Included in FAA certificates issued to air operators conducting operations under parts 121, 125, 135, 142, and 145 is a stipulation that those operations must be conducted in accordance with the provisions and limitations specified in the OpSpecs. The regulations in 14 CFR part 119 require that the OpSpecs issued to parts 121, 125, and 135 certificate holders specify the authorizations, limitations, and certain procedures under which each type of operation must be conducted and under which each class and size of aircraft must be operated. Part 119 specifies in general terms the basic content of OpSpecs for each kind of operation. The regulations also state that a person engaged in operations governed by OpSpecs issued under parts 121, 125, 135, 142, or 145 may not conduct those operations either without OpSpecs or in violation of the appropriate OpSpecs. These regulations also stipulate that the Administrator may add to or amend the OpSpecs whenever necessary to address particular situations. In addition, the rule provides for the suspension or cancellation of OpSpecs for cause. For example, the OpSpecs may be suspended if the operator fails to recognize the Administrator's right of inspection. The Administrator may direct the surrender of the OpSpecs for certain activities by the operator, such as failing to be adequately equipped or terminating operations. In the event the Administrator directs the operator to surrender its OpSpecs, the Notice of Surrender must also be filed with the Director, Office of Aviation Analysis (OAA), Department of Transportation (DOT). Part 91K, Fractional Ownership Operations, was published in FAA Docket No. FAA-2001-10047, 68 FR 54561, Sept. 17, 2003, which established the legal basis for MSpecs. The above information also applies to MSpecs.

3-680 STANDARD OPSPECS/MSPECS/TSPECS/LOAS.

A. Standard Templates. Standard templates are developed by the Flight Standards Service (AFS) at Washington headquarters (HQ). The process used at HQ for developing standard templates ensures appropriate coordination with regional flight standards personnel and

with other FAA services and offices that could be affected by air carrier operations and all other air operators. The process also ensures that before the standard templates are finalized, appropriate coordination is accomplished with affected industry groups. Since standard templates specify limitations, conditions, and other provisions which operators must comply with, coordination with industry is essential to a mutual and clear understanding of the effect they will have on industry. After appropriate coordination has been completed, drafts of the new standard paragraphs/templates, or revisions to existing paragraphs/templates are finalized and incorporated into the WebOPSS.

B. Nonstandard Templates. Through the use of standard OpSpecs paragraphs, MSpecs, or other authorizing templates, the FAA and industry are assured that air operators and certificate holders conducting comparable operations with comparable equipment are held to the same standards. Occasionally, a situation may occur in which it becomes necessary to issue a certificate holder or operator a paragraph/template that is nonstandard because of a unique situation not provided for in the standard paragraphs. In those cases when a nonstandard paragraph/template is more restrictive than the standard paragraph, justifiable reasons must exist, since the operator could be placed at a competitive disadvantage. Refer to Volume 3, Chapter 18, Section 2 for the nonstandard OpSpec paragraph/template request process.

3-681 AVAILABILITY OF OPSPECS TO CREWMEMBERS AND OTHER EMPLOYEE PERSONNEL. Sections 121.135, 125.43, and 135.23 provide that the applicable portions of the OpSpecs information be included in operator manuals or made available for the certificate holder's employees to be informed of the contents. Many operators meet this requirement by including a copy of the applicable parts of the OpSpecs in the appropriate sections of their manuals. However, the language used in OpSpecs is not designed to apply to particular situations, but is written to specify absolute minimum conditions or provisions for a broad range of issues and situations. The application of a particular OpSpecs authorization, limitation, and/or provision may not be readily apparent to a particular situation. As a result, OpSpecs, which are legal documents, are not easy to use or interpret during any particular operational situation. Part 119 requires the operator to insert pertinent excerpts from the OpSpecs in the General Operations Manual (GOM) for ready use by their crewmembers and other employee personnel. The OpSpecs information in an operator's manual should pertain only to that operator's type of operation and be written in a manner that is directly applicable to the certificate holder or operator's crewmembers and/or other employee personnel. The regulations also require that when OpSpecs information is incorporated into the operator's manual, the text will clearly identify each excerpt as part of the OpSpecs and state that compliance with each OpSpec is mandatory.

RESERVED. Paragraphs 3-682 through 3-700.