3-2-2-1 OBJECTIVE. This section provides guidance to aviation safety inspectors (ASI) and Flight Standards (FS) offices regarding the Title 14 of the Code of Federal Regulations (14 CFR) part 91 Letters of Authorization (LOA) process. The following information does not impose any regulatory requirements; rather it is meant to clarify FS responsibilities and explain certain terms related to the part 91 LOA process. Unless otherwise noted, the processes and clarifications provided herein also apply to Certificates of Waiver (CoW) and Letters of Deviation Authority (LODA) issued under part 91. LOAs, CoWs, and LODAs are hereinafter referred to collectively as “LOAs” for the purposes of this section.

3-2-2-3 GENERAL.

A. Automated LOAs.

1) Web-Based Operations Safety System (WebOPSS). Automated LOAs are issued using available templates in the automated Operations Safety System (OPSS), also known as WebOPSS. These templates are the basis from which an authorizing document, such as an LOA, is completed and issued to the operator. These templates are assigned part and numbering by subject (e.g., B039, B046, or D195), similar to operations specifications (OpSpec) and other authorizing documents. See Volume 3, Chapter 18, Section 2, subparagraph 3-704C for information on authorizing document part and numbering.

2) Operator Designator Code. In order to issue automated LOAs, the ASI establishes a profile in WebOPSS for the operator with a part 91 designator code ending in “J.” The ASI should verify that the person applying for an LOA provides the legal name of the operator. The legal name will be used in WebOPSS and will be listed on all part 91 LOAs issued to the operator. Prior to creating a new profile, the ASI should verify whether the operator has already been added to WebOPSS. One method to do this is to use the “Operator Name Search” found in WebOPSS under “Tools,” “Reports,” “Standard.” Subparagraph 3-2-2-3C below discusses methods an ASI can use to become familiar with any authorizations already issued to an operator, as well as an operator’s authorized aircraft. If a profile for a part 91 operator has not already been established in WebOPSS, the ASI should follow the instructions for adding an operator found in the WebOPSS CHDO User Guide. The last four characters of the operator’s identification number can be used to reference the responsible Flight Standards office code. See subparagraph 3-2-2-5G for further information regarding operator name requirements.

3) Required LOAs. When issuing an optional LOA (e.g., B039, B046, or D195), the ASI must also issue required LOAs A001, Issuance and Applicability, and A004, Summary of Authorizations.

B. Policy. Before issuing an LOA, the ASIs should follow the processes described in this order and other guidance regarding the issuance of LOAs, to ensure that the operator is
providing all of the required information and complying with the applicable regulatory requirements. Guidance for issuing most part 91 LOAs in WebOPSS is in Volume 3, Chapter 18. Guidance for issuing LOAs submitted to the Federal Aviation Administration (FAA) through the Streamlined Part 91 Operational Approval Application process is in Volume 3, Chapter 18, Section 15. Links to guidance information for each LOA can be accessed in WebOPSS by selecting the corresponding row in either the “Available,” “Workspace,” “Issued,” or “ Archived” grids, in the “Maintain Authorizing Documents” interface under “CHDO,” and clicking on the “Guidance” button located at the bottom of each grid.

C. Existing Authorizations. Before issuing a new LOA to an operator, the ASI should become familiar with any authorizations issued to the operator, their operations, and the operator’s authorized aircraft.

1) Search Method. Search for existing LOAs using any of the following methods:

a) An ASI assigned to an operator should have access to that operator’s information and issued authorizing documents in WebOPSS. An ASI can review the operator’s issued LOAs and other authorizing documents via the “Issued” grid in WebOPSS. This is located under the “CHDO,” “Maintain Authorizing Documents” interface. Centralized data relevant to an operator’s authorizations, including aircraft information, is located in WebOPSS under “CHDO,” “Maintain Operator Data.”

b) Use WebOPSS standard reports. The “National Paragraph Viewer” report can be run to provide a list of the issued authorizing documents. Use the “Operator Aircraft Viewer” report to review aircraft information. These reports are located in WebOPSS under “Tools,” “Reports,” “Standard.” If the designator of the operator is not known, use the WebOPSS standard report “Operator Name Search” to find the associated designator. Use the operator’s designator code to limit the results of any report to that of the specific operator.

c) Search for the aircraft in the Safety Performance Analysis System (SPAS).

2) No Existing LOAs. Only if no established operator and/or no existing LOAs of any subject can be found for the operator should an ASI create a profile for a new operator, as described in subparagraph 3-2-2-3A2).

D. Operator Signature. LOAs are not valid until signed by the Responsible Person. If the Responsible Person is unable to digitally sign authorizations in WebOPSS, the ASI will provide FAA-signed copies of the LOAs to the Responsible Person for manual signature. Transmitting signed and scanned LOA copies via email is acceptable.

3-2-2-5 PART 91 LOA ISSUANCE PROCESS.

A. Responsible Flight Standards Office. The FS office with a service area covering the operator’s principal base of operations is responsible for issuance and oversight of all part 91 LOAs for the operator. The ASI must ensure the operator provides the address of its principal base of operations when applying for an LOA. An FS office should not process an LOA request received from an operator if it reflects an address for a principal base of operations outside of that FS office’s service area. An exception is when the aircraft is listed on a certificate holder’s
(CH) OpSpec D085, Aircraft Listing. In these cases, the operator may apply to the FS office responsible for the certificate. FAA FS office locations are available at https://www.faa.gov/about/office_org/field_offices/fsdo/ and https://www.faa.gov/about/office_org/field_offices/ifo.

B. **One Responsible Flight Standards Office.** Only one FS office can be responsible for a part 91 operator, including issuing, updating, and overseeing all part 91 LOAs. The FS office must be the one that is responsible for the service area covering the operator’s principal base of operations, except when the aircraft is listed on a CH’s OpSpec D085, as described in subparagraph A above.

C. **Principal Base of Operations.** The address of the part 91 operator’s principal base of operations listed on LOA A001 must be the physical address where the operator conducts business or resides. This is a physical location where the FAA can contact the operator. It may not be a post office box. While the principal base of operations may coincide with the place where the aircraft is located, this is not always the case. In addition to the principal base of operations address, the operator may also provide a mailing address (such as a post office box) that is different from the principal base of operations’ physical address.

1) **Domestic Principal Base of Operations.** Operators should request LOA issuance from the Flight Standards District Office (FSDO) with a service area that encompasses the operator’s principal base of operations.

2) **International Principal Base of Operations.** If an operator provides an address for its principal base of operations that is not in the United States, the ASI must advise the operator to file applications with the International Field Office (IFO) with geographic responsibility. IFO locations and associated areas of geographic responsibility are available at https://www.faa.gov/about/office_org/field_offices/ifo.

D. **Change of Principal Base of Operations.** LOA A001 requires the operator to notify the responsible Flight Standards office within 30 days of a change of its principal base of operations. If the operator relocates from one FS office service area to another, the losing FS office must email a request to WebOPSS Support at AFS-WebOPSS@faa.gov to move the operator to the appropriate receiving FS office. The losing FS office must also notify the receiving FS office of the change. The receiving FS office should then update and reissue the operator’s LOA A001 to reflect the new address. Only LOA A001 is required to be reissued. The receiving FS office becomes the responsible Flight Standards office for issuing, updating, and overseeing part 91 LOAs for that operator. The losing FS office will transfer the part 91 operator’s file (see subparagraph 3-2-2-7C) to the receiving FS office.

E. **Aircraft Inspection.** If a physical aircraft inspection is required to process the LOA, the ASI should determine the aircraft location at the time of the LOA application. If the aircraft is not readily available within the responsible Flight Standards office’s service area, the office must coordinate with the FS office where the aircraft is located to complete the aircraft inspection. The responsible Flight Standards office must communicate with the operator to facilitate the aircraft inspection in the most efficient manner possible. When coordinating with another FS office for distant aircraft inspection, the responsible Flight Standards office should request an estimated timeframe for completion. The responsible Flight Standards office will
F. Key Personnel.

1) Responsible Person. The Responsible Person for flight operations is the person who has legal authority to sign the LOA on behalf of the operator. Such a person should have ongoing knowledge of the operations of the aircraft. The Responsible Person may be the individual who acts as operator, or, if the operator is a legal entity, an officer, employee, or person duly designated to act on behalf of the operator. The person assumes responsibility for ensuring the operator complies with all applicable regulations, requirements, limitations, and provisions. If the Responsible Person relinquishes responsibility, the LOA is no longer valid. Some LOAs do not contain Responsible Person information; in which case the Responsible Person information contained in LOA A001 applies to those authorizing documents.

2) Agent for Service. An Agent for Service is a person or company designated by the operator upon whom all legal notices, processes and orders, decisions, and requirements of the Department of Transportation (DOT), FAA, and National Transportation Safety Board (NTSB) are served. Designation of an Agent for Service is not required under part 91; however, ASIs should encourage operators to designate an Agent for Service to facilitate communication. If an operator chooses to designate an Agent for Service, LOA A007 must be issued.

G. Operator Name. The ASI should verify that the person applying for an LOA provides the legal name of the operator. The legal name will be used in WebOPSS and will be listed on all part 91 LOAs issued to the operator. The ASI should advise the person applying for an LOA that the LOA is valid only for the operator named on the LOA and only for part 91 operations. The applicant is responsible for ensuring it has the legal authority to request the LOA and operate the aircraft under the name listed on the LOA. Management companies may submit an application for an LOA on behalf of an operator who retains operational control. Management companies may also submit an application for an LOA for themselves to be used on flights where the management company has operational control.

H. Operational Control. The term “operational control” used throughout this section, with respect to a flight, means the exercise of authority over initiating, conducting, or terminating a flight. An LOA is issued to the person exercising operational control and not to a specific aircraft. Thus, multiple LOAs may be issued to multiple operators for use in a single aircraft (e.g., if the aircraft has several dry lease agreements, each lessee may be issued an LOA for the aircraft, depending on what they are using the aircraft for).

1) Operator Responsibility. It is the operator’s responsibility to submit a request for an LOA in the name of the person or entity that will have operational control of the aircraft. It is not the primary responsibility of the FS office or a specific ASI to determine legal ownership or operational control of an aircraft with respect to an LOA. However, if the ASI suspects the named operator may not have operational control, the ASI should ask the operator for additional information to determine who has operational control. If any question arises with respect to operational control, contact the Office of the Chief Counsel (AGC) for clarification. The
following general information may be useful in assisting the ASI, as well as the person applying for an LOA, in determining if the appropriate person or entity has been properly designated as the legal operator with respect to the authorization request:

a) Indicators of operational control include the operator named in the LOA taking responsibility for:

- Exercising the authority over initiating, conducting, or terminating a flight;
- The pilot in command’s (PIC) actions or inactions;
- Compliance with applicable regulations;
- Crewmember training;
- Airworthiness and performance of maintenance;
- Dispatch;
- Servicing the aircraft;
- Scheduling;
- Any enforcement action resulting from noncompliance; and
- Liability risk for personal injury or property damage.

b) See Volume 3, Chapter 13, Section 6, Evaluate an Aircraft Lease Agreement for Regulatory Compliance Under § 91.23.

2) Management Companies. The part 91 operator named on the LOA may hire a management company to provide flightcrew (as independent contractors), management, fueling, and maintenance services. However, only the part 91 operator has operational control, not the management company. Except for specific circumstances allowed by regulation (e.g., part 91 fractional ownership programs) or unless the management company has a 14 CFR part 119 certificate, the management company may not provide an aircraft and crewmembers, or act in concert with others to provide an aircraft and crewmembers.

3) Carriage of Company Officials, Employees, Guests, and Property Under Part 91, § 91.501(b)(5). Non-common carriage under § 91.501(b)(5) may be carried out in aircraft owned or dry leased by a company, as long as the company retains full operational control of the flights and operates the aircraft under part 91 in furtherance of its business activities, which cannot be related to air transportation. If the principal business of a company is to operate an aircraft, then it is a flight department company and requires certification under part 119.

4) Carriage of Company Officials, Employees, and Guests Under § 91.501(b)(6) on Airplanes Operated Under Time Sharing, Interchange, or Joint Ownership Agreements. Under time sharing, interchange, or joint ownership agreements, as defined in § 91.501(c), the LOA must be issued to the person exercising operational control. ASIs should review the agreements filed with the Aircraft Registry, which disclose the party with operational control to whom the LOA would be issued.

I. Aircraft Leases and Multiple Operators of One Aircraft. It is common to have multiple operators of an aircraft over a short period of time and on a nonexclusive basis
(e.g., multiple dry leases for the use of any one aircraft can be in place at the same time). In such instances, each individual operator (the lessee) is required to have an appropriate LOA issued in its own name. Multiple leases could be an indicator of noncompliant flight operations and may require further investigation. A copy of the lease agreement for large civil aircraft may be obtained by emailing the FAA Aircraft Registration Branch (AFB-710) at 9-AMC-AFS750-Aircraft@faa.gov, with the subject line “Truth in Leasing.” See Volume 3, Chapter 13, Section 6.

J. Regulatory Noncompliance Discovered During LOA Process. If during the LOA process the ASI becomes aware of potential regulatory noncompliance, then the ASI should follow the guidance contained in Volume 14, Chapter 1, Section 1 and Section 2. If the ASI determines that a regulatory violation did not occur, then the ASI should proceed with processing the LOA. Conversely, if the ASI determines a regulatory violation did occur, then the ASI must follow the compliance action decision procedure to completion. The ASI must not issue the LOA until the compliance action decision procedure is complete and corrective action verified. If there is a question with respect to the legality of an operator’s authorization request, contact AGC.

K. Meeting With the Operator. If FAA guidance requires meeting with the operator, the meeting may be conducted in person or via electronic means such as telecom/polycom or Skype.

3-2-2-7 RECORDKEEPING.

A. Enhanced Flight Standards Automation System (eFSAS).

1) Enhanced Vital Information Database (eVID). If required by the Vital Information Subsystem Procedures Manual (VPM) or LOA-specific guidance, the ASI must complete the part 91 operator eVID record.

2) Adding an Operator. If the operator is not already established in eVID as a noncertificated operator, the ASI must follow the instructions for adding a noncertificated operator found in the VPM and the eVID User Manual.

B. Safety Assurance System (SAS) Activity Recording (AR). The ASI must create a SAS AR record and make the appropriate entries. The ASI must use the SAS AR code specified in FAA guidance applicable to issuance of each specific LOA. If no SAS AR code is specified in the guidance, the ASI should use the following generic LOA activity codes: 1220, 3215, or 5215.

C. FS Office File. The responsible Flight Standards office will maintain a file for each operator issued a part 91 LOA. Only one file is required for each operator; a separate file is not required for each LOA issued. The file may be electronic or hard copy, in accordance with the responsible Flight Standards office’s procedures. WebOPSS and eFSAS documents and records
are not required to be maintained in this file. The file should include, at a minimum, a copy of the following documents, as applicable:

- Requests from the operator for each authorization,
- Correspondence with the operator, and
- Other documents required by specific guidance for each authorization.

**D. File Retention.** The operator’s file will be retained in accordance with FAA Order 1350.14, Records Management, and the responsible Flight Standards office procedures.

**E. Inactive LOAs.** Concurrent with the annual eFSAS validation, ASIs must also update the part 91 operator status and LOA status in WebOPSS. For individual LOAs that are expired or no longer being used by the operator, ASIs must archive the LOA(s) in WebOPSS. In the case of an optional LOA, this includes reissuing the operator’s A004 to remove the optional authorization. Additionally, ASIs must change the WebOPSS status of an inactive operator to “Terminated.”

**3-2-2-9 SURVEILLANCE.** Because some LOAs do not have an expiration date, ASIs should take advantage of any opportunity to examine an operator’s compliance with the requirements of its issued LOAs. See Volume 6, Chapter 1.

**A. Preparation.** Inspectors should search the WebOPSS database to determine an operator’s most current authorization(s) and review this order’s guidance specific to those authorizations.

**B. Conduct of Inspection.**

1) **Confirm Required Documents.** The ASI must confirm that all required documents specified in the LOA are on board the aircraft and are current.

2) **LOA Information is Accurate.** The ASI must verify that the LOA contains the following correct information, as applicable:

   - The name of the legal operator;
   - The aircraft serial number(s);
   - The aircraft registration number(s); and
   - The Responsible Person’s name, email address, and/or phone number.

**C. Inspection Results.** The ASI must document the inspection results using eFSAS.

**3-2-2-11 REISSUING.** ASIs should ensure operators are aware that they must provide written notification to the responsible Flight Standards office of an LOA which requires reissuance. If an LOA is not reissued, it may become invalid.
A. Administrative Reissuance. The responsible Flight Standards office will update and reissue an LOA, without requiring reapplication, when informed of the following circumstances:

- Name change of legal operator,
- Change of operator’s principal base of operations or mailing address,
- Change of Responsible Person or their contact information,
- Removing an aircraft from the authorization, or
- Change of aircraft registration number.

NOTE: LOAs are nontransferable. ASIs must ensure an operator name change is not a transfer of the LOA to another operator.

NOTE: If more than one aircraft is listed on an LOA, and the operator ceases to be the operator of the aircraft, the aircraft is no longer used, or there is a change of registration number, the LOA becomes invalid only for the affected aircraft. It does not invalidate the LOA for the remaining aircraft. However, the LOA should be reissued with the necessary changes.

B. Reissuance of Surrendered, Canceled, Rescinded, or Revoked LOA. An LOA voluntarily surrendered by the operator, or canceled, rescinded, or revoked by the FAA, may be reissued only after the operator reapplies and meets the requirements for issuance in accordance with the specific guidance for that authorization.

3-2-2-13 VOLUNTARY SURRENDER FOR CANCELLATION. An ASI may request, but may not compel, an operator to voluntarily surrender an LOA. The operator may surrender its LOA by sending it to the responsible Flight Standards office with a written request that the LOA be canceled and a statement explaining why the LOA is being surrendered. The request must be signed by the operator, Responsible Person, or a court-appointed individual authorized to act for the operator.

3-2-2-15 NONCOMPLIANCE BY THE LOA HOLDER. If an ASI becomes aware that a part 91 LOA holder is not complying with all applicable regulations, requirements, limitations, and provisions of its LOA, the ASI should follow the compliance action decision procedure contained in Volume 14, Chapter 1, Section 2.

3-2-2-17 through 3-2-2-31 RESERVED.