

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.390

National Policy

Effective Date:
11/23/16

Cancellation Date:
11/23/17

SUBJ: Restricted Category Civil Aircraft Operating Limitations

1. Purpose of this Notice. This notice introduces a new Certificate of Waiver (CoW) paragraph to be issued for restricted category civil aircraft via the Web-based Operations Safety System (WebOPSS) and provides guidance to Federal Aviation Administration (FAA) aviation safety inspectors (ASI) to issue this CoW.

2. Audience. The primary audience for this order is Flight Standards District Office (FSDO) ASIs and principal inspectors (PI). The secondary audience includes FSDO managers and supervisors, other operational employees, and Flight Standards branches and divisions in the regions and in headquarters (HQ).

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. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background.

a. Applicable Regulation. Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.313(e) states: "Except when operating in accordance with the terms and conditions of a certificate of waiver or special operating limitations issued by the Administrator, no person may operate a restricted category civil aircraft within the United States—

- (1) Over a densely populated area;
- (2) In a congested airway; or
- (3) Near a busy airport where passenger transport operations are conducted."

b. Commercial Operations Branch (AFS-820) Actions. Industry concerns and regional inquiries have triggered AFS-820 to review the policy and requirements for issuing waivers for civil aircraft operations utilizing restricted category aircraft in order to provide a more efficient process. AFS-820 is updating the policy in FAA Order 8900.1, Volume 3, Chapter 4, Section 1,

Issue a Certificate of Waiver for Restricted Category Civil Aircraft, to streamline the process and require the use of WebOPSS for issuing and managing CoWs for civil aircraft operations utilizing restricted category aircraft. AFS-820 has created a new CoW template in WebOPSS for these operations (CoW J551, Restricted Category Civil Aircraft Operating Limitations).

5. Guidance. AFS-820 is revising Order 8900.1, Volume 3, Chapter 4, Section 1 and has created the CoW J551 template in WebOPSS in conjunction with this notice. This notice contains a sample CoW J551 template in Appendix A, Sample Certificate of Waiver J551, Restricted Category Civil Aircraft Operating Limitations: 14 CFR Part 91, which applies to civil aircraft operations utilizing restricted category aircraft under part 91.

a. Adding an Operator to WebOPSS. If a part 91 operator is not already established in WebOPSS, general instructions for adding an operator to WebOPSS in order to issue the automated part 91 CoW J551 is associated with the part 91 Letter of Authorization (LOA) A001, Issuance and Applicability, template guidance in WebOPSS.

b. Required WebOPSS Paragraphs. When issuing WebOPSS paragraph J551, at a minimum the following paragraphs should also be issued to the operator: LOA A001, Issuance and Applicability, and LOA A004, Summary of Special Authorizations and Limitations.

6. Explanation of Key Changes.

a. Application Submission. Applications for waiver requests to § 91.313(e) are processed at the FSDO having jurisdiction over the area where the applicant's principal business office is located. An applicant requesting a CoW is responsible for the completion and submission of the application (FAA Form 7711-2, Certificate of Waiver or Authorization Application) at least 45 calendar-days prior to the start of proposed operations.

b. Issuing Authority. The authorized area may be limited to the issuing FSDO's geographic area, a specified location, or a list of states, or for a national operation, add the 48 contiguous United States if the applicant desires. The desired area of operation must be specified in the application.

c. Documentation Review. The Operations ASI should coordinate with an Airworthiness ASI to review the following documents: the Special Airworthiness Certificate, the operating limitations, the aircraft's Type Certificate Data Sheet (TCDS), and any other additional operating limitations issued by the FAA for the special purpose involved in order to determine whether a waiver is necessary or appropriate.

d. Approved Aircraft. The approved aircraft are added to WebOPSS and must be listed on CoW J551.

e. Pilot Training. Operators are responsible to ensure that all pilots are knowledgeable in civil aircraft operations utilizing restricted category aircraft and the provisions of this CoW.

f. Provisions. The revised policy provides standard provisions that will address the safety concerns associated with restricted category civil aircraft. Restricted category aircraft that have been appropriately issued a Special Airworthiness Certificate and operated in accordance with

these standard provisions will adequately mitigate the associated risk. The inspector is no longer required to specify additional special provisions to address specific airports, routes, etc., referenced in existing policy. The new standard provision will streamline the waiver process and provide national standardization with regard to the issuance of special provisions. CoW J551 provides a nonstandard text option for use in extenuating circumstances to specify additional provisions if necessary; however, nonstandard text would require approval by AFS-820.

7. Action. This is a new issuance of the automated CoW J551 in WebOPSS. ASIs should review the guidance in Order 8900.1, Volume 3, Chapter 4, Section 1. ASIs should issue all CoWs for civil aircraft operations utilizing restricted category aircraft following this notice and the revised Order 8900.1 policy using CoW J551 in WebOPSS.

8. 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 the Commercial Operations Branch (AFS-820) at 202-267-1100.

A handwritten signature in black ink, appearing to read "John Barbagallo". The signature is stylized with a large, sweeping initial "J" and "B".

John Barbagallo
Deputy Director, Flight Standards Service

**Appendix A. Sample Certificate of Waiver J551, Restricted Category Civil Aircraft
Operating Limitations: 14 CFR Part 91**

1. Authorization. The operator, [LOAD DATA] is granted a Certificate of Waiver (CoW) from the provisions of 14 CFR part 91, § 91.313(e), Restricted Category Civil Aircraft: Operating Limitations. This document constitutes the same authority and is issued in lieu of FAA Form 7711-1 for Restricted Category Operations.

(a) This CoW does not waive any state law or local ordinance. Should the proposed operations conflict with any state law or local ordinance or require permission of local authorities or property owners, it is the operator’s responsibility to resolve the matter.

(b) No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard provisions contained in this certificate, and such other requirements of the 14 CFR not specifically waived by this CoW.

2. Aircraft. The operator is authorized to use the following approved aircraft.

Table 1 – Restricted Category Civil Aircraft Authorized

Registration Number	Serial Number	Aircraft Make/Model/Series	Special Purpose(s)

3. Operating Limitations. All aircraft type certificated (TC) in the restricted category must be operated in compliance with the limitations prescribed in § 91.313, the operating limitations printed on the reverse side of FAA Form 8130-7, Special Airworthiness Certificate, and any other additional operating limitations issued by the FAA for the special purpose(s) involved.

Note: This CoW does not waive the operating limitations listed above.

4. Geographic Area of Operations. The operator is authorized to conduct operations in the following geographic area(s):

<i>[Multi-combo box, select from below or enter region or U.S. State(s)]</i>
The 48 contiguous United States and the District of Columbia

5. Standard Provisions. The operator is responsible for compliance with the following provisions:

(a) A copy of the application (FAA Form 7711-2) made for this CoW shall be attached to, carried with, and become a part hereof.

(b) The Special Airworthiness Certificate Operating Limitations must be complied with and become a part hereof.

(c) A copy of this CoW shall be carried on board each authorized aircraft.

(d) The aircraft listed in Table 1 must be maintained in accordance with all applicable portions of the CFR and the Operating Limitations issued by the FAA.

(e) This CoW shall be presented for inspection upon request of any authorized representative of the FAA, or any State or municipal official charged with the duty of enforcing local laws or regulations.

(f) The holder of this CoW shall be responsible for the strict observance of the terms and provisions contained herein.

(g) This CoW is not transferable.

(h) Failure to comply with this CoW and the standard provisions may constitute justification for cancellation of the CoW.

(i) Operators are responsible to insure that all pilots are knowledgeable in restricted category operations and the provisions of this CoW.

6. Responsible Person. This CoW is considered invalid until signed by the person responsible for flight operations listed in Table 2. The name, telephone number or email address, street address (not a post office box), city, State, and ZIP code for the person responsible for flight operations is listed in Table 2 below. The responsible person certifies that the operator and pilot in command (PIC) will comply with all standard provisions contained in the CoW.

Table 2 – Responsible Person

Name	Telephone #/Email	Address	City	State	ZIP

7. Effective Date and Expiration. This CoW shall expire 24 calendar-months from the effective date and is subject to cancellation at any time upon notice by the Administrator or his or her authorized representative. The operator may request renewal of this CoW by submitting a new application at least 45 calendar-days prior to the expiration date to the Flight Standard District Office (FSDO) having jurisdiction over the area where the applicant’s principal business office is located.

[Enter optional text for nonstandard paragraph]