

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.499

National Policy

Effective Date:
1/29/19

Cancellation Date:
1/29/20

SUBJ: Restricted Category Civil Aircraft Type Rating Training, Testing, and Checking Limitations and the Associated Deviation Authority (LODA J552)

1. Purpose of This Notice. This notice introduces the new Letter of Deviation Authority (LODA) J552, Restricted Category Civil Aircraft Type Rating Training, Testing, and Checking Limitations, to be issued, via the Web-based Operations Safety System (WebOPSS), to operators providing training and testing in restricted category civil aircraft requiring a type rating. This notice also provides the associated guidance to Federal Aviation Administration (FAA) aviation safety inspectors (ASI) to issue the LODA.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) ASIs, aviation safety technicians (AST), and Designated Pilot Examiners (DPE). The secondary audience includes FSDO management and Safety Standards employees.

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. General Aviation and Commercial Division Actions. Due to current grants of exemption and the FAA's subsequent regulatory analysis and rulemaking, the FAA has developed and published a new rule provision to permit training and testing in restricted category civil aircraft that require a type rating without utilizing the exemption process. On May 12, 2016, the FAA published a Notice of Proposed Rulemaking (NPRM) (81 FR 29719) which would allow an operator to submit an application to the FAA for a deviation authority to train and test in restricted category civil aircraft that require a type rating. In June 2018, the FAA adopted the final rule as proposed (83 FR 30232). The FAA has revised Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.313; added a new FAA Order 8900.1, Volume 5, Chapter 1, Section 10, Use of Aircraft Type Certificated in the Restricted Category for Pilot Flight Training and Testing, that describes the allowance to issue a LODA permitting an operator to facilitate training and testing in restricted category civil aircraft requiring a type rating; and updated WebOPSS for issuing and managing these LODAs. Section 91.313(h) facilitating the LODA

process became effective December 24, 2018. Operators using a current § 91.313(a) exemption grant may continue operations authorized by that exemption until it expires. Thereafter, restricted category aircraft type training, testing, and checking privileges can only be acquired using the LODA process as described in § 91.313(h).

b. Applicable Regulations.

(1) Section 91.313(a) states:

“(a) No person may operate a restricted category civil aircraft—

(1) For other than the special purpose for which it is certificated; or

(2) In an operation other than one necessary to accomplish the work activity directly associated with that special purpose.”

(2) The new § 91.313(h) states:

“(h)(1) An operator may apply for deviation authority from the provisions of paragraph (a) of this section to conduct operations for the following purposes:

(i) Flight training and the practical test for issuance of a type rating provided—

(A) The pilot being trained and tested holds at least a commercial pilot certificate with the appropriate category and class ratings for the aircraft type;

(B) The pilot receiving flight training is employed by the operator to perform a special purpose operation; and

(C) The flight training is conducted by the operator who employs the pilot to perform a special purpose operation.

(ii) Flights to designate an examiner or qualify an FAA inspector in the aircraft type and flights necessary to provide continuing oversight and evaluation of an examiner.

(2) The FAA will issue this deviation authority as a letter of deviation authority.

(3) The FAA may cancel or amend a letter of deviation authority at any time.

(4) An applicant must submit a request for deviation authority in a form and manner acceptable to the Administrator at least 60 days before the date of intended operations. A request for deviation authority must contain a complete description of the proposed operation and justification that establishes a level of safety equivalent to that provided under the regulations for the deviation requested.”

5. Guidance. Section 91.313 applies to civil aircraft operations utilizing restricted category civil aircraft specific to type rating training and testing. Order 8900.1, Volume 5, Chapter 1, Section 10 contains the new inspector guidance. The new LODA J552 template is available in WebOPSS, and Appendix A of this notice contains a sample LODA J552 template.

a. Adding an Operator to WebOPSS. If a part 91 operator is not currently listed in WebOPSS, follow the instructions in the WebOPSS CHDO User Guide, located under the Tools menu in WebOPSS, that describe how to add a new operator.

b. Required Letters of Authorization (LOA). When issuing LODA J552 in WebOPSS, at a minimum, the following LOAs must be issued to the operator:

- LOA A001, Issuance and Applicability.
- LOA A004, Summary of Authorizations.

6. Explanation of Key Changes.

a. Application Submission. Application packages for a new LODA per § 91.313(h) are processed at the FSDO having jurisdiction over the area where the applicant intends to provide the training testing. A restricted category civil aircraft operator requesting a LODA is responsible for the completion and submission of the application package including FAA Form 7711-2, Certificate of Waiver or Authorization Application, at least 60 calendar-days prior to the start of the proposed operations. A request for deviation authority must contain a complete description of the proposed operation and justification that establishes a level of safety equivalent to that provided under the regulations for the deviation requested. The application package must include a letter identifying the name and address of the applicant, the name and contact information of the person responsible for the flight operations, details of the type-specific training and/or testing to be conducted, and the specific aircraft make(s), model(s), and type, by N-number, to be utilized. The applicant must also provide a copy of each aircraft's Airworthiness Certificate, including any FAA-issued operating limitations; a detailed training program description and syllabus; and a list of the authorized instructors and their contact information who will provide the type-specific training.

b. Geographic Area. The area for this authority may be limited to the FSDO's geographic area, a specified location, or a list of states. For a national operation, the operator can indicate the 48 contiguous United States. However, the desired area of operation must be specified in the application package and LODA.

c. Documentation Review. The Operations ASI must coordinate with an Airworthiness ASI to review the following documents to determine whether a LODA is necessary or appropriate:

- (1) The Special Airworthiness Certificate,
- (2) The aircraft's Type Certificate Data Sheet (TCDS), and
- (3) Any operating limitations associated with the certificate.

d. Approved Aircraft. The approved aircraft are added to WebOPSS and must be listed on LODA J552. This includes the registration number, serial number, make, and model.

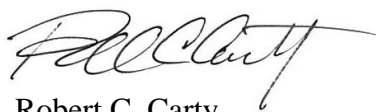
e. Responsible Person for Flight Operations. The LODA is not valid until signed by the person responsible for certifying the restricted category civil aircraft type flight training and testing operations described in the LODA. The name, telephone number or email address, street address (not a post office box), city, state, and ZIP code for the person responsible for flight operations must be listed. The Responsible Person certifies that the operator and/or the pilot in command (PIC) for each flight will comply with all standard provisions contained in the LODA and any applicable part 91 operational requirements.

f. Pilot Training. Operators are responsible to ensure that all their pilots are knowledgeable in part 91 civil aircraft operations and will ensure compliance with all training and certification requirements utilizing restricted category civil aircraft, to include the provisions of the LODA specific to the training and testing requirements for a type rating. The airline transport pilot (ATP) practical test standards (PTS) or Airman Certification Standards (ACS) will be applicable to all evaluations.

g. Provisions. The standard provisions of the LODA will address any safety concerns associated with training and testing in restricted category civil aircraft requiring a type rating. An inspector is not required to specify any additional provisions concerning specific airports, routes, etc. The LODA process will provide regulatory allowance with regard to the issuance of LODA J552 and eliminate the requirement for an exemption.

7. Action. This is for the issuance of LODA J552 in WebOPSS, including the addition of a new operator, if necessary. ASIs will review the guidance in Order 8900.1, Volume 5, Chapter 1, Section 10. ASIs should issue LODAs for all civil aircraft training operations utilizing restricted category civil aircraft accomplishing type-specific training and testing following the publication of this notice and the new Order 8900.1 policy using LODA J552 in WebOPSS. Users must authorize LODA J552 in the A004 authorization statement and reissue the A004 statement before issuing LODA J552.

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 General Aviation and Commercial Division, Airmen Certification and Training Branch at 202-267-1100.



Robert C. Carty
Deputy Executive Director, Flight Standards Service

Appendix A. Sample LODA J552, Restricted Category Civil Aircraft Type Rating Training, Testing, and Checking Limitations: 14 CFR Part 91, § 91.313(h)

1. The operator, [Name], is granted a deviation from the provisions of 14 CFR Part 91, § 91.313(a).

a. As provided in § 91.313(h) deviation authority, the operator is granted the authority to conduct flight training and the practical test for issuance of a type rating provided:

(1) The pilot being trained and tested holds at least a Commercial Pilot Certificate with the appropriate category and class ratings for the aircraft type;

(2) The pilot receiving flight training is employed by the operator to perform a special purpose operation; and

(3) The flight training is conducted by the operator who employs the pilot to perform a special purpose operation.

b. This will include flights to designate an examiner or qualify an FAA inspector in the aircraft type and flights necessary to provide continuing oversight and evaluation of an examiner or inspector.

c. This deviation authorization 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.

d. This deviation authority does not waive the operating limitations described in § 91.313(e).

2. Aircraft. The operator is authorized to use the following approved aircraft in Table 1 below, for the type rating training and testing as described in this LODA and facilitated under § 91.313(h) for this deviation authority.

Table 1 – Restricted Category Civil Aircraft Authorized

Registration Number	Serial Number	Aircraft Make/Model/Series

a. The operator must be in full operational control of any aircraft authorized for use under this LODA.

b. The following operations are permitted in these aircraft:

(1) Practical tests necessary to issue type ratings required by 14 CFR Part 61, § 61.31(a) to pilots employed by the operator;

(2) Proficiency training for pilots employed by operator seeking to take a practical test for a type rating designation necessary to operate an aircraft;

(3) Observation flights performed with an aviation safety inspector (ASI) on board for the purpose of designating or observing a Designated Pilot Examiner (DPE); and

(4) Flights to designate an examiner or qualify an FAA inspector in the aircraft type and flights necessary to provide continuing oversight and evaluation of an examiner or inspector.

3. Operating Limitations. All aircraft type certificated (TC) in the restricted category must be operated in compliance with the limitations otherwise 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 operations involved.

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

<i>[Multi-combo box; Select from below or enter a 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. The operator will provide the Flight Standards District Office (FSDO) facilitating oversight and issuance of the LODA a copy of the training program the operator will use in advance of the type rating training provided, to include a list of authorized instructors the operator will utilize.

b. The Special Airworthiness Certificate operating limitations must be complied with and become part of the approvals operating limitations.

c. A copy of this deviation authorization must be carried on board each authorized aircraft.

d. The aircraft listed in Table 1 must be maintained in accordance with all applicable sections of the regulations and the operating limitations issued by the FAA.

e. This deviation authorization must 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 operator is responsible for the strict observance of the terms and provisions contained herein.

g. This LODA is not transferable.

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

i. The operator is responsible to ensure that all pilots are knowledgeable in restricted category operations, associated limitations, and the provisions of this LODA.

6. **Responsible Person.** This LODA is considered invalid until signed by the Responsible Person for flight operations listed in Table 2. The Responsible Person for flight operations may be either a person who is a U.S. citizen or a person who holds a U.S. pilot certificate, and has ongoing knowledge of the operations of the aircraft and legal authority to sign on behalf of the operator. By signing this document, the Responsible Person for flight operations accepts responsibility for ensuring compliance with the stated regulations, requirements, limitations, and provisions of this LODA.

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

b. The name, telephone number or e-mail address, street address (not a post office box), city, state, and ZIP code for the person responsible for flight operations are listed in Table 2 below.

Table 2 – Responsible Person for Flight Operations

Name	Telephone #/Email	Address	City	State	ZIP

7. **Effective Date and Expiration.** This LODA expires 36 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 LODA by submitting a new application at least 45 calendar-days prior to the expiration date to the FSDO having oversight where the applicant's principal business office is located.