

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

N 8900.568

National Policy

Effective Date:  
11/3/20

Cancellation Date:  
11/3/21

**SUBJ:** Living History Flight Experience Enhanced Oversight

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- 1. Purpose of This Notice.** This notice clarifies oversight procedures of Living History Flight Experience (LHFE) exemption holders for Flight Standards District Office (FSDO) aviation safety inspectors (ASI).
- 2. Audience.** The primary audience for this notice is ASIs (Operations and Airworthiness) in Flight Standards Safety Assurance offices with oversight of LHFE exemption holders. The secondary audience includes the Safety Standards and Foundational Business offices.
- 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](https://employees.faa.gov/tools_resources/orders_notices). Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <https://fsims.av.faa.gov>. Operators can find this notice on the Federal Aviation Administration's (FAA) website at <https://fsims.faa.gov>. This notice is available to the public at [https://www.faa.gov/regulations\\_policies/orders\\_notices](https://www.faa.gov/regulations_policies/orders_notices).

#### **4. Awareness.**

##### **a. LHFE Definition.**

(1) LHFE exemptions, generally, are granted to authorize the carriage of persons for compensation in aircraft holding limited or experimental category airworthiness certificates. These historically significant, former military aircraft provide short in-flight experiences. They are operated under Title 14 of the Code of Federal Regulations (14 CFR) part 91. A grant of exemption with its specific conditions and limitations (C/L) constitutes a regulatory requirement. The FAA set forth general policy considerations regarding LHFE operations on July 21, 2015. Refer to 80 FR 43012 (the Policy). The Policy identifies certain aircraft the FAA generally considers eligible for an exemption under LHFE, and specifies certain risk mitigation measures that apply to each LHFE operation. Regulatory relief extends only to those regulations specifically identified in each individual LHFE exemption.

(2) A grant of exemption with its specific C/Ls constitutes a regulatory requirement. A petitioner must apply for exemption under 14 CFR part 11, which requires petitioners to develop and maintain an equivalent level of safety (ELOS) to the rules from which they are seeking relief. Regulatory relief extends only to those regulations specifically identified in each

individual exemption. For aircraft with a Special Airworthiness Certificate, an exemption does not grant relief from operating limitations unless specifically identified in the exemption. (For example, LHFE grants relief from part 91, § 91.9, only to allow for carriage of passengers for hire. No other relief is granted from § 91.9 or operating limitations.) Inspectors must familiarize themselves with the aircraft operating limitations, the exemption, and its C/Ls to ensure compliance during the inspection.

**b. Reason for Change.** A fatal B-17 accident in 2019, operated under an LHFE exemption, revealed the need to bolster surveillance and oversight of LHFE exemption holders. LHFE aircraft and pilots are routinely subjected to ramp inspections, but oversight of operators' overall safety culture and compliance with the exemptions, C/Ls, training, testing, and manual systems is unique to these types of exemption holders and requires increased oversight.

**5. Desire: Why Support the Change.** The LHFE exemption authorizes carriage of passengers for hire under prescribed C/Ls. It is the FAA's responsibility to ensure that operators are adhering to, and comply with, these C/Ls.

**6. Knowledge: How We Will Change.**

**a. Action.** Inspectors will perform an audit of all LHFE exemption holders to which the office is designated by the exemption as the jurisdictional FSDO by the end of calendar year 2021. The inspectors will ensure compliance with regulations, the C/Ls of the exemptions, and manual systems, utilizing FAA Order 8900.1, Volume 6, Chapter 1, Section 8, Inspect a Living History Flight Experience Exemption Holder.

(1) Add the operator to the enhanced Vital Information Database (eVID) in the "Non-Certificated" category, using activity code "EH" for exemption holder. Under "Assigned Inspector/Exemption Information," in the "National Use" field, enter "LHFE" without quotations. Fill in all available fields, including exemption number and dates.

(2) To record the audit, use Safety Assurance System (SAS) Activity Recording (AR) code 2696 (Operations), 4696 (Maintenance), or 6696 (Avionics). Enter "LHFE" in the "National Use" field, the exemption number in the "Division Use" field, and the name of operator in the "Non-Cert Activity Name/Company" block.

**Note:** Although the Policy contains similarities to 14 CFR part 135, the intent of this audit is to ensure compliance with the exemptions, C/Ls, and manual systems currently in use.

**Note:** Program Tracking and Reporting Subsystem (PTRS) entry in the Enhanced Flight Standards Automation System (eFSAS) is being replaced by SAS AR in fiscal year (FY) 2021. SAS enables all AR to be conducted as the current PTRS functionality in eFSAS will be retired. SAS will be the centralized location for all AR that is required by FAA orders and policies.

**b. Support.** The office responsible for technical questions associated with LHFE exemptions is the General Aviation and Commercial Division. Direct your questions to the LHFE point of contact (POC) via email at 9-AFS-800-Correspondence@faa.gov.

- 7. Ability: How to Implement the Change.** Inspectors should request a briefing on LHFE from the General Aviation and Commercial Division POC until formal training has been developed. The briefing will address LHFE exemption policy and guidance.
- 8. Reinforcement.** Frequency of surveillance and oversight of each LHFE operation going forward will be determined using risk-based decision making. This audit will serve as a baseline risk assessment for development of future policy supporting LHFE surveillance and oversight.
- 9. Disposition.** The information in this notice will be incorporated into Order 8900.1 before this notice expires. This inspection will be added to the next revision of FAA Order 1800.56, National Flight Standards Work Program Guidelines, as an annual requirement. Direct questions or comments concerning the information in this notice to the General Aviation and Commercial Division via email at 9-AFS-800-Correspondence@faa.gov.



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