

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

N 8900.624

National Policy

Effective Date:  
4/27/22

Cancellation Date:  
4/27/23

**SUBJ:** FSDOs Issuing a Certificate of Waiver to § 91.135(d) for Manned VFR Glider and Balloon Operations in Class A Airspace

---

- 1. Purpose of This Notice.** This notice defines a new process for Flight Standards District Offices (FSDO) to determine if a glider or balloon applicant is eligible for the issuance of a Certificate of Waiver (CoW) to Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.135(d) for operations in Class A airspace.
- 2. Audience.** The primary audience for this notice is the Flight Standards (FS) Safety Assurance offices' aviation safety inspectors (ASI). The secondary audience includes the Safety Standards and Foundational Business offices, and the Air Traffic Organization (ATO).
- 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), the Flight Standards Information Management System (FSIMS) at <https://fsims.avs.faa.gov>, and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the Federal Aviation Administration's (FAA) website at [https://www.faa.gov/regulations\\_policies/orders\\_notices](https://www.faa.gov/regulations_policies/orders_notices), FSIMS at <https://fsims.faa.gov>, and the DRS.
- 4. Background.** Requests for visual flight rules (VFR) glider and balloon operations in Class A airspace have been received by numerous air traffic field facilities, and the ATO has previously issued Letters of Agreement (LOA) to manned balloon and glider clubs operating in Class A airspace (flight level (FL) 180 and above), without having § 91.135 waived by FS. The ATO has been informed that LOAs authored at the facility level are circumventing the required FS review, allowing manned balloons and glider clubs to operate VFR in Class A airspace without FS issuing the appropriate waivers or authorization to deviate from certain part 91 regulations that are required to be waived. FS is responsible for ensuring the qualification of civil pilots (pilot certificate) and capability of civil aircraft (any applicable altitude restrictions, supplemental oxygen, aircraft identification equipment (e.g., Automatic Dependent Surveillance-Broadcast (ADS-B), transponder, etc.), communication equipment) participating in these operations. An LOA is not the proper document to waive a regulation; a Certificate of Waiver or Authorization (CoW/A) is required per the Office of the Chief Counsel (AGC). An ATO authorization in accordance with § 91.135(d) is an airspace authorization only; the airman and aircraft certification requirements must still be met unless the FSDO waives § 91.135.

**5. Guidance for Operation Activity.** Until further notice, the ATO will not issue any LOA, memorandum, or local authorization for the provisions of § 91.135 without coordination with the responsible FSDO. The FSDO is responsible for ensuring the qualification of civil pilots and capability of civil aircraft participating in these operations for issuing the § 91.135 CoW for FS, with the ATO's LOA, memorandum, or local authorization as an attachment. If the FSDO receives a request from a club, organization, individual, or the ATO referencing manned balloons and/or gliders to waive the provisions of § 91.135 to operate in Class A airspace, the following steps must be taken:

**a.** The FSDO must review the document and have the applicant complete FAA Form 7711-2, Certificate of Waiver or Authorization Application, and submit to the FSDO for approval. If the form has been completed within the last 2 years, it does not need to be resubmitted. However, if it is older than 2 years, a new document must be completed.

**b.** The FSDO will coordinate with the appropriate air traffic facility to advise them of a FSDO CoW approval or disapproval, along with possible mitigations.

**c.** An ATO LOA, memorandum, or local authorization for § 91.135 must be provided to the FSDO for attachment to the FSDO CoW.

**6. Objective of Policy Changes.** The objective of this task is to determine if an applicant is eligible for the issuance of a CoW to § 91.135(d) for operations in Class A airspace. Coordination by FS with the ATO must be accomplished to ensure an air traffic control (ATC) authorization is established for short-term requests, or an LOA is established for long-term operations.

**7. Forms.** FAA Form 7711-2 is a multipurpose form used to apply for FAA Form 7711-1, Certificate of Waiver or Authorization. All blocks on the form may not be applicable to the application request.

**8. Disposition.** We will incorporate the policy information in this notice into FAA Order 8900.1 before this notice expires. Direct questions and comments concerning this notice, or requests for a sample waiver, to Mike Millard ([mike.millard@faa.gov](mailto:mike.millard@faa.gov)) in the Operations Group (AFS-830) General Aviation Operations Section.



Robert C. Carty  
Deputy Executive Director, Flight Standards Service