

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.638

National Policy

Effective Date:
8/23/22

Cancellation Date:
8/23/23

SUBJ: Certificate of Waiver (CoW) J551, Restricted Category Civil Aircraft Operating Limitations

1. Purpose of this Notice. This notice announces a mandatory revision to Certificate of Waiver (CoW) J551 for Title 14 of the Code of Federal Regulations (14 CFR) part 91 operators using restricted category civil aircraft. This notice also announces an update to Federal Aviation Administration (FAA) Order 8900.1 clarifying the authorization granted by CoW J551, and adding guidance on authorizing operations in the 48 contiguous United States and the District of Columbia.

2. Audience. The primary audience for this notice is the Flight Standards (FS) Safety Assurance offices' aviation safety inspectors (ASI) and principal inspectors (PI). 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 and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Background.

a. Applicable Regulation. 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. General Aviation and Commercial Division, Operations Group (AFS-830) Actions. Industry concerns and FS office inquiries have triggered AFS-830 to review the policy and requirements for issuing CoW J551 to part 91 operators utilizing restricted category civil aircraft.

AFS-830 has revised the CoW J551 template and updated the policy in Order 8900.1, Volume 3, Chapter 3, Section 3, Issue Certificate of Waiver J551 for Restricted Category Civil Aircraft.

c. Explanation of Key Changes. Order 8900.1, Volume 3, Chapter 3, Section 3 has been updated to clarify the authorization granted by CoW J551 and to include the policy on authorizing operations in the 48 contiguous United States and the District of Columbia. The CoW J551 template has been revised to include language that clarifies the authorization granted by the waiver. These clarifications are summarized below:

- CoW J551 authorizes a part 91 operator using restricted category civil aircraft under § 91.313 to operate the aircraft over a densely populated area, in a congested airway, or near a busy airport where passenger transport operations are conducted only for the purpose of relocating the aircraft for delivery, repositioning, maintenance, and refueling.
- CoW J551 does not authorize the operator to conduct any special purpose operations over a densely populated area, in a congested airway, or near a busy airport where passenger transport operations are conducted.
- The operator may not take off or land a restricted category civil aircraft in a densely populated area.
- Authorizing operations in the 48 contiguous United States and the District of Columbia is reserved for those safety/time-critical operations that are in the public interest (e.g., emergency firefighting support) where any delay in processing would be detrimental to public safety. The operator must substantiate the request to the Administrator by showing how these operations are in the public interest.

5. Guidance.

- a. FAA Order 8900.1.** Order 8900.1, Volume 3, Chapter 3, Section 3 has been revised.
- b. CoW J551 Template.** The sample CoW J551 template in Appendix A applies to part 91.

6. Action. This is a mandatory revision to CoW J551. PIs with oversight responsibility for part 91 operators issued CoW J551 should review the updated guidance in Order 8900.1, Volume 3, Chapter 3, Section 3 and reissue CoW J551 to all affected operators following the publication of this notice and the updated Order 8900.1 policy.

7. 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 AFS-830 at 202-267-1100.



Robert C. Carty
Acting Deputy Executive Director, Flight Standards Service

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

1. The operator, [operator name], 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, Certificate of Waiver or Authorization, for restricted category civil aircraft 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 aircraft.

Table 1 – Restricted Category Civil Aircraft Authorized

Registration Number	Serial Number	Aircraft Make/Model/Series

3. Operating Limitations.

a. The operator is authorized to operate the restricted category civil aircraft listed in Table 1 above, over a densely populated area, in a congested airway, or near a busy airport where passenger transport operations are conducted only for the purpose of relocating the aircraft for delivery, repositioning, maintenance, and refueling. The operator is not authorized to conduct any special purpose operations within these areas.

b. The operator may not take off or land a restricted category civil aircraft in a densely populated area.

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

4. Geographic Area of Operations. CoW J551 is only authorized for use in the following geographic area(s):

[Select from the list provided or enter region or U.S. state(s)]
The 48 contiguous United States and the District of Columbia

Note: Issuance of a CoW for the 48 contiguous United States and the District of Columbia is reserved for those safety/time-critical operations that are in the public

interest (e.g., emergency firefighting support) where any delay in processing would be detrimental to public safety. The operator must substantiate the request to the Administrator by showing how these operations are in the public interest. Please add the safety/time-critical operation in the nonstandard text box below.

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 must 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 or facsimile of this CoW must be carried on board each authorized aircraft or readily accessible near the pilot's operating station when operating under the provisions of this CoW.
- d. The aircraft listed in Table 1 must be maintained in accordance with all applicable sections of the regulations and the operating limitations referenced in subparagraph 3 above.
- e. This CoW 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 holder of this CoW is 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. The operator is responsible for ensuring that all pilots are knowledgeable in restricted category operations and the provisions of this CoW.

6. Responsible Person. This CoW is not valid until signed by the Responsible Person listed in Table 2, Responsible Person. The Responsible Person should have ongoing knowledge of the operations of the aircraft and may be the individual who acts as operator or, if the operator is a legal entity, the Responsible Person may be an officer, employee, or person duly designated to sign on behalf of the operator. By signing this document, the Responsible Person assumes responsibility for ensuring the operator complies with all applicable regulations, requirements, limitations, and provisions of this CoW.

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

b. The name, email address, and/or telephone number of the Responsible Person signing this CoW are listed in Table 2 below.

Table 2 – Responsible Person

Name	Telephone #/Email	Address	City	State	ZIP

7. Effective Date and Expiration. This CoW will expire 24 calendar-months from the effective date and is subject to cancellation at any time upon notice by the Administrator or their 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 Standards District Office (FSDO) having jurisdiction over the area where the applicant’s principal base of operations is located.

[Enter optional text for nonstandard paragraph]