

CEN23MA034

OPERATIONAL FACTORS/HUMAN PERFORMANCE

Attachment 21

FAA National Policy 8900.604

November 22, 2023

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.604

National Policy

Effective Date:
11/22/21

Cancellation Date:
11/22/22

SUBJ: Living History Flight Experience Enhanced Oversight

- 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). This notice updates guidance in previous notices, adding information about the LHFE course in the electronic Learning Management System (eLMS).
- 2. Audience.** The primary audience for this notice is the Flight Standards (FS) Safety Assurance offices' ASIs (Operations and Airworthiness) 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, 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, FSIMS at <https://fsims.faa.gov>, and the DRS.
- 4. Cancellation.** This notice cancels Notice N 8900.573, Living History Flight Experience Enhanced Oversight, dated December 10, 2020.
- 5. 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, Policy Regarding Living History Flight Experience Exemptions for Passenger Carrying Operations Conducted for Compensation and Hire in Other Than Standard Category (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. 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 B17 accident in 2019, operated under an LHFE exemption, revealed the need to standardize 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.

6. 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 validate that operators are adhering to, and comply with, these C/Ls.

7. Knowledge: How We Will Change.

a. Action. Inspectors will perform surveillance 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 surveillance, 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 "Misc" field under the "Other" panel of the "Enter Common Data Fields" tab, and the name of the operator in the "Non-Cert Activity Name/Company" block.

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

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

8. Ability: How to Implement the Change. Prior to the performance of this surveillance, inspectors must complete FAA Course 27100338, Living History Flight Experience (LHFE) Exemptions, on eLMS.

9. Reinforcement. Frequency of surveillance and oversight of each LHFE operation will be determined using Risk-Based Decision Making (RBDM). This surveillance will serve as a baseline risk assessment for development of future policy supporting LHFE surveillance and oversight.

10. Disposition. We will incorporate the information in this notice into Order 8900.1 before this notice expires. This inspection has been added to FAA Order 1800.56V, National Flight Standards Work Program Guidelines, as an annual requirement. Direct questions or comments concerning the information in this notice to AFS-800 via email at 9-afs-800-correspondence@faa.gov.



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