



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

800 Independence Ave  
Washington, DC 20591

Exemption No. 7897K  
Regulatory Docket No. FAA-2002-12728

Mr. Douglas Carr  
Vice President  
National Business Aviation Association, Inc.  
1200 G Street NW, Suite 1100  
Washington, DC 20005

Dear Mr. Carr:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 7897J. It transmits the FAA's decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

### **The Basis for the FAA's Decision**

By letter dated December 18, 2019, you petitioned the FAA on behalf of the National Business Aviation Association, Inc. (NBAA) for an extension of and amendment to Exemption No. 7897J. That exemption from §§ 91.409(e) and 91.501(a) of Title 14, Code of Federal Regulations (14 CFR) allows NBAA and its members to operate small civil airplanes and helicopters of United States registry under the operational rules of §§ 91.503 through 91.535 and to select an inspection program as described in § 91.409(f). The amendment you request would allow NBAA members to utilize this exemption while conducting international operations.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption. However, you asked us to modify the terms of the conditions to allow the use of the exemption by NBAA members conducting international operations. You indicated that you reviewed all International Civil Aviation Organization (ICAO) Standards and Recommended Practices Annexes and did not identify any elements of the exemption that could conflict with international standards.

### **The FAA's Decision**

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of and amendment to the exemption would

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not set a precedent, and any delay in acting on this petition would be detrimental to NBAA.

The FAA has determined that the justification for the issuance of Exemption No. 7897J remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I grant the National Business Aviation Association, Inc. (NBAA) an exemption from 14 CFR § 91.409(e) and 91.501(a) to the extent necessary to allow those NBAA members who submit a Notice of Joinder to FAA Exemption No. 7897K (in the form and manner described below) to operate small civil airplanes and helicopters of United States registry under the operational rules of §§ 91.503 through 91.535 and to select an inspection program as described in § 91.409(f) subject to the conditions and limitations established herein. The conditions and limitations are amended as follows:

The FAA may grant exemptions to industry associations (such as NBAA) for use by its members. Typically, such exemptions are granted if relief and the specific conditions and limitations are appropriate for all the certificate holders, entities, or persons that are members of the industry association. The FAA is amending the exemptions granted to industry associations to include a list of all certificate holders, entities, or persons covered by the exemption. This is necessary to ensure the FAA knows which parties are exercising the relief granted in the exemption, to conduct appropriate oversight of such parties, to foster accountability of those covered by the exemption, and to prevent non-authorized parties from exercising the privileges granted through the exemption. Consistent with the above policy, the FAA is adding a new Condition and Limitation No. 2 to require those members of NBAA who want to exercise the relief provided in this exemption to submit a Notice of Joinder to FAA Exemption No. 7897K prior to conducting any operation under Exemption No. 7897K. The notices should be submitted to the Federal eRulemaking Portal: Go to <http://www.regulations.gov> and follow the online instructions for submitting documents electronically. All of the persons identified in the Notices of Joinder to FAA Exemption No. 7897K will be included in the list of NBAA members authorized to exercise the privileges of this exemption.

Additionally, after conducting a review of ICAO Annexes 1 through 19, the FAA determined that the exemption would be in compliance with ICAO Standards. Thus, the FAA is adding a new Condition and Limitation No. 6 to allow NBAA members to operate outside of the United States under this exemption unless otherwise prohibited by a foreign country.

### **Conditions and Limitations**

1. Only those operations that are listed in § 91.501(b)(1) through (7) and (9) may be conducted under the authority of this exemption. Those operations must be conducted in compliance with the operating rules in §§ 91.503 through 91.535. However, helicopter operations are not required to comply with the flight altitude rules of § 91.515(a), provided the operations comply with the minimum safe altitude requirements in § 91.119. Aircraft operated under the authority of this exemption must use an inspection program listed in § 91.409(f).

2. As of September 27, 2020, no person may operate an aircraft under this exemption unless the person files a “Notice of Joinder to FAA Exemption No. 7897K.” The notice should be submitted to the Federal eRulemaking Portal, under Docket No. [INSERT DOCKET NUMBER]: Go to <http://www.regulations.gov> and follow the online instructions for submitting documents electronically. The Notice of Joinder to FAA Exemption No. 7897K must include all of the following:
  - a. The person’s name and, for a person other than an individual, the name of the authorized representative submitting the Notice of Joinder.
  - b. The person’s physical address and, for a person other than an individual, the physical address for the authorized representative. If the person or the authorized representative does not receive mail at the physical address provided, a mailing address must also be provided.
  - c. The person’s email address or, for applicants other than individuals, the email address of the authorized representative.
  - d. The person’s telephone number(s).
  - e. The person’s NBAA membership number.
  - f. A statement requesting the FAA appends the Notice of Joinder to the list of NBAA members authorized to exercise the privileges of Exemption No. 7897K.
  - g. An attestation that the person will not conduct any operation under Exemption No. 7897K if the person ceases to be a member of NBAA.
  - h. An attestation that the person will comply with all conditions and limitations of Exemption No. 7897K.
3. No person may operate an aircraft under this exemption unless the appropriate Flight Standards District Office (FSDO) has been —
  - a. Notified that the operation will be conducted under the terms of this exemption; and
  - b. Provided with a copy of the time-sharing, interchange, or joint ownership agreement under which each aircraft is being operated, if appropriate. Each agreement must include the aircraft registration number of each aircraft involved.
4. No person may operate an aircraft under this exemption unless an entry is made in the aircraft logbook showing the provisions of part 91, subpart F, under which it is being

operated.

5. No person may operate an aircraft under the authority of this exemption unless an inspection program has been submitted to and approved by the appropriate FSDO.
6. This exemption does not authorize the conduct of any operation required to be conducted under the rules of part 135.
7. NBAA members may operate outside of the United States, the District of Columbia, or any territory or possession of the United States under this exemption unless otherwise prohibited by a foreign country.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2002-12728 (<http://www.regulations.gov>). In addition, you should submit your request no later than 120 days prior to the exemption's expiration date listed below.

If you require an amendment to this exemption, please submit your request no later than 120 days prior to the date you need the amendment using the process indicated above.

Any extension or amendment request must meet the requirements of § 11.81 of 14 CFR.

#### **The Effect of the FAA's Decision**

The FAA's decision amends Exemption 7897J and extends the termination date to March 31, 2022, unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty  
Deputy Executive Director, Flight Standards Service