



In the matter of the petition of

OLYMPIC FLIGHT MUSEUM

For an exemption from §§ 91.9(a),
91.319(a), 119.5(g), and 119.25 of
Title 14, Code of Federal
Regulations

Exemption No. 19871

Regulatory Docket No. FAA-2019-0313

By letter dated December 22, 2022, Mr. Ken Collins, Executive Director, Olympic Flight Museum (OFM), 1000 85th Avenue SE, Olympia, WA 98501 petitioned the Federal Aviation Administration (FAA) on behalf of OFM for an extension and amendment to Exemption No. 18363A. That exemption from §§ 91.9, 91.131(c), 91.315, 91.319(a), 119.5(g), 119.21(a), and 119.25 of Title 14, Code of Federal Regulations (14 CFR) allows OFM to operate the museum's aircrafts for the purpose of carrying passengers for compensation or hire for living history flight experiences (LHFE).

The amendment you request would remove the following aircraft:

- a. Bell HH-1K, registration number N6165X, serial number 157183;
- b. Bell UH-1H Huey, registration number N78NW, serial number 66-17072;
- c. Kaman HH-43B/D Huskie, registration number N4069R, serial number 64-17558, and
- d. North American P-51D, registration number NL51KD, serial number 44-73436.

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.

Although you requested an extension of Exemption No. 18363A (copy enclosed) that exemption expired on January 31, 2023. Therefore, the FAA is issuing Olympic Flight Museum a new exemption.

The petitioner requests relief from the following regulations:

Section 91.9 prescribes the requirements for compliance with aircraft operating limitations, as well as the civil aircraft flight manual, marking, and placard requirements.

Section 91.315 prescribes no person may operate a limited category aircraft carrying persons or property for compensation or hire.

Section 91.319(a) prescribes that no person may operate an aircraft that has an experimental certificate for other than the purpose for which the certificate was issued; or for carrying persons or property for compensation or hire.

Section 119.5(g) prescribes in pertinent part that no person may operate as a direct air carrier or as a commercial operator without, or in violation of, an appropriate certificate and appropriate operations specifications. No person may operate as a direct air carrier or as a commercial operator in violation of any deviation or exemption authority, if issued to that person or that person's representative.

Section 119.21(a) prescribes in pertinent part that each person who conducts airplane operations as a commercial operator engaged in intrastate common carriage of persons or property for compensation or hire in air commerce, or as a direct air carrier, shall comply with the certification and operations specifications requirements in Subpart C of this part.

Section 119.25 prescribes that each person who conducts rotorcraft operations for compensation or hire must comply with the certification and operations specifications requirements of Subpart C of this part, and shall conduct its: (a) Commuter operations in accordance with the applicable requirements of part 135 of this chapter, and shall be issued operations specifications for those operations in accordance with those requirements. (b) On-demand operations in accordance with the applicable requirements of part 135 of this chapter, and shall be issued operations specifications for those operations in accordance with those requirements.

The FAA's analysis is as follows:

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested extension and amendment to the exemption would not set a precedent and any delay in acting on this petition would be detrimental to OFM.

On July 21, 2015, the FAA published "Policy Regarding Living History Flight Experience Exemptions for Passenger Carrying Operations Conducted for Compensation and Hire in Other Than Standard Category Aircraft"¹, which identified criteria by which all LHFE petitioners would be evaluated. Although the FAA completed an evaluation of Olympic Flight Museum's (OFM) petition in accordance with the criteria, that evaluation was not fully described in subsequent grants of exemption. The FAA has included an analysis to correct that omission.

¹ 80 Fed. Reg. 43012 (July 21, 2015) <https://www.federalregister.gov/documents/2015/07/21/2015-17966/policy-regarding-living-history-flight-experience-exemptions-for-passenger-carrying-operations>

As part of its safety risk analysis, the FAA relied upon materials the petitioner marked as “proprietary” to make determinations about the petitioner’s capabilities. Accordingly, while these materials have not been released in their entirety, the FAA has identified them in the public docket for this exemption. See Attachment 1.

A. Aircraft Must Be “Historically Significant”

Each aircraft must be “historically significant” according to the following criteria:

1. *U.S. operated*
2. *Not in service*
3. *Fragile*
4. *Age*
5. *No Available Standard Category Aircraft*

Upon review of the petitioner’s submitted operational control structure, manual system, safety management system (SMS), and available FAA records, the FAA finds the petitioners’ aircraft, the Bell UH-1H Huey and Bell TAH-1P Cobra, are “historically significant”. The UH-1 Huey was operated by the U.S. Army and U.S. Marine Corps and the TAH-1P Cobra was operated only by the U.S. Army. Although a UH-1 variant remains in service with the U.S. Marine Corps (the UH-1Y Venom), the UH-1Y Venom is a significantly different twin engine aircraft. The TAH-1 Cobra and the UH-1H Huey are no longer in U.S. military service. As noted in the FAA policy, each aircraft request will be reviewed for “fragility” on a case-by-case basis. According to the FAA registry database, approximately 5500 UH-1H models were built and only 354 remain registered, representing less than 7% of the original fleet remaining. Even fewer of those registered remain operational. Additionally, there are only 7 registered TAH-1 Cobras remaining on the FAA registry today. Because of the small percentage of UH-1 and TAH-1 aircraft registered and operational today, and the significant public interest in these historical aircraft, the FAA finds that these aircraft meet the criteria for fragility. The UH-1 and TAH-1 are greater than 50 years old, as they were first utilized by the U.S. military in the 1960s and 1970s. Although the Bell 204/205 is a similar civilian aircraft, the UH-1 Huey is not eligible for the Bell 204/205 standard type certificate, therefore there is no standard category civilian model available. The TAH-1 has no standard category civilian counterpart available.

B. Designation of a Responsible Person and Operational Control Structure

An operator must designate a responsible person whom the FAA can contact directly for both operations and maintenance functions. In addition, an operational control structure, or chain-of-command leading to the responsible party, should be defined within each manual system. Consequently, it is expected that the petitioner designate a responsible person and have its associated manual system clearly define the qualifications, authority, responsibilities, and chain-of-command structure.

OFM has identified the responsible person and a review of OFM’s manual system confirms OFM has the necessary elements defining operational control and chain-of-command. OFM’s

manual system also defines the requirements to assume the position of responsible party, and inclusion of additional management positions, their structure, and responsibilities.

C. Safety and Risk Analysis

The FAA will use Safety Risk Management (SRM) and equivalent level of safety principles to guide its safety review of OFM's petition and safety management system. The FAA completed an in-depth review of OFM's manual system. This review included, but was not limited to, an analysis of whether hazards and risks had been identified and responded through appropriate mitigating strategies. The FAA's review and analysis finds OFM's Safety Management System demonstrates:

- An understanding and use of SMS principles which includes mandatory SMS training for all OFM personnel associated with LHFE operations;
- A plan to mitigate risks as they become known, and elements to correct an unsafe condition or practice throughout OFM's organization.
- OFM has developed an SMS program similar in nature to those currently in use by Part 135 air carriers that interface and complement OFM's manual system; and
- OFM understands the need for and maintains dedicated personnel to administer its SMS program.

D. Manual System

The FAA policy states LHFE operators should be able to demonstrate the existence of a manual system similar in terms of intent and scope of those in 14 CFR Part 135. The FAA's review and analysis required evaluation of the Operator's manuals, or collectively, the OFM's Manual System. OFM provided for review the following proprietary documents which comprise OFM's Manual System:

- OFM General Operations Manual (GOM), inclusive of;
 - Pilot Qualifications and Training;
 - Qualifications of Maintenance and Inspection technicians;
 - Safety Management System (SMS); and
- OFM FAA-Approved Inspection Program (AIP), for those aircraft that require compliance with an AIP

The FAA's review of OFM's Manual System was similar to the review process of an entity conducting operations under 14 CFR Part 135. The FAA finds OFM's Manual System

contains the basic primary elements, including a revision system, required of Part 135 air carriers of similar size and complexity. OFM is required to communicate revisions to their manuals in a form and manner acceptable to their Flight Standards District Office (FSDO) of record.

E. Other Considerations

Upon review of the petitioner's submitted operational control structure, manual system, SRM/SMS, included supporting documentation, and available FAA records, the FAA finds that the level of safety afforded by CIH's operation, as described by their manuals and supporting documents, meets the criteria set forth in the published policy. The FAA has historically found the preservation of U.S. aviation history to be in the public interest, including preservation of certain former military aircraft transferred to private individuals or organizations for the purpose of restoring and operating these aircraft and therefore, the FAA finds CIH's proposed operations are in the public interest.

The FAA has determined OFM's manual system, which is similar in terms of intent and scope of those in 14 CFR Part 135, its operational control structure, and its safety management system, would enable OFM to achieve an equivalent level of safety to that provided by §§ 91.319(a) and 119.5(g). Therefore, relief from §§ 91.319(a) and 119.5(g) is granted.

The FAA has determined 14 CFR § 119.21(a) is not applicable to the proposed operations as OFM will operate a rotorcraft rather than an airplane, to which this regulation applies; therefore, relief from this regulation is not necessary.

14 CFR §119.25 prescribes that each person who conducts rotorcraft operations for compensation or hire must comply with the certification and operations specifications requirements of Subpart C of this part, and shall conduct its: (a) Commuter operations in accordance with the applicable requirements of part 135 of this chapter, and shall be issued operations specifications for those operations in accordance with those requirements. (b) On-demand operations in accordance with the applicable requirements of part 135 of this chapter, and shall be issued operations specifications for those operations in accordance with those requirements.

The FAA has determined 14 CFR § 91.315 is not applicable to the proposed operations as OFM will operate experimental rotorcraft rather than limited category civil aircraft, to which this regulation applies; therefore, relief from this regulation is not necessary.

Although relief from § 91.131(c) was granted in Exemption No. 18363A, the FAA has determined this was included in error. Therefore, relief from § 91.131(c) has been removed in this grant.

Finally, aircraft used in LHFE operations generally prohibits operation for compensation or hire while carrying persons or property. Accordingly, OFM requested relief from § 91.9(a). This exemption grants relief from § 91.9(a), based on the analysis of the criteria described

above. However, such relief is provided only to the extent necessary to relieve this particular operating limitation for conducting operations pursuant to the exemption. All other operating limitations remain in effect and apply to all operations of the aircraft listed in this exemption, including operations conducted for the purpose of LHFE flights.

The FAA modifies Condition and Limitation No. 7 to clarify the necessary maintenance and inspection requirements for aircraft operating under LHFE exemptions. Many of these aircraft use articles, accessory components, or items designed for use on aircraft holding standard category airworthiness certificates. When an aircraft, accessory component, or item has a safety attribute associated with an Airworthiness Directives (AD), it is imperative that the known deficiencies be corrected accordingly. The evaluation of LHFE aircraft does not include research for components or items that may be installed, therefore the determination for AD applicability falls to the operator. The FAA is revising this Condition and Limitation to clarify that each LHFE aircraft operator must identify and comply with any AD associated with the aircraft, accessory components, or items in use to prevent mechanical failure. This modification will be consistently applied to all LHFE grants as they are issued, amended, or extended.

The FAA made non-substantive updates to the conditions and limitations of this exemption that are grammatical or organizational in nature. The FAA also modifies parts of the conditions and limitations that are not applicable to the aircraft and operations authorized under this exemption.

Upon review of OFM's submitted operational control structure, manual system, SRM/SMS, included supporting documentation, and available FAA records, the FAA finds the level of safety afforded by OFM's operation, as described by their manuals and supporting documents, meets the criteria set forth in the published policy. The FAA has historically found the preservation of U.S. aviation history to be in the public interest, including preservation of certain former military aircraft transferred to private individuals or organizations for the purpose of restoring and operating these aircraft. Therefore, the FAA finds OFM's proposed operations are in the public interest.

The FAA's Decision

The FAA has determined that the justification for the issuance of Exemption No. 18363A 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 Olympic Flight Museum an exemption from 14 CFR §§ 91.9(a), 91.319(a), 119.5(g), and 119.25 to the extent necessary to allow OFM to operate aircraft for the purpose of carrying passengers for compensation or hire for living history flight experiences, subject to the following conditions and limitations.

Conditions and Limitations

1. This exemption applies only to the aircraft listed below:
 - a. Bell TAH-1P Cobra, Registration No. N67SH, Serial No. 76-22707;
 - b. Bell TAH-1P Cobra, Registration No. N7239T, Serial No. 77-22741;
 - c. Bell UH-1H Huey, Registration No. N443YB, Serial No. 68-16261; and
 - d. Bell UH-1H Huey, Registration No. N79NW, Serial No. 64-13710.
2. The Seattle FSDO is the jurisdictional Flight Standards District Office for OFM and is responsible for oversight of OFM for all matters pertaining to this exemption and the operation of the aircraft under this exemption.
3. OFM must maintain and apply, on a continuous basis, the operational control structure and chain of command within the manual system for pilots, maintenance, and support personnel, including designation of a responsible person whom the FAA can contact for both operations and maintenance functions.
4. OFM must maintain and apply, on a continuous basis, its manual system, to include all documents contained herein, for all operations subject to this exemption. OFM must provide its manual system documents, including revisions, in a form and manner acceptable to the OFM jurisdictional FSDO identified in Condition and Limitation No. 2. Manual and document revisions and a record of revisions must be provided to the jurisdictional FSDO within 10 days of any changes. These documents include:
 - a. OFM General Operations Manual (GOM), inclusive of:
 - i. Pilot Qualifications and Training;
 - ii. Qualifications of Maintenance and Inspection technicians; and
 - iii. Safety Management System (SMS).
 - b. OFM FAA-Approved Aircraft Inspection Program (AIP), for the aircraft identified in Condition and Limitation No. 1.
5. All persons who participate in OFM's program and operations must initially, and on an annual basis, receive training appropriate to their position on the contents and application of OFM's Manual System, safety and risk management program, and the conditions and limitations set forth in this exemption.

6. OFM must maintain and apply, on a continuous basis, its safety management system (SMS), that meets, at a minimum, the criteria in the SMS OFM provided with its petition, for all operations subject to this exemption.
7. OFM must maintain all aircraft subject to this exemption in accordance with the following-
 - a. Applicable military technical publications including, but not limited to, Technical Manuals, Safety Action Messages, Safety of Flight Bulletins and related General Bulletins;
 - b. FAA Airworthiness Directives (AD) applicable to any corresponding civilian make/model aircraft or applicable to any article installed on the aircraft. OFM must evaluate the aircraft and its articles to determine if compliance with the FAA AD is necessary for the continued safe operation of the aircraft. OFM must keep a maintenance record entry of those FAA ADs evaluated. For those FAA ADs for which OFM determined compliance was necessary for the continued safe operation of the aircraft, the record must also include the method of compliance, and if the FAA AD requires recurring action, the time and date when the next action is required;
 - c. Maintenance requirements as specified in the appropriate type certificate, as amended;
 - d. OFM must comply with an FAA-approved maintenance and inspection program for turbine rotorcraft; and
 - e. OFM must maintain all other aircraft, notwithstanding Section 91.409(c), in accordance with Section 91.409(a) and (b).
8. OFM must document and record all ground and flight training and testing. The documentation and records must contain, at minimum, the following information:
 - a. The date of each training or testing session;
 - b. The amount of time spent for each session of training given;
 - c. The location where each session of training was given;
 - d. The aircraft identification number(s) in which flight training and testing was received;
 - e. The name and certificate number (when applicable) of the instructor who provided each session of training;

- f. The name and certificate number of the pilot who provided each session of testing; and
 - g. For verification purposes, the signature and printed name of the person who received the training or testing.
- 9. No person may serve as a flight crewmember unless, since the beginning of the 12th calendar month before that service, that pilot has completed all OFM- and FAA-required training, and passed a competency check given by the FAA or an authorized check pilot in that aircraft, to determine the pilot's competence in practical skills and techniques. This information must also be documented in accordance with Condition and Limitation Nos. 8 and 12(b).
- 10. The competency check will consist of the maneuvers and procedures established by *8900.1, Vol 3, chapter 19, section 7*:
 - a. Paragraphs 3-1278 A and B (as it pertains to Part 135);
 - b. Paragraph 3-1280;
 - c. Table 3-69; and
 - d. Table 3-71 for helicopters.
- 11. If a person who is required to receive training, take a test, or a flight check under this exemption, completes the training, test, or flight check in the calendar month before or after the calendar month in which it is required, that person is considered to have completed the training test or check in the calendar month in which it is required.
- 12. OFM must maintain the following information and records:
 - a. The name of each flight crewmember OFM authorizes to conduct flight operations under the terms and conditions of this exemption;
 - b. Copies of each flight crewmember's pilot certificate, medical certificate, qualifications, and initial and recurrent training and testing documentation to comply with these conditions and limitations;
 - c. The name of each mechanic OFM authorizes to conduct maintenance operations under the terms and conditions of this exemption;
 - d. Copies of each mechanic's certificate, qualifications, and initial and recurrent training, and testing documentation to comply with the terms and conditions of this exemption; and

- e. Records of maintenance performed, and maintenance inspection records to comply with the conditions above. Maintenance and inspection records must meet the requirements of 14 CFR §§ 43.9, 43.11, and 91.405.
13. OFM must make available to the FAA, upon request, any manual, document or record used to meet the conditions and limitations of this exemption.
 14. Before permitting a person to be carried on board an aircraft for the purposes authorized under this exemption, OFM must inform that person of the type of airworthiness certificate issued for the aircraft in which the operation will occur, and the significance of that certificate as compared to a Standard Airworthiness Certificate.
 15. OFM must notify the jurisdictional FSDO within 24 hours of any of the following occurrences by written report, by electronic mail, or by facsimile:
 - a. Each in-flight fire in any system or area that requires activation of any fire suppression system or discharge of a portable fire extinguisher;
 - b. Each exhaust system component failure including the turbocharger components that causes damage to any engine, structure, cowling, or components;
 - c. Each aircraft component or system that causes, during flight, accumulation or circulation of noxious fumes, smoke, or vapor in any portion of the cabin or crew area;
 - d. Except when intentional for training, each occurrence of engine shutdown or propeller feathering, and the reason for such shutdown or feathering;
 - e. Each failure of the propeller governing system or feathering system;
 - f. Any landing gear system or component failure or malfunction, which requires use of emergency or standby extension systems;
 - g. Each failure or malfunction of the wheel brake system that causes loss of brake control on the ground;
 - h. Each aircraft structure that requires major repair due to damage, deformation, or corrosion and the method of repair;
 - i. Each failure or malfunction of the fuel system, tanks, pumps, or valves; and
 - j. Each malfunction, failure, or defect in any system or component that requires taking emergency action of any type during the course of any flight.

16. All flight operations must be conducted —
- a. In compliance with a minimum operating altitude of not less than;
 - i. 500 feet AGL for helicopters;
 - b. Between the hours of official sunrise and sunset, as established in the Air Almanac, as converted to local time;
 - c. Within a 50-statute-mile radius of the departure airport with landings only permitted at the departure airport;
 - d. With a minimum flight visibility of not less than 3 statute miles and a minimum ceiling of not less than 1,500 feet AGL;
 - e. For passenger-carrying flights greater than 25 statute miles from the departure airport and up to 50 statute miles, the pilot-in-command (PIC) must obtain weather reports and forecasts prior to flight and valid for the duration of the proposed operation that indicate that the weather is expected to be no less than 5 statute miles visibility and cloud ceilings no less than 2,000 feet AGL. Passenger-carrying operations shall be terminated if ceiling and visibility become less than the minimum required by these conditions and limitations. Weather forecasts listing discriminators such as probability (PROB), becoming (BECMG), or temporarily (TEMPO) shall be limiting; and
 - f. Operations conducted for the purpose of dispersing human remains must comply with applicable Federal, State, and local laws and regulations governing the dispersal of human remains.
17. All flight operations must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the aircraft.
18. Each aircraft must have the equipment listed in §§ 91.205(b) and 91.207, all of which must be in an operable condition during the flight.
19. OFM must notify the geographically responsible FSDO where it intends to conduct flight operations and shall provide a copy of this exemption upon request at least 72 hours prior to commencing flight operations under the terms of this exemption.
20. Aerobatic flight is prohibited while passengers are on board the aircraft.
21. Flight within 500 feet of another aircraft is prohibited.

22. Prior to flight, the PIC must ensure that a passenger briefing meeting the scope and content of § 135.117 has been provided to the passengers.
23. Only those listed by OFM as a qualified PIC or second-in-command (SIC) for the aircraft, may occupy a pilot station, or manipulate the flight controls.
24. OFM must operate all flights in accordance with its manual system, the applicable regulations, and the conditions and limitations of this exemption, and is bound by whichever is more restrictive. OFM must comply with all operating limitations that apply to aircraft utilized in accordance with this exemption, with the exception of any operating limitation prohibiting carriage of persons or property for compensation or hire or other relief specifically provided by this grant of exemption.
25. This exemption is not valid for operations outside of the United States of America.

The Effect of the FAA's Decision

This exemption terminates on March 31, 2025, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2018-0265 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

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

Issued in Washington, D.C., on March 16, 2023.

Sincerely,

/s/

Wesley L. Mooty

Acting Deputy Executive Director, Flight Standards Service

Enclosure

AFS-23-00755-E

Attachment 1

Supplemental Documents	Information Received
OFM General Operations Manual (GOM)	This document is the petitioner's GOM, inclusive of pilot qualifications, qualifications of maintenance and inspection technicians, and safety management system (SMS).
OFM FAA-Approved Aircraft Inspection Program (AIP) for all applicable aircraft	These documents are the petitioner's approved aircraft inspection programs.



U.S. Department
of Transportation

**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

April 21, 2021

Exemption No. 18363A
Regulatory Docket No. FAA-2019-0313

Mr. Brian Reynolds
President
Olympic Flight Museum
1000 85th Avenue SE
Olympia, WA 98501

Dear Mr. Reynolds:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend and amend Exemption No. 18363. 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 25, 2020, you petitioned the FAA on behalf of the Olympic Flight Museum (OFM) for an extension of, and amendment to, Exemption No. 18363. That exemption from §§ 91.9, 91.131(c), 91.315, 91.319(a), 119.5(g), 119.21(a), and 119.25 of Title 14, Code of Federal Regulations (14 CFR) allows OFM to operate the museum's aircraft for the purpose of carrying passengers for compensation or hire for living history flight experiences (LHFE).

The amendment you request in your petition proposes to modify Condition and Limitation No. 15 to reflect a separate minimum operating altitude for helicopter operations from those of airplane operations. This request is consistent with recently issued exemptions that include both airplane and helicopter operations. Condition and Limitation No. 3 has also been updated to reflect those required manuals OFM has submitted in support of this petition. This exemption updates Condition and Limitation No. 3 and No. 15 to reflect these updated conditions and limitations.

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.

The FAA's Decision

AFS-21-00163-E

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

In addition, the FAA notes that your petition for extension and amendment continues to meet all criteria and requirements for Living History Flight Experience Exemption operations as published in the FAA Policy (see Condition and Limitation No. 2 below).¹

By this document, the FAA also clarifies the relief granted from the applicability of § 91.9(a), which prescribes as follows:

“No person may operate a civil aircraft without complying with the operating limitations specified in the approved Airplane or Rotorcraft Flight Manual, markings, and placards, or as otherwise prescribed by the certificating authority of the country of registry.”

Aircraft used in LHFE operations generally have an operating limitation that prohibits that aircraft from being operated for compensation or hire carrying persons or property. The relief this exemption grants from the applicability of § 91.9(a) only applies to this specific operating limitation, to the extent necessary to conduct operations pursuant to the exemption. All other operating limitations remain in effect and apply to all operations of the aircraft listed in this exemption, including operations conducted for the purpose of LHFE flights. Condition and Limitation No. 23 is amended to reflect this clarification.

Please note that the conditions and limitations included with an exemption may not be based on specific regulations, but are the FAA’s means of ensuring an equivalent level of safety. This may necessitate limitations that go beyond the established regulations because the proposed operation is, by its need for an exemption, outside the normal regulatory structure. In addition, the FAA may, when necessary, revise the conditions and limitations or require corrective action in order to adequately mitigate safety concerns and risk factors, as they become known. This amended exemption cancels any Conditions and Limitations appended to previous exemptions. Please review and comply with the following Conditions and Limitations as they differ in many respects from previous exemptions.

The FAA has determined that the justification for the issuance of Exemption No. 18363 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 Olympic Flight Museum (OFM) an exemption from 14 CFR §§ 91.9, 91.131(c), 91.315, 91.319(a), 119.5(g), 119.21(a), and 119.25 to the extent necessary to allow OFM to operate the museum’s aircraft for the purpose of carrying passengers for compensation or hire for living history flight experiences (LHFE), subject to the following conditions and limitations.

Conditions and Limitations

1. This exemption applies only to the aircraft listed below:

¹ ¹ July 21, 2015, 80 FR 43012, <https://www.federalregister.gov/documents/2015/07/21/2015-17966/policy-regarding-living-history-flight-experience-exemptions-for-passenger-carrying-operations>

- a. Bell HH-1K, registration number N6165X, serial number 157183;
 - b. Bell TAH-1P Cobra, registration number N67SH, serial number 76-22707;
 - c. Bell TAH-1P Cobra, registration number N7239T, serial number 77-22741;
 - d. Bell UH-1H Huey, registration number N443YB, serial number 68-16261;
 - e. Bell UH-1H Huey, registration number N78NW, serial number 66-17072;
 - f. Bell UH-1H Huey, registration number N79NW, serial number 64-13710;
 - g. Kaman HH-43B/D Huskie, registration number N4069R, serial number 64-17558,
and
 - h. North American P-51D, registration number NL51KD, serial number 44-73436.
2. OFM must maintain and apply, on a continuous basis, an operational control structure that meets the criteria specified in the FAA Living History Flight Experiences policy, hereinafter referred to as The FAA Policy, that was published on July 21, 2015 (80 FR 43012). The OFM Manual System must contain adequate information concerning operational control.
 3. OFM must maintain and apply, on a continuous basis, its Manual System, to include all documents contained herein, used as its basis for an equivalent level of safety, for all operations subject to this exemption. This system must continue to ensure all criteria in The FAA Policy are continuously met, including the Conditions and Limitations of this exemption. OFM will be assigned a jurisdictional Flight Standards District Office (FSDO). OFM must provide its manual system documents, including revisions, in a form and manner acceptable to the OFM jurisdictional FSDO. Manual and document revisions and a record of revisions must be provided to the jurisdictional FSDO within 10 days of any changes. These documents include, at a minimum:
 - a. OFM General Operations Manual (GOM) inclusive of;
 - b. OFM Pilot Qualifications and Training;
 - c. OFM Maintenance Operations and training;
 - d. OFM Safety Program Safety Management System (SMS); and
 - e. OFM FAA-Approved Aircraft Inspection Program (AAIP), for those aircraft that require compliance with an AAIP.

4. All persons who participate in OFM's program and operations must initially, and on an annual basis, receive training appropriate to their position on the contents and application of OFM's Manual System, safety and risk management program, and the conditions and limitations set forth in this exemption.
5. OFM must maintain and apply, on a continuous basis, its safety and risk management program that meets or exceeds the criteria specified in The FAA Policy for all operations subject to this exemption. This includes, at a minimum, the OFM Safety Management System (SMS) used as a basis for an equivalent level of safety.
6. OFM must maintain all aircraft subject to this exemption in accordance with—
 - a. OFM General Maintenance Manual;
 - b. For aircraft subject to § 91.409(e), an FAA-approved maintenance inspection program. All other aircraft must, notwithstanding § 91.409(c), maintain the aircraft in accordance with § 91.409(a) and (b); and
 - c. Appropriate military technical publications.
7. OFM must document and record all ground and flight training and testing. The documentation and records must contain, at minimum, the following information:
 - a. The date of each training or testing session;
 - b. The amount of time spent for each session of training given;
 - c. The location where each session of training was given;
 - d. The aircraft identification number(s) in which flight training and testing was received;
 - e. The name and certificate number (when applicable) of the instructor who provided each session of training;
 - f. The name and certificate number of the pilot who provided each session of testing; and
 - g. For verification purposes, the signature and printed name of the person who received the training or testing.
8. No person may serve as a flight crewmember unless, since the beginning of the 12th calendar month before that service, that pilot has completed all OFM - and FAA-required training, and passed a competency check given by the FAA or an authorized check pilot in that aircraft, to determine the pilot's competence in practical skills and techniques. The competency check will consist of the maneuvers and procedures

currently required for the original issuance of the commercial pilot certificate, except that an actual engine shutdown, restart and propeller feathering exercise, for those pilots already holding the appropriate Type Rating or Experimental Authorization, is not required. This information must also be documented in accordance with Condition and Limitation No. 7 and Condition and Limitation No. 11(b)

9. The competency check will consist of the maneuvers and procedures established by *8900.1, Vol 3, chapter 19, section 7*:
 - a. Paragraphs 3-1278 A and B (as it pertains to Part 135);
 - b. Paragraph 3-1280;
 - c. Table 3-69; and
 - d. Table 3-70 for airplanes and table 3-71 for helicopters.
(NOTE: An actual engine shutdown, restart and propeller feathering exercise, for those pilots already holding the appropriate Type Rating or Experimental Authorization, is not required.)
10. If a person who is required to receive training, take a test, or a flight check under this exemption, completes the training, test, or flight check in the calendar month before or after the calendar month in which it is required, that person is considered to have completed the training test or check in the calendar month in which it is required.
11. OFM must maintain the following information and records:
 - a. The name of each flight crewmember OFM authorizes to conduct flight operations under the terms and conditions of this exemption;
 - b. Copies of each flight crewmember's pilot certificate, medical certificate, qualifications, and initial and recurrent training and testing documentation to comply with these conditions and limitations;
 - c. The name of each mechanic OFM authorizes to conduct maintenance operations under the terms and conditions of this exemption;
 - d. Copies of each mechanic's certificate, qualifications, and initial and recurrent training, and testing documentation to comply with the terms and conditions of this exemption; and
 - e. Records of maintenance performed, and maintenance inspection records to comply with the conditions above. Maintenance and inspection records must meet the requirements of 14 CFR §§ 43.9, 43.11, and 91.405.

12. OFM must make available to the FAA, upon request, any manual, document or record used to meet the criteria specified in The FAA Policy and these conditions and limitations.
13. Before permitting a person to be carried on board an aircraft for the purposes authorized under this exemption, OFM must inform that person of the type of airworthiness certificate issued for the aircraft in which the operation will occur, and the significance of that certificate as compared to a Standard Airworthiness Certificate.
14. OFM must notify the jurisdictional FSDO within 24 hours of any of the following occurrences by written report, by electronic mail, or by facsimile:
 - a. Each in-flight fire in any system or area that requires activation of any fire suppression system or discharge of a portable fire extinguisher;
 - b. Each exhaust system component failure including the turbocharger components that causes damage to any engine, structure, cowling, or components;
 - c. Each aircraft component or system that causes, from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing, accumulation or circulation of noxious fumes, smoke, or vapor in any portion of the cabin or crew area;
 - d. Except when intentional for training, each occurrence of engine shutdown or propeller feathering, and the reason for such shutdown or feathering;
 - e. Each failure of the propeller governing system or feathering system;
 - f. Any landing gear system or component failure or malfunction, which requires use of emergency or standby extension systems;
 - g. Each failure or malfunction of the wheel brake system that causes loss of brake control on the ground;
 - h. Each aircraft structure that requires major repair due to damage, deformation, or corrosion and the method of repair;
 - i. Each failure or malfunction of the fuel system, tanks, pumps, or valves;
 - j. Each malfunction, failure, or defect in any system or component that requires taking emergency action of any type during the course of any flight.
15. All flight operations must be conducted —
 - a. In compliance with a minimum operating altitude of not less than;

- i. 1,000 feet above the surface for airplanes;
 - ii. 500 feet above the surface for helicopters;
 - b. Between the hours of official sunrise and sunset, as established in the Air Almanac, as converted to local time;
 - c. Within a 50-statute-mile radius of the departure airport with landings only permitted at the departure airport;
 - d. With a minimum flight visibility of not less than 3 statute miles and a minimum ceiling of not less than 1,500 feet above the surface;
 - e. For passenger-carrying flights greater than 25 statute miles from the departure airport and up to 50 statute miles, the pilot-in-command (PIC) must obtain weather reports and forecasts prior to flight and valid for the duration of the proposed operation that indicate that the weather is expected to be no less than 5 statute miles visibility and cloud ceilings no less than 2,000 feet AGL. Passenger-carrying operations shall be terminated if ceiling and visibility become less than the minimum required by these conditions and limitations. Weather forecasts listing discriminators such as probability (PROB), becoming (BECMG), or temporarily (TEMPO) shall be limiting; and
 - f. Operations conducted for the purpose of dispersing human remains must comply with applicable Federal, State, and local laws and regulations governing the dispersal of human remains.
16. All flight operations must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the aircraft.
17. The aircraft must have the equipment listed in §§ 91.205(b) and 91.207, all of which must be in an operable condition during the flight.
18. No later than 72 hours prior to commencing flight operations under the terms of this exemption, OFM must notify the FSDO having geographic responsibility where it intends to conduct the flight operations and shall provide a copy of this exemption upon request.
19. Aerobatic flight is prohibited while passengers are on board the aircraft.
20. Flight within 500 feet of another aircraft is prohibited.
21. Prior to flight, the PIC must ensure that a passenger briefing meeting the scope and content of § 135.117 has been provided to the passengers.

22. Only those listed by OFM as a qualified PIC or second-in-command (SIC) for the aircraft, may occupy a pilot station, or manipulate the flight controls.
23. OFM must operate all flights in accordance with its Manual System, the applicable regulations, and the conditions and limitations of this exemption, and is bound by whichever is more restrictive. OFM must comply with all operating limitations that apply to aircraft utilized in accordance with this exemption, with the exception of any operating limitation prohibiting carriage of persons or property for compensation or hire or other relief specifically provided by this grant of exemption.
24. Failure to comply with any of these conditions and limitations is grounds for the immediate suspension or revocation of this exemption.
25. The Seattle Washington FSDO is the jurisdictional Flight Standards District Office for OFM and is responsible for oversight of OFM for all matters pertaining to this exemption and the operation of the aircraft under this exemption.
26. This exemption is not valid for operations outside of the United States of America.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2019-0313 (<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 No. 18363 to 18363A, the termination date to January 31, 2023, unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty
Deputy Executive Director, Flight Standards Service