



Federal Aviation Administration

Memorandum

Date: November 12, 2014

To: See Distribution List

From: David W. Hempe, Manager, Design, Manufacturing, and Airworthiness Division, AIR-100 DWH

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Subject: Deviation to Federal Aviation Administration (FAA) Order 8130.34C regarding the Issuance of a Certificate of Waiver or Authorization (COA) for compliance with Title 14, Code of Federal Regulations (14 CFR) 91.113, Right-of-way rules: Except water operations

Memo No.: AIR100-14-110-DM22

The FAA recently decided that an alternate means of compliance to 14 CFR 91.113, Right-of-way rules: Except water operations, was needed to be included in the airworthiness process for civil unmanned aircraft systems (UAS). The § 91.113 alternate means of compliance will be issued by the air traffic component (AJV-115/AFS-85) of the UAS Integration Office on an FAA Form 7711-1, Certificate of Waiver or Authorization. Air traffic provisions will be determined from the applicant-provided documents required by Order 8130.34C, and from the safety evaluation. Civil applicants currently cannot complete a COA application through the FAA's online process, although this may change at a later date. Operating limitations and the COA will be issued when a civil UAS or OPA/UAS receives an original, recurrent, replacement, or amended special airworthiness certificate. The COA will be valid only while the special airworthiness certificate is in effect.

To account for the COA requirement, this memorandum authorizes multiple deviations to procedures listed in FAA Order 8130.34C, *Airworthiness Certification of Unmanned Aircraft Systems and Optionally Piloted Aircraft*. These deviations are in effect for all UASs or OPA/UASs that will receive special airworthiness certificates. For UASs that are currently operating under an existing airworthiness certificate issued per Order 8130.34C, the deviations will be implemented the next time the airworthiness certificate is reissued, replaced, or amended. Operators of aircraft conducting production flight testing of new production aircraft under a special flight permit may request AJV-115/AFS-85 to approve a single COA to cover multiple aircraft of the same model for the anticipated duration of the flight test period. AJV-115/AFS-85 will consider these requests on a case-by-case basis.

This memorandum authorizes the following deviations:

Note: Since the publication of Order 8130.34C, AIR-200 was reorganized into AIR-100. All references to AIR-200 are outdated and will be replaced with AIR-100 in the next revision to the order.

1. Page 3-8, paragraph 7(a), Record Inspection. Add sub-item, (11) Obtain COA approval on an FAA Form 7711-1 from AJV-115/AFS-85.
2. Page 3-9, paragraph 7c(1), Certificate Issuance. After sub-item (b) Issue FAA Form 8130-7, add the following, "NOTE: An FAA Form 7711-1 must also be provided to the applicant when they receive their FAA Form 8130-7."
3. Page 3-9, paragraph 7c(1)(d). The FAA Form 7711-1 will be included in the certification file that is sent to AFS-750.
4. Page A-3, limitation 1h, Air Traffic Control Notification. In addition to the program letter, special airworthiness certificate, and operating limitations, the applicant must also email or fax the FAA Form 7711-1 to the FAA contacts listed in limitation 1h.
5. Page A-3, limitation 1j, Certificate Display and Manual Availability. After limitation 1J, add the following, "NOTE: The FAA Form 7711-1 must also be with the airworthiness certificate."
6. Page A-8, limitation 8b, ATC Coordination. Delete limitation 8a and 8b(1). These items will be included on the FAA Form 7711-1. Limitation 8 will be relabeled as "ATC Communication." Limitation 8b(2) and 8b(3) will be relabeled as 8a and 8b, respectively.
7. Page A-9, limitation 11, Flight Termination and Lost Link Procedures. Delete limitation 11, these items will be included on the FAA Form 7711-1. Renumber subsequent limitations appropriately.
8. Page A-10, limitation 13b. Change the second sentence to read, "All major changes, including major software changes, performed under the special airworthiness certificate, a COA approval for public aircraft operations, or other authorizations, that could potentially affect the safe operation of the system must be documented and provided to the certificate issuing office before operating under this certificate."
9. Page A-11, limitation 16b, Certificates of Waiver or Authorization. Change limitation 16b to read, "(*Applicant name*) will immediately notify the (*MIDO name*), if there is any plan for requesting a COA for public UAS operations during the time the experimental certificate is in effect. An entry in the aircraft logbook is required to document that the aircraft flight authority has been changed from the experimental certificate to a public aircraft authorization. When public aircraft operations are concluded and the aircraft resumes flying under the experimental certificate, a record entry will be made in the aircraft logbook by an appropriately rated person. This entry will document that the aircraft is in a condition for safe operation and appropriately configured."

If you have any questions, please contact the Airworthiness Certification Section, AIR-113, at 202-267-1575.

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