



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

800 Independence Ave., S.W.
Washington, D.C. 20591

February 19, 2010

Exemption No. 10010
Regulatory Docket No. FAA-2001-10356

Colonel Robert T. Hess
Commander
US Army Aeronautical Services Agency
9325 Gunston Road, Suite N319
Fort Belvoir, VA 22060

Dear Colonel Hess:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption.

The Basis for our Decision

On letter dated July 7, 2009, you petitioned the Federal Aviation Administration (FAA) on behalf of the United States Army Special Operations Command (USASOC) for an extension of Exemption No. 7631, as amended. That exemption from §§ 91.177(a)(2) and 91.179(b)(1) of Title 14, Code of Federal Regulations (14 CFR) allows properly equipped USASOC aircraft to conduct low-level operations without complying with en route minimum altitudes for flights under instrument flight rules (IFR) or direction of flight requirements for IFR en route segments in uncontrollable airspace. That exemption, however, expired on September 30, 2009; therefore, we will treat your request as a new petition.

Upon investigation, the FAA found that an extension request was never submitted to the Federal Docket Management System. On December 9, 2009, the Office of Rulemaking received a hard copy of this extension request and electronically submitted it to www.regulations.gov.

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 4371C (copy enclosed), which, in part, addresses USASOC operations, the FAA found that the Air Force has been

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conducting these types of operations since 1981 without safety problems. The FAA also recognizes and appreciates the importance of the USASOC's mission and the need for realistic training.

Having reviewed your reasons for requesting an exemption, I find that—

- they do not differ materially from those presented by the petitioner in the enclosed grant of exemption;
- the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present; and
- a grant of exemption is in the public interest.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, the United States Army Special Operations Command is granted an exemption from 14 CFR §§ 91.177(a)(2) and 91.179(b)(1) to the extent necessary to allow properly equipped USASOC aircraft to conduct low-level operations without complying with en route minimum altitudes for flight under IFR or direction of flight requirements for IFR en route segments in uncontrollable airspace, subject to the following conditions and limitations:

Conditions and Limitations

1. Operations under this exemption must be conducted at an altitude of at least 250 feet (with terrain following/terrain avoidance (TF/TA)) or 500 feet above the highest obstacle (without TF/TA) within 3 nautical miles (nm) of the course to be flown over mountainous and other areas. Rotary wing aircraft may operate at an altitude of at least 100 feet (with TF/TA) above all obstacles within 3 nm of the course to be flown.
2. Operations in Class G airspace may only be conducted if procedures have been established in a letter of agreement (LOA) that includes the communications with control tower requirements of § 91.126(d).
3. Operations under this exemption shall be conducted under the procedural requirements of an LOA between the unit originating the route and the air traffic control facility having jurisdiction over the airspace.
4. Operations may not be conducted until a notice to airmen (NOTAM) concerning the exempted activity has been in effect at least 6 hours. Such NOTAM shall be issued regardless of the actual or forecast weather conditions along the route segment for which this exemption is exercised and shall include at a minimum:
 - a. the name of the nearest city or town and the state;
 - b. the date and time period of the planned activity;
 - c. the number and type of aircraft expected on the route;

- d. the ingress and egress points of the route segment expressed in fix/radial/distance from a very high frequency omnidirectional range (VOR); and
 - e. the altitude to be flown.
5. Letters of agreement must include, as a minimum, all of the following:
- a. Route definition in geographical coordinates and maximum route width;
 - b. Route alignment which avoids Class B airspace;
 - c. Route alignment which minimizes disturbances to persons and property on the ground;
 - d. Provisions for military aircraft to flight check approved routes to ensure compliance with all provisions;
 - e. Maximize altitudes for all route segments;
 - f. Radar flight following or position reporting procedures, as appropriate;
 - g. Provisions for lost communications procedures; and
 - h. Procedures whereby aircraft unable to continue the mission under this exemption can comply with the route and altitude requirements of part 91.
6. The maximum route length authorized under this exemption is 40 nm.
7. Environmental assessments associated with operations conducted under this exemption will be the responsibility of USASOC.

This exemption terminates on January 31, 2012, unless sooner superseded or rescinded

Sincerely,

/s/

Edie Parish
Acting Director, System Operations Airspace
& Aeronautical Information Management

Enclosure