



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

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

April 12, 2011

Exemption No. 10241
Regulatory Docket No. FAA-2002-11883

Col. Deborah A. Richardson
U.S. Department of the Army
Aeronautical Services Agency
Fort Belvoir, VA 22060

Dear Col. Richardson:

This letter is to inform you that we have granted your petition to extend Exemption No. 8430, as amended. It explains the basis for our decision and describes its effect.

The Basis for Our Decision

By letter dated February 9, 2011, you petitioned the Federal Aviation Administration (FAA) on behalf of U.S. Department of the Army (U.S. Army) for an extension of and amendment to Exemption No. 8430, as amended. That exemption from § 91.169(a)(2) and (c) of Title 14, Code of Federal Regulations allows the U.S. Army to file instrument flight rules flight plans in accordance with the regulations prescribed by the U.S. Army. That exemption, however, expired on October 31, 2010; therefore, we will treat your request as a new petition.

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

The FAA has issued you a previous grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 6528 (copy enclosed), the FAA found that based on the U.S. Army's record of safely conducted operations under the authority of Exemption Nos. 64A and 5368, and its record of ensuring

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sufficient fuel for flight to an alternate airport, when required, the U. S. Army's regulations would provide an equivalent level of safety as that provided by § 91.169(a)(2) and (c).

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

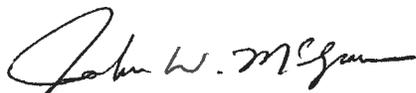
- they are similar in all material respects to relief previously requested in the enclosed Grant of Exemption No. 6528;
- the reasons stated by the FAA for granting the enclosed Grant of Exemption No. 6528 also apply to the situation you present; and
- a grant of exemption is in the public interest.

Our Decision

Under the authority contained in 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I hereby grant U. S. Department of the Army an exemption from 14 CFR § 91.169(a)(2) and (c) to the extent necessary to allow the U. S. Army to file instrument flight rules flight plans in accordance with the regulations prescribed by the U.S. Army.

This exemption terminates on April 30, 2013, unless sooner superseded or rescinded.

Sincerely,



John W. McGraw
Acting Director, Flight Standards
Service
Enclosure