



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

800 Independence Ave. SW
Washington, DC 20591

SEP 29 2001

Exemption No. 7631
Regulatory Docket No. FAA-2001-10356

Colonel Charles H. Dove
Department of the Army
U.S. Army Aeronautical Services Agency
9325 Gunson Road, Suite N319
Fort Belvoir, VA 22060-5582

Dear Colonel Dove:

By letter dated August 6, 2001, you petitioned the Federal Aviation Administration (FAA) on behalf of the United States Army Special Operations Command (USASOC), 160th Special Operations Aviation Regiment, for an exemption from §§ 91.177(a)(2) and 91.179(b)(1) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to permit properly equipped USASOC aircraft to conduct low-level operations without complying with en route minimum altitudes for flight under instrument flight rules (IFR) or direction of flight requirements for IFR en route segment in uncontrolled airspace.

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 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 relief from certain sections of 14 CFR, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. § 40109 delegated to me by the Administrator, the United States Army Special Operations Command, 160th Special Operations Aviation Regiment, is granted an exemption from 14 CFR §§ 91.177(a)(2) and 91.179(b)(1) under the conditions and limitations listed herein. Notwithstanding the provisions of this exemption, the pilot of an aircraft engaged in operations authorized herein is not relieved of the responsibility to see-and-avoid other aircraft, and pilots shall maintain appropriate safe altitudes as required by other provisions of the regulations.

ATA-01-555-E

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 with 3 nm of the course to be flown.
2. Operations in Class G airspace may only be conducted if procedures have been established in an LOA that include the Communications with Control Tower Requirements of § 91.127(c).
3. Operations under this exemption shall be conducted under the procedural requirements of an LOA between the Wing originating the route and the ATC facility having jurisdiction over the airspace.
4. Operations may not be conducted until a 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 altitudes 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 disturbance to persons and property on the ground.
 - (d) Provisions for military aircraft to flight check approved routes to ensure compliance with all provisions.
 - (e) Maximum altitudes for all route segments.

- (f) Radar flight following or position reporting procedures, as appropriate.
 - (g) Provisions for lost communications procedures.
 - (h) Procedures whereby aircraft unable to continue the mission under this exemption can comply with the route and altitude requirements of part 91.
6. Route lengths from a minimum of 20 nm up to a maximum of 40 nm under this exemption.
 7. Environmental assessments associated with operations conducted under this exemption will be the responsibility of USASOC.

This exemption terminates on September 30, 2003, unless sooner superseded or rescinded.

Sincerely,

Sabra W. Kaulia
Sabra W. Kaulia
Program Director for Air Traffic
Airspace Management

Enclosure



DEPARTMENT OF THE ARMY
U. S. ARMY AERONAUTICAL SERVICES AGENCY
9325 GUNSTON ROAD, SUITE N319
FORT BELVOIR, VIRGINIA 22060-5582

REPLY TO
ATTENTION OF

OCT 05 2001

Airspace Support Division

MEMORANDUM THRU Commander, United States Special Operations
Command, 7701 Tampa Point Blvd., MacDill Air Force Base, Florida
33621-5323

FOR Commander, United States Army Special Operations Command,
Fort Bragg, North Carolina 28310

SUBJECT: Exemption No. 7631, Regulatory Docket No. FAA-2001-10356

1. References:

a. Memorandum, HQ, United States Special Operations
Command, undated, subject: Addition of United States Army Special
Operations Command (USASOC) to the Authorized Users of Federal
Aviation Regulation (FAR) Exemption 4371D.

b. Memorandum, HQ, United States Army Special Operations
Command, SOOP-OO, 9 Jun 00, subject: Request Add-on or Identical
Exemption to Federal Aviation Administration (FAA) Exemption
4371D.

2. At our request exemption 7631 was granted by FAA for 14 Code
of Federal Regulations (14 CFR) 91.177 (a) (2) and
91.179(b) (1) (encl). This exemption permits the United States
Army Special Operations Command (USASOC), 160th Special
Operations Aviation Regiment, with properly equipped aircraft, to
conduct low-level operations without complying with the enroute
minimum altitudes for flight under Instrument Flight Rules (IFR)
or direction of flight requirements for the IFR enroute segment
in uncontrolled airspace. This exemption terminates on 30 Sep
03, unless sooner superseded or rescinded. Request for renewal
should arrive at this headquarters at least six months prior to
the desired effective date.

3. Administrative corrections:

a. Page two, paragraph one, last sentence, contains one
error: "Rotary-wing aircraft may operate at an altitude of at
least 100 feet (with TF/TA) above all obstacles with 3 nm of the
course to be flown."; should read "within 3 nm of the course to
be flown."

b. Page two, paragraph three, second line, the word "Wing"
may also be interpreted as the "USASOC unit".

Airspace Support Division

SUBJECT: Exemption No. 7631, Regulatory Docket No. FAA-2001-10356

4. POCs are Mr. Conroy, DSN 656-4865, Commercial (703) 806-4865, or LTC Gillick, (202) 267-9429.

Encl

CHARLES H. DOVE
Colonel, AV
Commanding

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Exemption No. 4371C

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

* * * * *
In the matter of the petition of
THE DEPARTMENT OF THE AIR FORCE
for an exemption from Section 91.177(a)(2)
and Section 91.179(b)(1) of Title 14,
Code of Federal Regulations
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* Regulatory Docket
* No. 24237
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GRANT OF EXEMPTION

On July 31, 1990, the Federal Aviation Administration (FAA) issued Exemption No. 4371B to the Department of the Air Force. That exemption extended the effectiveness of Exemption No. 4371A and permitted the Military Airlift Command to conduct operations under instrument flight rules (IFR):

- (1) at an altitude lower than and in closer proximity to an obstacle than that prescribed by Section 91.177(a)(2) of Title 14, Code of Federal Regulations (14 CFR) which, in pertinent part, establishes an en route minimum IFR altitude of 1,000 feet (2,000 feet in mountainous areas) above the highest obstacle within 4 nautical miles (nm) of the course to be flown; and
- (2) in uncontrolled airspace at any altitude for any direction of flight regardless of that altitude specified in 14 CFR Section 91.179(b)(1) which, in pertinent part, requires each person operating an aircraft under IFR on en route segments in uncontrolled airspace to maintain specified altitudes for specific directions of flight.

The Exemption authorized such operations in the Air Force aircraft equipped with fully operational Terrain Following/Terrain Avoidance (TF/TA) Radar Systems while operating on preapproved Combat Talon training routes with certain procedural limitations. Operations are authorized along random routes when the aircraft are equipped with Adverse Weather Aerial Delivery System/Station Keeping Equipment (AWADS/SKE) or Station Keeping Equipment/Inertial Navigation System/Zone Marker (SKE/INS/ZM).

By letter dated March 3, 1995, the Air Force petitioned the FAA to amend and renew Exemption No. 4371B.

Petitioner's Supportive Information

The Air Force stated that they have been operating under the provisions of Exemption No. 4371B and its predecessors, Exemption Nos. 3559, 3559A, 4371, 4371A, and 4371B since 1981 with no safety problems. The Air Force stated that there is a continuing need to maintain operation readiness which requires training under conditions which are as realistic as possible. Frequently, the Air Force is tasked to provide aerial support for humanitarian relief efforts, United Nations operations, and other activities on a worldwide scale. Flight operations are conducted in all weather conditions and at times in hostile areas. The need to operate at low altitudes in all weather conditions to simulate actual mission requirements providing realistic tactical training in preparation for the missions is essential.

All aircraft operating under these prior exemptions have been equipped with AWADS/SKE or SKE/INS/ZM. This equipment provides the pilot a reliable means to navigate in all weather at low altitude along the desired course and to maintain relative position with other participating aircraft. In addition, some aircraft, those designated as Combat Talon aircraft, carry fully operational TF/TA Radar Systems. The Air Force proposes to modify these equipment requirements in line with technological advances to require all aircraft operating under this exemption be equipped with operable navigation equipment sufficient to ensure accurate positioning along the route. Acceptable systems include: Global Positioning System (GPS), Self-Contained Navigation System (SCNS), AWADS, or INS.

Additionally, the Air Force proposes to require the following equipment:

1. All aircraft (single ship or in a formation) that will be flown at or below 500 feet above the highest obstacle within 3 nm of the course flown must be equipped with an operable TF/TA system: Minimum permissible altitude for fixed-wing aircraft with TF/TA is 250 feet above all obstacles within 3 nm of the course flown. Minimum permissible altitude for rotary-wing aircraft with TF/TA is 100 feet above all obstacles within 3 nm of the course flown.

2. Multiple Aircraft Missions: All aircraft in a formation must have operable SKE.

The Air Force proposes that operations under this exemption will be conducted under a letter of agreement (LOA) between the Wing originating the route and the air traffic control facility having jurisdiction over the airspace. These LOA's will include:

1. Minimum advance notification time required by Air Traffic Control (ATC) to activate a route.
2. Route definition requirements.
3. Areas that routes must avoid such as noise sensitive areas, etc.
4. Maximum altitudes for all route segments.
5. Radar flight following or position reporting procedures, as appropriate. These will incorporate the Arrival/Through Flight communications requirements of 14 CFR part 91 that are appropriate for the class of airspace involved.
6. Provisions for lost communications procedures.
7. Provisions whereby aircraft unable to continue the mission under this exemption can comply with the route and altitude requirements of part 91.

The Air Force further proposes to require route lengths from a minimum of 20 nm up to a maximum of 40 nm under this exemption in order to provide adequate spacing for aligning formations of aircraft with the Drop Zone (DZ) or Land Zone (LZ).

With respect to classes of controlled airspace, the USAF will conduct operations as follows:

1. Class A - Not applicable.
2. Class B - Will avoid at all times.
3. Class C - May penetrate. Procedures will be established in an LOA that include the Arrival/Through Flight Requirements of 14 CFR Section 91.130(c)(1).
4. Class D - May penetrate. Procedures will be established in an LOA that include the Arrival/Through Flight Requirements of 14 CFR Section 91.129(c)(1).
5. Class E - May penetrate. Procedures will be established in an LOA that include the Communications with Control Towers requirements of 14 CFR Section 91.127(c).
6. Class G - May penetrate. Procedures will be established in an LOA that include the Communications with Control Towers requirements of 14 CFR Section 91.126(d).

The Air Force also proposes to continue to comply with restrictions requiring the issuance of a Notice to Airmen (NOTAM)

at least 6 hours prior to the first use of the route.

Although the FAA waived the requirement for Federal Register publication, a summary of the petition was inadvertently published on May 19, 1995 (60 FR 26915). No comments were received.

FAA Analysis/Summary

The FAA notes that the Air Force has been conducting operations under Exemption Nos. 3559, 3559A, 4371, 4371A, and 4371B since 1981 with no safety problems resulting from these operations.

The FAA recognizes and appreciates the importance of the Air Force's mission and the need for realistic training. An equivalent level of safety will be provided by the Federal Aviation Regulations (FAR) due to the following:

1. Containment of the training activities in the designated areas will be ensured by the additional navigational equipment requirements of this proposal.
2. Terrain avoidance will be ensured by the accurate navigation along track with the navigation equipment specified above and by requiring TF/TA equipment when operating below 500 feet above all obstacles within 3 nm of the course to be flown.
3. Formation aircraft separation will be ensured by the use of SKE.
4. Suitable notification to the FAA and the general flying public of these activities will be provided by establishing LOAs that include a minimum advance notification time and by issuing a NOTAM 6 hours prior to the use of any route.

Conclusion

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Accordingly, pursuant to the authority contained in 49 USC Section 40109, formerly Section 307(e) of the Federal Aviation Act of 1958, as amended, which has been delegated to me by the Administrator 14 CFR Section 11.53), the Air Force is hereby exempted from the provisions of 14 CFR Sections 91.77(a)(2) and 91.179(b)(1) under the conditions and limitations listed herein. Notwithstanding the provisions of this exemption, the pilot of an aircraft engaged in operations authorized herein is not relieved of the responsibility to see-and-avoid other aircraft, and pilots shall maintain appropriate safe altitudes as required by other provisions of the regulations.

1. Operations under this exemption must be conducted at an altitude of at least 250 feet (with TF/TA) or 500 feet above the highest obstacle (without TF/TA) within 3 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.
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4. Operations may not be conducted until a 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 altitudes 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 disturbance to persons and property on the ground.
 - (d) Provisions for military aircraft to flight check approved routes to ensure compliance with all provisions.

- (e) Maximum altitudes for all route segments.
 - (f) Radar flight following or position reporting procedures, as appropriate.
 - (g) Provisions for lost communications procedures.
 - (h) Procedures whereby aircraft unable to continue the mission under this exemption can comply with the route and altitude requirements of part 91.
6. Route lengths from a minimum of 20 nm up to a maximum of 40 nm under this exemption.
 7. Environmental assessments associated with operations conducted under this exemption will be the responsibility of the USAF.

This exemption is effective upon issuance and continues in effect until July 31, 1997, unless superseded or rescinded by the FAA.

/s/ L. Lane Speck
Program Director For
Air Traffic Rules and Procedures

Issued in Washington, DC, on June 23, 1995.