



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

Aviation Safety

800 Independence Ave  
Washington, DC 20591

Exemption No. 18672  
Regulatory Docket No. FAA-2001-9874

Colonel Rafael A. Robles  
General Counsel  
Civil Air Patrol  
105 South Hansell Street Bld. 714  
Maxwell Air Force Base, AL 36112

Dear Colonel Robles:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your request for exemption. 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 November 15, 2020, you petitioned the FAA on behalf of the Civil Air Patrol (CAP) for an exemption from § 61.113(a) and (e) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow the CAP to reimburse CAP members exercising the privileges of a private pilot certificate for certain expenses incurred while serving on official United States Air Force (USAF)-assigned CAP missions. Additionally, that exemption permits certain CAP operations, including CAP/Air Force Reserve Officer Training Corps (AFROTC) and Air Force Junior Reserve Officer Training Corps (AFJROTC) cadet orientations.

Although you requested an extension of Exemption No. 11037B (copy enclosed), that exemption expired on July 31, 2020. Therefore, the FAA is issuing the CAP a new exemption.

The FAA has issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 11037 (copy enclosed), the FAA found that 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.

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. 11037;

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- The reasons stated by the FAA for granting the enclosed Grant of Exemption No. 11037 also apply to the situation you present; and
- For the reasons stated by the FAA for granting the enclosed Grant of Exemption No. 11037, a grant of exemption to the CAP is in the public interest.

### **The FAA's Decision**

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 the CAP.

Under the authority contained in 49 U.S.C. 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant the Civil Air Patrol (CAP) an exemption from 14 CFR § 61.113(a) and (e) to the extent necessary to allow the CAP to reimburse CAP members exercising the privileges of a private pilot certificate for certain expenses incurred while serving on official United States Air Force (USAF)-assigned CAP missions. Additionally, that exemption permits certain CAP operations, including CAP/Air Force Reserve Officer Training Corps (AFROTC) and Air Force Junior Reserve Officer Training Corps (AFJROTC) cadet orientations. This exemption is subject to the conditions and limitations described below.

### **Conditions and Limitations**

1. This exemption only applies to flights that are directly related to USAF-assigned missions or missions assigned by the USAF in accordance with memoranda of understanding with United States Government agencies and are within the CAP's purpose as defined within Title 36 of the United States Code, part B, chapter 403, section 40302. The relief provided by this exemption includes flights operated by CAP for the purpose of CAP/AFROTC and AFJROTC orientation.
2. CAP members acting as pilot-in-command (PIC) while operating CAP-sanctioned flights under the privileges of this exemption must hold a valid U.S. private, commercial, or airline transport pilot certificate with ratings and endorsements appropriate to the aircraft used for the flight. Reimbursement may not be provided to pilots exercising the privileges of a recreational or sport pilot certificate.
3. This exemption provides relief to the extent that CAP pilots acting as PIC while operating CAP-sanctioned flights as described in Condition and Limitation No. 1 may be compensated by logging the flight time for the duration of that flight.
4. CAP members exercising private pilot privileges and providing an aircraft for use in CAP missions listed in Condition and Limitation No. 1 may be reimbursed for aircraft operating expenses directly related to the mission at a fixed rate in accordance with CAP Regulation (CAPR) 173-3, as amended.

5. CAP members exercising private pilot privileges and operating a CAP-owned aircraft for use in CAP missions listed in Condition and Limitation No. 1 may be reimbursed for aircraft operating expenses directly related to the CAP mission. These operating expenses are limited to fuel, oil, supplemental oxygen, fluids, lubricants, servicing, and maintenance of the aircraft.
6. CAP members exercising private pilot privileges may be reimbursed for non-air operating expenses directly related to CAP missions listed in Condition and Limitation No. 1. These expenses are limited to preheating, deicing, and airport expenses.
7. CAP members exercising private pilot privileges may, if operational considerations require an overnight stay away from the pilot's home base and while on a CAP mission identified in Condition and Limitation No. 1, receive per diem expenses up to the rate listed in CAPR 173-3, as amended.
8. The CAP will inform the FAA's General Aviation and Commercial Division of any changes to CAP regulations that could have an effect on this exemption at least 30 days before the change takes effect, at the following address: Federal Aviation Administration, Airman Training and Certification Branch (AFS-810), 800 Independence Ave. SW., Washington, DC 20591.
9. Only the following personnel are permitted to be aboard an aircraft operated under this exemption:
  - a. Pilot crewmembers who are officially authorized by the CAP and meet the requirements of CAPR 70-1;
  - b. CAP members;
  - c. Members of the U.S. armed services; and
  - d. Non-flight-crewmembers officially authorized by the CAP under CAPR 70-1 to aid in the performance of the approved flight activity, including CAP, AFROTC or AFJROTC cadets during orientation flights.
10. All flights will be conducted in accordance CAPR 70-1 (CAP Flight Management), as amended, and any other applicable CAP regulations, manuals, forms, and policies appropriate to the flight operations being conducted.
11. In addition to the requirements of Condition and Limitation No. 10, all orientation flights must be conducted in accordance with CAP Pamphlet 52-7 (Cadet Orientation Flight Syllabus), as amended and CAPR 52-16 (Cadet Program Management), as amended.

12. Each CAP member operating under this exemption must meet the experience, training, and testing requirements in CAPR 52-16, as amended; CAPR 70-1, as amended; and part 61 of Title 14, Code of Federal Regulations.
13. The CAP must maintain a record of each flight operating under this exemption. The record must be maintained by CAP for at least 12 calendar months from the date of the flight and must be presented to any representative of the FAA Administrator upon request. The pilot logbook is not acceptable for this record. The record must include the following information, at a minimum:
  - a. USAF/CAP mission number, as applicable;
  - b. Name of the PIC;
  - c. Facsimile of the PIC's pilot and medical certificates;
  - d. Make, model, and registration number of each aircraft;
  - e. Date, itinerary, and total time of each flight; and
  - f. A purchase receipt with an itemized listing of all reimbursable costs incurred while performing under the conditions and limitations of this exemption
14. The CAP must ensure its supervisory personnel, its member pilots, and any other personnel who participate or are aboard any aircraft operated under this exemption are familiar with the provisions contained in this exemption.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2001-9874 (<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.

This exemption terminates on January 31, 2023, unless sooner superseded or rescinded.

Sincerely,