



U.S. Department
of Transportation

**Federal Aviation
Administration**

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

July 27, 2016

Exemption No. 11037A
Regulatory Docket No. FAA-2001-9874

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

Dear Mr. Robles:

This letter is to inform you that we have granted your petition to extend Exemption No. 11037. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

The Basis for Our Decision

By letter dated May 4, 2016, you petitioned the Federal Aviation Administration (FAA) on behalf of the Civil Air Patrol (CAP) for an extension of Exemption No. 11037. That exemption from § 61.113(a) and (e) of Title 14, Code of Federal Regulations (14 CFR) allows 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 Officers' Training Corps (AFROTC) and Air Force Junior Reserve Officers' Training Corps (AFJROTC) cadet orientations.

In your petition, you indicate that there has been no change to the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

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

AFS-16-12412-E

The FAA has amended the conditions and limitations of Exemption No.11037 to clarify our original intent. While the relief does not change substantially, all users of the exemption should thoroughly review the revised conditions and limitations.

In the previous Grant of Exemption No. 11037, the FAA erroneously referred to AFJROTC without the inclusion of AFROTC. In Condition and Limitation Nos. 1 and 9 of this exemption, the FAA has added AFROTC when referring to cadet orientations along with AFJROTC in order to align with the FAA's original intent.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 11037 remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113 and 44701, which the FAA Administrator has delegated to me, I grant the Civil Air Patrol (CAP) an exemption from 14 CFR § 61.113(a) and (e) to allow 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, subject to the following conditions and limitations. Additionally, this exemption permits certain CAP operations, including CAP/AFROTC and AFJROTC cadet orientation, subject to the following conditions and limitations.

Conditions and Limitations

1. This exemption only applies to flights 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 60-1;
 - b. CAP members;
 - c. Members of the U.S. armed services; and
 - d. Non-flight-crewmembers officially authorized by the CAP under CAPR 60-1 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 with CAPR 60-1 (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 60-1, 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.

The Effect of Our Decision

Our decision extends the termination date of Exemption No. 11037, as amended, to July 31, 2018, unless sooner superseded or rescinded.

Sincerely,

/s/

John Barbagallo
Deputy Director, Flight Standards Service