



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

Aviation Safety

800 Independence Ave  
Washington, DC 20591

November 21, 2022

Exemption No. 18672A  
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 petition to extend and amend Exemption No. 18672. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date the exemption ends, and lists the [revised] conditions and limitations.

### **The Basis for the FAA's Decision**

By letter dated September 28, 2022, you petitioned the FAA on behalf of Civil Air Patrol (CAP) for an extension of, and amendment, to Exemption No. 18672. 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 Officer Training Corps (AFROTC) and Air Force Junior Reserve Officer Training Corps (AFJROTC) cadet orientations.

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.

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

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

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The FAA has removed certain limiting language from the orientation flight portion of this exemption. This is to allow the CAP to operate certain approved USAF/CAP orientation flights, in addition to AFROTC/AFJROTC orientation flights, as requested.

The FAA has determined that the justification for the issuance of Exemption No. 18672 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 hereby grant Civil Air Patrol an exemption from 14 CFR §§ 61.113(a) and (e) to the extent necessary to allow CAP 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 to include USAF/CAP approved orientation flights.

### **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 USAF/CAP approved orientation flights.
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, Training and Certification Group (AFS-810), 9-AFS-800-Correspondence@faa.gov.
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.
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 60-40 (Cadet Orientation Flight Syllabus), as amended and CAPR 60-1 (Cadet Program Management), as amended.
12. Each CAP member operating under this exemption must meet the experience, training, and testing requirements in CAPR 60-1, 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.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

### **The Effect of the FAA's Decision**

The FAA's decision amends Exemption No. 18672 to 18672A and extends the termination date to January 31, 2025, unless sooner superseded or rescinded.

To request an extension or amendment 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 for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Wesley L. Mooty

Acting Deputy Executive Director, Flight Standards Service