

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Air Traffic Organization Policy

N JO 7110.743

Effective Date:
December 14, 2017

Cancellation Date:
March 29, 2018

SUBJ: Open Skies Treaty Aircraft

- 1. Purpose of This Notice.** This notice amends FAA Order JO 7110.65, paragraph 9–2–23, Open Skies Treaty Aircraft.
- 2. Audience.** This notice applies to the following Air Traffic Organization (ATO) service units, Air Traffic Services, System Operations Services, ATO Safety and Technical Training, and all associated air traffic control facilities.
- 3. Where Can I Find This Notice?** This notice is available on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices/ and on the air traffic publications website at http://www.faa.gov/air_traffic/publications/.
- 4. Cancellation.** This notice cancels upon the publication of FAA Order JO 7110.65X, Change 1, on March 29, 2018.
- 5. Explanation of Policy Change.** This change updates and clarifies: (1) that Open Skies Treaty (F and D) aircraft are nonparticipating aircraft, (2) modifies the time requirement for coordination and the using agency to deactivate/release SUA/ATCAA to the controlling agency, (3) identifies differences between SUA/ATCAA with or without an associated ATC facility, and (4) an LOA/LOP not required to transit deactivated/released SUA/ATCAA airspace.
- 6. Procedures/Responsibilities/Action.** Amend FAA Order JO 7110.65, paragraph 9–2–23, to read as follows:

9–2–23. OPEN SKIES TREATY AIRCRAFT

a. Open Skies aircraft will be identified by the call sign “OSY” (Open Skies) followed by the flight number and a one-letter mission suffix.

EXAMPLE –
OSY123D

Mission suffixes:

*F = Observation Flights (Priority).

*D = Demonstration Flights (Priority).

*T = Transit Flights (Nonpriority).

NOTE–

1. Observation/Demonstration flights are conducted under rigid guidelines outlined in the Treaty on Open Skies that govern sensor usage, maximum flight distances, altitudes, and priorities.
2. Transit flights are for the sole purpose of moving an Open Skies aircraft from airport to airport in preparation for an actual Open Skies “F” or “D” mission.

b. Provide priority and special handling to expedite the movement of an Open Skies observation or demonstration flight.

REFERENCE—

FAA Order JO 7110.65, Para 2-1-4, Operational Priority, subpara 1
FAA Order JO 7210.3, Para 5-3-7, Open Skies Treaty Aircraft.
Treaty on Open Skies, Treaty Document, 102-37.

c. Open Skies (F and D) Treaty aircraft, while maintaining compliance with ATC procedures, must have priority over activities in special use airspace (SUA)/Air Traffic Control Assigned Airspace (ATCAA). Open Skies (F and D) Treaty aircraft are nonparticipating aircraft and must be allowed to transit SUA/ATCAA as filed after appropriate and timely coordination has been accomplished between the using agency and controlling agency.

NOTE—

A letter of agreement is not required for nonparticipating aircraft to transit deactivated/released airspace.

REFERENCE—

FAA Order JO 7110.65, Para 9-3-4, Transiting Active SUA/ATCAA

1. Open Skies (F and D) Treaty flights transiting SUA/ATCAA will be handled in the following manner:

(a) The ATC facility controlling the Open Skies (F and D) Treaty flight must advise the using agency, or appropriate ATC facility, upon initial notification and when the aircraft is 30 minutes from the SUA/ATCAA boundary; and

(1) For active SUA/ATCAA with an ATC facility, coordinate and execute the transit of Open Skies (F and D) Treaty aircraft.

REFERENCE—

FAA Order JO 7110.65, Para 9-3-4, Transiting Active SUA/ATCAA

(2) For active SUA/ATCAA without an ATC facility, the using agency must deactivate/release the SUA/ATCAA to permit the Open Skies (F and D) Treaty aircraft to transit as filed in proximity to the active SUA/ATCAA. When deactivating/releasing the SUA/ATCAA for this purpose, the using agency is only required to deactivate/release the portion of the SUA/ATCAA to the controlling agency that is necessary to provide approved separation.

(b) The using agency must deactivate/release the SUA/ATCAA, or portion thereof, no later than 15 minutes prior to the Open Skies (F and D) Treaty aircraft reaching the SUA/ATCAA boundary.

(c) If the controlling agency is unable to confirm with the using agency that all conflicting activities in the SUA/ATCAA have ceased, the Open Skies aircraft must not be permitted access to the SUA/ATCAA.

REFERENCE—

FAA Order JO 7110.65, Para 9-3-2, Separation Minima

2. Return SUA/ATCAA to the using agency, if requested, within (15) minutes after the Open Skies (F and D) Treaty aircraft clears the SUA/ATCAA.

7. Distribution. This notice is distributed to the following ATO service units: Air Traffic Services, Mission Support Services, and System Operations, and Safety and Technical Training, the Air Traffic Safety Oversight Service, the William J. Hughes Technical Center, and the Mike Monroney Aeronautical Center.

8. Background. The Treaty on Open Skies promotes openness and transparency in military activities through reciprocal, unarmed observation flights over the entire national territories of other states' parties. In the implementation of the treaty, the FAA is responsible for developing and implementing the national air traffic control (ATC) rules, procedures, and guidelines to conduct Open Skies Treaty (F and D) flights in United States airspace. The ATC procedures must ensure flight safety, priority handling over regular air traffic, and permit observation flights to transit treaty defined hazardous airspace, prohibited areas, restricted areas, and danger areas.

Previous issues with Open Skies Treaty (F and D) priority missions and Special Use Airspace (SUA) management highlight the need to clarify requirements for the facilitation of Open Skies Treaty (F and D) aircraft transiting active SUA/Air Traffic Control Assigned Airspace (ATCAA). The handling of aircraft transiting active SUA/ATCAA is dependent on their status, participating or nonparticipating. Open Skies Treaty (F and D) aircraft have been identified as nonparticipating aircraft in this change. In accordance with FAA Order JO 7110.65, paragraph 9-3-2, a letter of agreement (LOA) is only required for nonparticipating aircraft to transit active SUA/ATCAA. Nonparticipating aircraft do not require a LOA for transiting deactivated airspace. Additionally, a Department of Defense (DOD) ATC facility with delegated SUA/ATCAA airspace will provide required ATC separation during the Open Skies Treaty (F and D) aircraft transit. Using agencies, without a DOD ATC facility, must deactivate/release SUA/ATCAA airspace to the controlling agency to permit the Open Skies Treaty (F and D) aircraft to transit without delay or impediment. Therefore, FAA Order JO 7110.65, paragraph 9-2-23 is receiving an update with clarification.

Original Signed by Karen Chiodini for

11/13/2017

Maurice Hoffman
Director (A), Air Traffic Procedures

Date