



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

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

June 3, 2015

Exemption No. 11241A
Regulatory Docket No. FAA-2014-0692

Mr. Mark E. McKinnon
Mr. Matthew J. Clark
Counsel for Phoenix Air UNMANNED, LLC
McKenna Long & Aldridge LLP
1676 International Drive
Penthouse McLean, VA 22102

Dear Messrs. McKinnon and Clark:

This letter is to inform you that we have granted your petition to amend Exemption No. 11241. It explains the basis for our decision, describes its effect, and lists any changes to the original conditions and limitations.

By letters dated April 2 and April 16, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Phoenix Air UNMANNED, LLC (hereinafter petitioner or operator) for an amendment to Exemption No. 11241. That exemption from §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) allows the petitioner to operate a UAS to perform aerial data collection. You requested an amendment to add additional aircraft, the Pulse Aerospace Vapor 55 UAS, and to expand operations to closed-set motion picture and television filming and production.

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 has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner. The unmanned aircraft(s) authorized in the original grant are comparable in type, size, weight, speed and operating capabilities to those in this petition.

Airworthiness Certification

In accordance with the statutory criteria provided in Section 333 of Public Law 112–95 in reference to 49 U.S.C. § 44704, and in consideration of the size, weight, speed, and limited operating area associated with the aircraft and its operation, the Secretary of Transportation has determined that this aircraft meets the conditions of Section 333. Therefore, the FAA finds that relief from 14 CFR part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*, and any associated noise certification and testing requirements of part 36, is not necessary.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 11241 remains valid with respect to this exemption and is in the public interest. Therefore, under the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, Phoenix Air UNMANNED, LLC is granted an amendment to its exemption that expands operations to closed-set motion picture and television filming and productions, and adds new aircraft: Pulse Aerospace Vapor 55 UAS.

The operator shall add this amendment to the original Exemption No. 11241.

Conditions and Limitations

All conditions and limitations within Grant of Exemption No. 11241 remain in effect except as follows. Condition no. 1 has been updated to reflect the additional aircraft and Condition no. 2 has been updated to reflect closed-set motion picture and television filming and productions.

In this grant of exemption, Phoenix Air UNMANNED, LLC is hereafter referred to as the operator.

Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension or rescission of this exemption.

1. Operations authorized by this grant of exemption are limited to the Pulse Vapor 35, Vulcan Octo, and the Pulse Aerospace Vapor 55 UAS when weighing less than 55 pounds including payload. Proposed operations of any other aircraft will require a new petition or a petition to amend this exemption.
2. Operations for the purpose of closed-set motion picture and television filming are permitted.

This exemption terminates on March 31, 2017, unless sooner superseded or rescinded.

Sincerely,

John S. Duncan
Director, Flight Standards Service

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April 2, 2015

U.S. Department of Transportation
Docket Management System
1200 New Jersey Ave., SE
Washington, DC 20590

Re: Amendment to Exemption No. 11241 Issued to Phoenix Air
UNMANNED, LLC Pursuant to Section 333 of the FAA Reform Act
(Docket No. FAA-2014-0692)

Dear Gentlemen:

Phoenix Air UNMANNED, LLC ("Phoenix Air UNMANNED") was issued Exemption No. 11241 on March 26, 2015 (hereinafter "the Exemption"), allowing operation of the Pulse Vapor 35 and Vulcan Octo UASs for filmmaking, precision aerial surveys and infrastructure inspections. Phoenix Air UNMANNED hereby requests an amendment to the Exemption to add an additional model of UAS that fully complies with the conditions of the Exemption.

Phoenix Air UNMANNED seeks to operate the Pulse Aerospace Vapor 55 UAS under the same conditions and limitations contained in the Exemption. Phoenix Air UNMANNED will submit the Pulse Aerospace Vapor 55 Aircraft Flight Manual and a revised version of the Phoenix Air UNMANNED UAS Operations Manual that includes the Vapor 55. These manuals are submitted as confidential documents pursuant to 14 C.F.R. § 11.35(b), as the materials contain confidential commercial and/or proprietary information that Phoenix Air UNMANNED has not and will not share with others. Additionally, these documents contain operating conditions and procedures that are not generally available to the public and are protected from release under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* All operations of the additional UAS will be in full compliance with the terms of the Exemption.

Phoenix Air UNMANNED believes that an amendment adding the Vapor 55 to the Exemption is in the public's interest as it would reduce hazards and emissions associated with

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alternate use of helicopters to conduct similar inspection operations. Like the other UAS models authorized for use under the Exemption, the Vapor 55 is light weight and does not carry any flammable fuel, further reducing the risk from any potential accident. In addition, the Vapor 55 is equipped with state of the art safety features, such as a "return to home" capability and an encrypted digital link to ensure safe operations.

As this is an amendment to an existing exemption seeking the addition of supplementary UAS model, Phoenix Air UNMANNED respectfully submits that good cause exists so that notice does not need to be published in the Federal Register for the requested amendment.

If you have any questions, or need any additional information to process the requested amendment to the Exemption, please do not hesitate to contact the undersigned.

Very truly yours,

/s/
Mark E. McKinnon
Matthew J. Clark

Counsel for Phoenix Air UNMANNED, LLC

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(These attachments are submitted as a Confidential Document under 14 C.F.R. § 11.35(b) and exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*, and any other requirements established by the FAA pursuant to Section 333 of the Reform Act).

Attachments:

Amended Phoenix Air UNMANNED Operations Manual

Pulse Vapor 55 Aircraft Flight Manual

Albany
Atlanta
Brussels
Denver
Los Angeles
Miami
New York

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April 16, 2015

U.S. Department of Transportation
Docket Management System
1200 New Jersey Ave., SE
Washington, DC 20590

Re: Second Amendment to Exemption No. 11241 Issued to Phoenix Air
UNMANNED, LLC Pursuant to Section 333 of the FAA Reform Act
(Docket No. FAA-2014-0692)

Dear Gentlemen:

Phoenix Air UNMANNED, LLC ("Phoenix Air UNMANNED") was issued Exemption No. 11241 on March 26, 2015 (hereinafter "the Exemption"), allowing commercial operation of the Pulse Vapor 35 and Vulcan Octo UASs for aerial data collection and filming. On March 31, 2015, Phoenix Air UNMANNED filed a petition to amend the Exemption to allow operation of the Pulse Aerospace Vapor 55 UAS under the same conditions and limitations contained in the Exemption. That petition to amend the Exemption remains pending.

Phoenix Air UNMANNED hereby requests a second amendment to the Exemption to allow UAS operations for the purpose of closed-set motion picture and television filming. Specifically, Phoenix Air UNMANNED seeks revision to conditions and limitations number 2 of the Exemption to state:

"2. Operations for the purpose of closed-set motion picture and television filming are permitted."

In all other respects, the closed-set motion picture and television filming will be conducted in accordance with the same conditions and limitation contained in the Exemption.

As required by conditions and limitations number 29 of the Exemption, the Petitioner is filing under separate cover the Phoenix Air UNMANNED, LLC Movie Production and Television

Operations Manual ("MPTOM"). The MPTOM is submitted as a confidential document pursuant to 14 C.F.R. § 11.35(b), as the materials contain confidential commercial and/or proprietary information that Phoenix Air UNMANNED has not and will not share with others. Additionally, these documents contain operating conditions and procedures that are not generally available to the public and are protected from release under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*

Phoenix Air UNMANNED believes that an amendment allowing UAS operations for the purpose of closed-set motion picture and television filming is in the public's interest as it would reduce hazards and emissions associated with alternate use of helicopters to conduct similar closed-set filming operations. Petitioner's UASs are light weight and do not carry any flammable fuel, further reducing the risk from any potential accident.

Phoenix Air UNMANNED respectfully submits that this amendment qualifies for summary grant approval. The FAA has already granted previous exemptions similar to this amendment request, namely; small UAS operations for film/television production. See e.g., *Grant of Exemption to Ryan K. Koffman*, Exemption No. 11314. Given that the proposed operations will fully comply with the other conditions of the Exemption, there is no need for the FAA to repeat the analysis performed for the original exemption on which this amendment is based. For these same reasons, good cause exists so that notice does not need to be published in the Federal Register for the requested amendment.

If you have any questions, or need any additional information to process the requested amendment to allow UAS operations for the purpose of closed-set motion picture and television filming, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in blue ink that reads "Matthew Clark".

Matthew J. Clark
Mark E. McKinnon

Counsel for Phoenix Air UNMANNED, LLC

Attachments

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(These attachments are submitted as a Confidential Document under 14 C.F.R. § 11.35(b) and exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*, and any other requirements established by the FAA pursuant to Section 333 of the Reform Act).

Attachments:

Phoenix Air UNMANNED, LLC Movie Production and Television Operations Manual
(MPTOM)