



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

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

July 28, 2015

Exemption No. 12183
Regulatory Docket No. FAA-2015-1770

Mr. Gant Elmore
Vice President
Firmatek, L.L.C.
9360 Corporate Drive, Suite 103
Selma, TX 78154

Dear Mr. Elmore:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

By letter dated May 5, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Firmatek, L.L.C. (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial surveys and inspections.

See Appendix A for the petition submitted to the FAA describing the proposed operations and the regulations that the petitioner seeks an exemption.

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 petitioner.

Airworthiness Certification

The UAS proposed by the petitioner is an Aibotix X6.

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.

The Basis for Our Decision

You have requested to use a UAS for aerial data collection¹. The FAA has issued grants of exemption in circumstances similar in all material respects to those presented in your petition. In Grants of Exemption Nos. 11062 to Astraeus Aerial (*see* Docket No. FAA–2014–0352), 11109 to Clayco, Inc. (*see* Docket No. FAA–2014–0507), 11112 to VDOS Global, LLC (*see* Docket No. FAA–2014–0382), and 11213 to Aeryon Labs, Inc. (*see* Docket No. FAA–2014–0642), the FAA found that the enhanced safety achieved using an unmanned aircraft (UA) with the specifications described by the petitioner and carrying no passengers or crew, rather than a manned aircraft of significantly greater proportions, carrying crew in addition to flammable fuel, gives the FAA good cause to find that the UAS operation enabled by this exemption is in the public interest.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in all material respects to relief previously requested in Grant of Exemption Nos. 11062, 11109, 11112, and 11213;
- The reasons stated by the FAA for granting Exemption Nos. 11062, 11109, 11112, and 11213 also apply to the situation you present; and
- A grant of exemption is in the public interest.

Our Decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, Firmatek, L.L.C. is granted an exemption from 14 CFR §§ 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), to the extent necessary to allow the petitioner to operate a UAS to perform aerial data collection. This exemption is subject to the conditions and limitations listed below.

Conditions and Limitations

In this grant of exemption, Firmatek, L.L.C. is hereafter referred to as the operator.

¹ Aerial data collection includes any remote sensing and measuring by an instrument(s) aboard the UA. Examples include imagery (photography, video, infrared, etc.), electronic measurement (precision surveying, RF analysis, etc.), chemical measurement (particulate measurement, etc.), or any other gathering of data by instruments aboard the UA.

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 Aibotix X6 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 not permitted.
3. The UA may not be operated at a speed exceeding 87 knots (100 miles per hour). The exemption holder may use either groundspeed or calibrated airspeed to determine compliance with the 87 knot speed restriction. In no case will the UA be operated at airspeeds greater than the maximum UA operating airspeed recommended by the aircraft manufacturer.
4. The UA must be operated at an altitude of no more than 400 feet above ground level (AGL). Altitude must be reported in feet AGL.
5. The UA must be operated within visual line of sight (VLOS) of the PIC at all times. This requires the PIC to be able to use human vision unaided by any device other than corrective lenses, as specified on the PIC's FAA-issued airman medical certificate or U.S. driver's license.
6. All operations must utilize a visual observer (VO). The UA must be operated within the visual line of sight (VLOS) of the PIC and VO at all times. The VO may be used to satisfy the VLOS requirement as long as the PIC always maintains VLOS capability. The VO and PIC must be able to communicate verbally at all times; electronic messaging or texting is not permitted during flight operations. The PIC must be designated before the flight and cannot transfer his or her designation for the duration of the flight. The PIC must ensure that the VO can perform the duties required of the VO.
7. This exemption and all documents needed to operate the UAS and conduct its operations in accordance with the conditions and limitations stated in this grant of exemption, are hereinafter referred to as the operating documents. The operating documents must be accessible during UAS operations and made available to the Administrator upon request. If a discrepancy exists between the conditions and limitations in this exemption and the procedures outlined in the operating documents, the conditions and limitations herein take precedence and must be followed. Otherwise, the operator must follow the procedures as outlined in its operating documents. The operator may update or revise its operating documents. It is the operator's responsibility to track such revisions and present updated and revised

documents to the Administrator or any law enforcement official upon request. The operator must also present updated and revised documents if it petitions for extension or amendment to this grant of exemption. If the operator determines that any update or revision would affect the basis upon which the FAA granted this exemption, then the operator must petition for an amendment to its grant of exemption. The FAA's UAS Integration Office (AFS-80) may be contacted if questions arise regarding updates or revisions to the operating documents.

8. Any UAS that has undergone maintenance or alterations that affect the UAS operation or flight characteristics, e.g., replacement of a flight critical component, must undergo a functional test flight prior to conducting further operations under this exemption. Functional test flights may only be conducted by a PIC with a VO and must remain at least 500 feet from other people. The functional test flight must be conducted in such a manner so as to not pose an undue hazard to persons and property.
9. The operator is responsible for maintaining and inspecting the UAS to ensure that it is in a condition for safe operation.
10. Prior to each flight, the PIC must conduct a pre-flight inspection and determine the UAS is in a condition for safe flight. The pre-flight inspection must account for all potential discrepancies, e.g., inoperable components, items, or equipment. If the inspection reveals a condition that affects the safe operation of the UAS, the aircraft is prohibited from operating until the necessary maintenance has been performed and the UAS is found to be in a condition for safe flight.
11. The operator must follow the UAS manufacturer's maintenance, overhaul, replacement, inspection, and life limit requirements for the aircraft and aircraft components.
12. Each UAS operated under this exemption must comply with all manufacturer safety bulletins.
13. Under this grant of exemption, a PIC must hold either an airline transport, commercial, private, recreational, or sport pilot certificate. The PIC must also hold a current FAA airman medical certificate or a valid U.S. driver's license issued by a state, the District of Columbia, Puerto Rico, a territory, a possession, or the Federal government. The PIC must also meet the flight review requirements specified in 14 CFR § 61.56 in an aircraft in which the PIC is rated on his or her pilot certificate.
14. The operator may not permit any PIC to operate unless the PIC demonstrates the ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption, including evasive and emergency maneuvers and maintaining appropriate distances from persons, vessels, vehicles and structures. PIC qualification flight hours and currency must be logged in a manner consistent with

- 14 CFR § 61.51(b). Flights for the purposes of training the operator's PICs and VOs (training, proficiency, and experience-building) and determining the PIC's ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption are permitted under the terms of this exemption. However, training operations may only be conducted during dedicated training sessions. During training, proficiency, and experience-building flights, all persons not essential for flight operations are considered nonparticipants, and the PIC must operate the UA with appropriate distance from nonparticipants in accordance with 14 CFR § 91.119.
15. UAS operations may not be conducted during night, as defined in 14 CFR § 1.1. All operations must be conducted under visual meteorological conditions (VMC). Flights under special visual flight rules (SVFR) are not authorized.
 16. The UA may not operate within 5 nautical miles of an airport reference point (ARP) as denoted in the current FAA Airport/Facility Directory (AFD) or for airports not denoted with an ARP, the center of the airport symbol as denoted on the current FAA-published aeronautical chart, unless a letter of agreement with that airport's management is obtained or otherwise permitted by a COA issued to the exemption holder. The letter of agreement with the airport management must be made available to the Administrator or any law enforcement official upon request.
 17. The UA may not be operated less than 500 feet below or less than 2,000 feet horizontally from a cloud or when visibility is less than 3 statute miles from the PIC.
 18. If the UAS loses communications or loses its GPS signal, the UA must return to a pre-determined location within the private or controlled-access property.
 19. The PIC must abort the flight in the event of unpredicted obstacles or emergencies.
 20. The PIC is prohibited from beginning a flight unless (considering wind and forecast weather conditions) there is enough available power for the UA to conduct the intended operation and to operate after that for at least five minutes or with the reserve power recommended by the manufacturer if greater.
 21. Air Traffic Organization (ATO) Certificate of Waiver or Authorization (COA). All operations shall be conducted in accordance with an ATO-issued COA. The exemption holder may apply for a new or amended COA if it intends to conduct operations that cannot be conducted under the terms of the attached COA.
 22. All aircraft operated in accordance with this exemption must be identified by serial number, registered in accordance with 14 CFR part 47, and have identification (N-Number) markings in accordance with 14 CFR part 45, Subpart C. Markings must be as large as practicable.

23. Documents used by the operator to ensure the safe operation and flight of the UAS and any documents required under 14 CFR §§ 91.9 and 91.203 must be available to the PIC at the Ground Control Station of the UAS any time the aircraft is operating. These documents must be made available to the Administrator or any law enforcement official upon request.
24. The UA must remain clear and give way to all manned aviation operations and activities at all times.
25. The UAS may not be operated by the PIC from any moving device or vehicle.
26. All Flight operations must be conducted at least 500 feet from all nonparticipating persons, vessels, vehicles, and structures unless:
 - a. Barriers or structures are present that sufficiently protect nonparticipating persons from the UA and/or debris in the event of an accident. The operator must ensure that nonparticipating persons remain under such protection. If a situation arises where nonparticipating persons leave such protection and are within 500 feet of the UA, flight operations must cease immediately in a manner ensuring the safety of nonparticipating persons; and
 - b. The owner/controller of any vessels, vehicles or structures has granted permission for operating closer to those objects and the PIC has made a safety assessment of the risk of operating closer to those objects and determined that it does not present an undue hazard.

The PIC, VO, operator trainees or essential persons are not considered nonparticipating persons under this exemption.

27. All operations shall be conducted over private or controlled-access property with permission from the property owner/controller or authorized representative. Permission from property owner/controller or authorized representative will be obtained for each flight to be conducted.
28. Any incident, accident, or flight operation that transgresses the lateral or vertical boundaries of the operational area as defined by the applicable COA must be reported to the FAA's UAS Integration Office (AFS-80) within 24 hours. Accidents must be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: www.nts.gov.

If this exemption permits operations for the purpose of closed-set motion picture and television filming and production, the following additional conditions and limitations apply.

29. The operator must have a motion picture and television operations manual (MPTOM) as documented in this grant of exemption.

30. At least 3 days before aerial filming, the operator of the UAS affected by this exemption must submit a written Plan of Activities to the local Flight Standards District Office (FSDO) with jurisdiction over the area of proposed filming. The 3-day notification may be waived with the concurrence of the FSDO. The plan of activities must include at least the following:
- a. Dates and times for all flights;
 - b. Name and phone number of the operator for the UAS aerial filming conducted under this grant of exemption;
 - c. Name and phone number of the person responsible for the on-scene operation of the UAS;
 - d. Make, model, and serial or N-Number of UAS to be used;
 - e. Name and certificate number of UAS PICs involved in the aerial filming;
 - f. A statement that the operator has obtained permission from property owners and/or local officials to conduct the filming production event; the list of those who gave permission must be made available to the inspector upon request;
 - g. Signature of exemption holder or representative; and
 - h. A description of the flight activity, including maps or diagrams of any area, city, town, county, and/or state over which filming will be conducted and the altitudes essential to accomplish the operation.
31. Flight operations may be conducted closer than 500 feet from participating persons consenting to be involved and necessary for the filming production, as specified in the exemption holder's MPTOM.

Unless otherwise specified in this grant of exemption, the UAS, the UAS PIC, and the UAS operations must comply with all applicable parts of 14 CFR including, but not limited to, parts 45, 47, 61, and 91.

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

Sincerely,

/s/

John S. Duncan

Director, Flight Standards Service

Enclosures

Submitted electronically

May 5, 2015

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

RE: Petition for Exemption from Certain Federal Air Regulations according to
Section 333 of the FAA Reform Act of 2012

Dear Sir or Madam:

Firmatek, L.L.C. (Firmatek) is applying for an exemption from regulations detailed below in order to conduct commercial aerial surveys and inspections with a small, unmanned aircraft system, thereby delivering accurate metric data to clients operating surface mines and mineral quarries while at the same time, improving safety levels for those companies.

BACKGROUND

The United States Geological Survey (USGS) estimates that the value of minerals mined in the United States during 2014 was more than 77.6 billion dollars. In addition, the USGS also reports that 57% of the mining done was within ten States. The majority of mineral extraction operations done in these States was surface mining.

Stockpile accidents at surface mine locations, fatal and non-fatal, are prevalent within the mining industry. Survey exposes mine personnel to risks of fall, slide, and encounter with heavy equipment. Spending less time on or near the stockpile can mitigate these risks. In these hazardous environments, we believe that the use of a small unmanned aircraft offers a fast and safe alternative to human measurement and inspection. Acreage for survey has already been permitted for the use of explosives and is sited away from population, roadways, airports, and low-flying aircraft. Access to the sites is strictly controlled by safety protocols. These protocols are enforced by the Mine Safety and Health Administration (MSHA) and state agencies.

Stockpile survey techniques are of three general types:

1. Total stations and GPS with prism and reflector or reflectorless;
2. Terrestrial laser scanners, fixed-position or mobile;
3. Aerial photogrammetry by manned aircraft.

There are safety risks to personnel in all three practices. The first technique, total stations and GPS, is time-consuming and requires ground survey teams to ascend the stockpile with an instrument, accompanied by an experienced quarry employee. The second technique, terrestrial laser scanner, involves setting up scanners on the ground or transporting them around in the quarry in a vehicle for good measurement angles. Measuring from the bottom of the quarry may not give accurate measures, and there are many obstacles to view. The following hazards accompany ground survey techniques:

- Stockpiles are marginally stable surfaces, may conceal voids, and expose people to falls and slides.
- Moisture and freezing change slope stability and allow it to stand at a steeper angle, then suddenly stress and collapse.
- Exposure to injury is not limited to standing on the top: loading out by heavy equipment at the bottom or face can create slides and collapse of overhangs, and interaction with heavy vehicles is a hazard.
- The top of piles and terraces or benches cannot be accurately surveyed unless measured from above as well as from lateral angles.

Because of these factors, ground access to stockpiles and equipment is hazardous and is regulated by the United States Department of Labor's Mining and Health Administration (MHA). In addition to the MHA, there are 30 States that have regulatory agencies monitoring the mining industry.

The third technique, aerial survey by manned aircraft, allows a top view but oblique angle viewing is challenging. Descent into the quarry is not an option. Many survey targets are 500 or more feet below nearby ground level.

Quarries and surface mines are segregated from populated areas and further separated by no-trespass buffer zones. Safety practices onsite are intensely monitored by supervisory personnel and by MSHA inspectors and the state in which they are located. Property perimeters are strictly controlled due to danger, including frequent explosive use. Sometimes more than a million pounds of non commercial materials

per year per site are necessary to move to reach material production of more than two million tons. Aircraft overflying surface quarries are vulnerable to flyrock and shockwaves.

With appropriate planning, surface mines offer a sterile environment in which to operate a small unmanned aircraft: personnel and equipment onsite are under supervision and visual line of sight (VLOS) flight operations fit well within boundaries. Using a small electric aircraft lets the pilot and survey crew work at a safer standoff from danger, and accomplish tasks in less time than other ground-based techniques. The risks of manned aircraft flight for survey are avoided, and the use of the NAS is consistent with the safety of other users.

DESCRIPTION OF PETITIONER

Firmatek, L.L.C. offers laser profiling and laser stockpile measurement services to the surface mining industry. Firmatek is the premiere supplier of 3D mapping services for all industries that deal with the measurement and movement of earth. Firmatek effort to brings to clients same-day results, setting the standard for the industry.

NAME OF PETITIONER

Gant Elmore, Vice President
Firmatek, LLC
9360 Corporate Dr., Suite 103
Selma, TX 78154
Telephone: (210) 651-4990

AGENT FOR PETITIONER

For technical and administrative questions on this petition, please contact:

Mr. Brian Dyer
Remote Pilot Systems LLC
Telephone: (484) 680-7310
Email: brian.dyer@remotepilotsystems.com

DESCRIPTION OF UNMANNED AIRCRAFT SYSTEM

Firmatek Instrument wishes to fly the Aibotix X6, an electric multirotor, as its survey aircraft. Aibotix in Germany has delivered more than 200 aircraft since 2011. The flight control system used with the aircraft is designed and manufactured in Germany, has undergone continuous improvement and development since 2008, and several thousand units have been delivered for industrial use. If the radio control link is lost, emergency failsafe is designed to prevent flyaway and perform a controlled descent or, if GPS signal is sufficient, return to the takeoff point. The flight control system can fly pre-programmed waypoints yet respond immediately to pilot stick overrides in case of route adjustment or emergency. Its radio control system incorporates telemetry which is displayed on the pilot's handheld controller and may be announced by voice. The X6 aircraft is optimized for aerial survey and incorporates safety features to reduce pilot workload. The aircraft is less than four feet in diameter, made of carbon-fiber reinforced polymer in high-visibility green, with protective blade guards surrounding six rotors, and is designed for a maximum takeoff weight of 13 pounds and flight time of about thirty minutes with its dual battery power. The aircraft carries no flammable liquid fuel.

RF SPECTRUM

Radio control and video transmission systems meet FCC requirements for operation in the unlicensed spectrum of the 2.4 and 5.8 Ghz ranges. Manufacturer warnings about interference from devices operating at or near these frequencies or their harmonics are documented in the Firmatek Flight Operations Manual (FFOM), along with procedures to ensure radio safety with the SUAS.

EXTENT OF RELIEF SOUGHT AND WHY

Petitioner asks for relief from regulations tabled below, which the authority of the FAA has previously granted in exemption certificates number 11062 along with six others described as "in commonality", and in number 11109, which are for use of electric rotorcraft. Firmatek's Flight Operation Manual (FFOM) incorporates the conditions and limitations of these grants of exemption, and in some cases imposes stricter limits on its own operations. Advisors to Firmatek have consulted with management of the federal MSHA in the development of its safety procedures for use in regulated surface mines.

CFR CODE CITATIONS

14 CFR PART	SUMMARY OF REGULATION	REASON FOR EXEMPTION REQUEST	EQUIVALENT LEVEL OF SAFETY
61.113 (a)	Private pilot privileges and limitations: Pilot in command.	Holder of private pilot certificate may not act as pilot in command for compensation or hire. Flying for compensation on engineering survey missions is central to purpose of exemption request.	Characteristics of aircraft, VLOS, class G airspace, under 400 ft AGL, trained visual observer in radio communication with pilot; remote site, quarry industry safety protocols enhanced by Firmatek's flight safety plan; PIC with minimum of sport pilot certificate, currency in the aircraft listed on the certificate, 3rd class medical or valid U.S. driver's license, pilot training, testing, proficiency with similar and same model UA; and inspection/maintenance are defined in the Firmatek Flight Operations Manual (FFOM) and will ensure equivalent levels of safety if not more.
61.113 (b)	Private pilot privileges and limitations: Pilot in command.	Holder of private pilot certificate may act as pilot in command for compensation or hire if flight is incidental to business or employment and does not carry passengers for compensation or hire. Flying for compensation on engineering survey missions is central to purpose of exemption request, not incidental to business or employment.	There is no passenger or pilot on board the SUAV, thus safety issues are different than a manned flight. Firmatek's aircraft has programmable automated safety features and emergency responses, has pre-flight checks for safety beyond commercial manned aircraft, can be geographically restricted by operator with programmable control points, has communications with the PIC regarding fuel loss and other flight hazards. PIC will have ground school training certificate and additional 25 hours logged flight time and 25 hours classroom and field instruction as stated in FFOM.

14 CFR PART	SUMMARY OF REGULATION	REASON FOR EXEMPTION REQUEST	EQUIVALENT LEVEL OF SAFETY
91.119 (c)	Minimum safe altitudes over other than congested area	Operating closer than 500 feet to a person, vehicle, or structure may be necessary for survey and equipment inspection.	People will not be allowed over, under or within 500 feet laterally of the aircraft in flight. Some flights may require the participation or guidance of quarry personnel, positioned as close as 200 feet. Firmatek will brief them on safety and obtain necessary consent. Quarry site safety rules require wearing protective helmets, clothing and footwear. Vehicles are hardened against impact with rock and other quarry material. Reinforced structures contain conveyors to be inspected and a safety case is planned in the FFOM.
91.121	Altimeter settings	Procedures to set and confirm altitude do not provide for operation of remote telemetry to SUAS pilot.	An onboard air pressure sensor and software resolve height differences as small as one centimeter. Altitude is controlled by measuring air pressure and the z-axis accelerometer/GPS values. The starting point is a relative height measurement calculated by the flight controller. Altitude above ground is displayed on the pilot's handheld controller by telemetry, and alarms can signal conditions of interest. 400 feet AGL is the maximum permissible in the FFOM, which describes altimeter procedures.

14 CFR PART	SUMMARY OF REGULATION	REASON FOR EXEMPTION REQUEST	EQUIVALENT LEVEL OF SAFETY
91.151 (b)	Fuel requirements for flight in VFR conditions.	Rotorcraft under VFR must carry enough fuel to reach first landing point and then another 20 minutes. The X6 multirotor is designed to fly for a maximum of 30 minutes with its 2 batteries.	Battery voltage under load is displayed on the pilot's handheld controller during flight. The X6 uses 2 lithium polymer batteries of a multi-cell design, connected in parallel for redundancy and optimal current delivery. Battery chemistry does not support adequate current discharge below about 3 v per cell. Circuitry in the onboard flight controller measures voltage and will start a failsafe procedure to land before summed minimums are reached. In the event that one or more cells fail, these minimums may be reached sooner than expected, due to rapid current drain against a smaller number of functioning cells. Firmatek pilots are trained to monitor voltage and recognize abnormal discharge in flight and to land sooner than forced. If 20 minutes of flighttime or 25% of reserve voltage under load is reached, pilot must commence landing.
91.405 (a)	Maintenance required.	Required inspections and discrepancies repaired between required inspections pertains to certificated manned aircraft and procedures conducted by licensed maintenance personnel. In the absence of certification requirements for SUAS and SUAS maintenance personnel, reasonable alternatives must be developed to maintain equivalent levels of safety.	Firmatek will document maintenance, overhaul, replacement and inspection requirements in the absence of manufacturer's requirements; will document and maintain maintenance records and technician qualification criteria in the FFOM.
91.405 (b)	Maintenance records.	Qualifications for maintenance personnel for SUAS were not contemplated by these regulations, and a reasonable alternative must be developed to maintain equivalent levels of safety.	Qualifications, competence and testing for maintenance personnel are defined in the FFOM.

14 CFR PART	SUMMARY OF REGULATION	REASON FOR EXEMPTION REQUEST	EQUIVALENT LEVEL OF SAFETY
91.407 (a) (1)	Operation after maintenance, preventive maintenance, rebuilding, or alteration.	There is no authorization procedure for a person who can approve a return to service of an SUAS, and a reasonable alternative must be developed to maintain equivalent levels of safety.	Procedures for the PIC to test then approve a return to service after maintenance are defined in the FFOM.
91.409 (a) (1)	Inspections.	Annuals conducted by a qualified inspector require authorization criteria for that inspector, not yet defined for SUAS. A reasonable alternative must be developed to maintain equivalent levels of safety.	Schedules for inspection and responsibilities of the PIC and qualified technician are described in the FFOM.
91.409 (a) (2)	Inspections.	Issuance of airworthiness certificates for SUAS under 55 pounds operated VLOS is not contemplated by these regulations	Airworthiness is the responsibility of the PIC and the technician as defined in the FFOM.
91.417 (a)	Maintenance records.	Regulations do not contemplate requirements or approval processes for maintenance and inspection of uncertificated SUAS, however a reasonable alternative must be developed to maintain equivalent levels of safety.	The operator will maintain records according to the procedures specified in the FFOM.
91.417 (b)	Maintenance records.	Retaining and transferring records of maintenance and defects according to standards prescribed for authorized maintenance and inspection is not contemplated in the regulations for SUAS. A reasonable alternative is necessary to maintain equivalent levels of safety.	Records and documentation will be kept for all maintenance performed, defects, and for all components specified in the FFOM.

PILOT IN COMMAND AND CREW

The Pilot In Command (PIC) must hold a transport, commercial, private, recreational, or sport pilot certificate, and be in compliance with the training and testing specified in the FFOM. The PIC must also hold a current FAA airman medical certificate or a valid U.S. driver's license issued by a state, the District of Colombia, Puerto Rico, a territory, a possession, or the Federal government. The PIC must be in compliance with the training and testing specified in the operator's manual. He must remain in radio communication with a visual observer who is in compliance with the training and testing specified in the operator's manual. The pilot must be able to acquire the aircraft with his own vision according to eye standards for a thirdclass airman medical

certificate. He must operate within visual visual line of sight only, and be able to see the attitude and orientation of the aircraft himself. If GPS or magnetometer is compromised, certain safety features may not operate, and the pilot must understand by his training and experience how to recover control.

OPERATION OF THE UNMANNED AIRCRAFT

The aircraft will be under the operational control of the petitioner.

1. The aircraft used for survey operations by Firmatek will be only the Aibotix X6 as described in the Firmatek Flight Operations Manual (FFOM), unless the FAA approves an amendment to this petition.
2. The PIC will hold a transport, commercial, private, recreational, or sport pilot certificate, a third-class medical certificate or or a valid U.S. driver's license issued by a state, the District of Colombia, Puerto Rico, a territory, a possession, or the Federal government , and must meet flight review requirements in an aircraft in which the PIC is rated, according to 14 CFR § 61.56.
3. Firmatek pilots will operate at least three (3) nautical miles outside populated areas, at less than 400 feet AGL, in class G airspace, in daylight hours only and within visual line of sight of the PIC, five (5) nautical miles or more away from airports as denoted on current FAA-published charts, and use a FFOM-qualified visual observer in radio communication with the PIC.
4. Manufacturer's limitations of the aircraft will not be exceeded, and Firmatek's operations will adhere to power reserves and lower operational limits described in the FFOM.
5. Preflight inspection by the PIC, and inspection and maintenance procedures will be followed according to the FFOM, and will be properly documented and signed for by an authorized technician who has completed training specified in the FFOM.
6. Test flights by the PIC in connection with maintenance requirements will be documented.
7. Manufacturer systems and safety bulletins will be followed, and flight critical components will be monitored and replaced when specified in the FFOM.
8. Discrepancies discovered between inspections will be documented by Firmatek maintenance personnel.

9. If visibility is less than three (3) statute miles from the PIC, the aircraft may not be operated less than 500 feet below a cloud, or less than 2000 feet horizontally from a cloud.
10. The PIC must follow emergency procedures as described in the FFOM in event of lost link, degraded navigation signals, or appearance of unauthorized persons within the secure flight perimeter.
11. A commercial Certificate of Authorization will be obtained by FAA's designated procedure before any operations are conducted, and Notices to Airmen will be filed in accordance with FAA requirements.
12. An N-Number will be obtained for all aircraft operated.
13. RF spectrum will be used in compliance with FCC requirements.
14. Documents required by 14 CFR 91.9 and 91.203 will be available to the PIC at the point of flight and control, and will be produced upon request by any authority.
15. The aircraft will remain clear of and yield right of way to all manned aviation operations and activities at all times.
16. The PIC will operate the aircraft from a stationary ground position and not from any moving device or vehicle.
17. No operations over congested or densely populated areas is allowed, whether or not these areas are depicted on aeronautical charts.
18. The safety of people and property is paramount, and no operations may be conducted within 500 feet of non-participants or their property unless conducted according to safety procedures in the FFOM which are approved by the FAA.
19. All operations will be conducted over controlled-access property, that is, mineral quarries and other properties where the movement of large tonnage of earth is done, for which permission has been obtained prior to flight, and for which safety briefings have been completed according to the FFOM.
20. All incidents, accidents, and transgressions of allowed flight boundaries will be reported as required by FAA and NTSB.

BENEFIT TO THE PUBLIC

The proposed exemption will allow the operator to:

- mitigate the safety risks for clients who must conduct regular surveys of hazardous stockpiles of minerals and/or track the displacement of earth tonnage,
- will reduce the risk of climb and fall during equipment inspection,

- will help quarry operators plan safe use of explosives,
- will reduce the number of flights of manned aircraft for regular survey thereby diminishing the danger of such use, both to those onboard as well as to people and property under the flight path, and
- will reduce the environmental impact of fossil fuel use in aircraft.

A better compliance model is possible for MSHA regulations on coal and noncoal surge and storage pile hazards including entrapment (30 CFR 77.209, 56.9312, and citations in the FFOM). The SUAS operation offers safer alternatives to stockpile inspection than the manner in which it is currently being done. By staying off the pile area and away from reclaiming operations and high conveyor-fed work areas, necessary survey and inspection will be performed at lower risk to participants.

REASONS WHY THE EXEMPTION WOULD NOT ADVERSELY AFFECT SAFETY

The survey aircraft will be operated in accordance with safety protocols defined in the FFOM, for which we request approval by the FAA according to its authority granted by Congress in Section 333 of the FAA Modernization and Reform Act of 2012.

The survey aircraft carries no person, cargo, or flammable liquid fuel. Its size and weight are a small fraction of any manned aircraft, and its safety systems reflect best design practices in the SUAS industry.

People on the ground inside a quarry are required to wear helmets and safety clothing, and operators of heavy vehicles allowed access are protected against rock strike by safety cabs.

As proposed by Firmatek, SUAS operations enhance safety procedures and help with MSHA compliance. When operated by licensed pilots over a rock quarry, an SUAS used for survey and inspection will reduce the risk and duration of exposure to risk for employees, contractors, nearby communities and manned aviation.

When properly operated by trained pilots, a well-designed SUAS can stay clear of people and property on the ground and in the air. Procedures, airmanship skills, training and testing requirements for SUAS personnel in the FFOM will let the

operator achieve safety levels in the NAS and on the ground which are equivalent to or greater than in manned aviation.

SUMMARY FOR PUBLICATION

The following summary may be published in the Federal Register:

Petitioner requests an exemption from:

14 CFR Parts 61.113 (a) and (b)

14 CFR Parts 91.119 (c), 91.121, 91.151 (b), 91.405 (a) and (b), 91.407 (a) (1), 91.409 (a) (1), 91.409 (a) (2), 91.417 (a)

in order to operate a small unmanned aircraft system (SUAS) for purposes of 3D modeling of surface mine stockpile volume survey, and blasting plan support. The pilot in command will be appropriately qualified with a current private pilot certificate and specialized training. Access to surface mine operations is restricted to personnel with safety training, safety clothing, and vehicles protected against rock strike. Surface mines for survey are located away from populated areas, airports, air traffic, and surface traffic.

Electronic ground-based survey techniques expose people to risk of rockfall, slide, and falling. The Mine Safety and Health Administration regulates access to surge piles, stockpiles, and the highwall face and reclaiming areas of surface mines. Manned aircraft for aerial survey introduce other risks, and do not supply low-angle views into the canyon of a surface mine, which may be 500 to more than 3500 feet deep.

The survey aircraft, an Aibotix X6, is an electric multirotor weighing less than 15 pounds, under 4 feet in diameter, equipped with flight control and safety features to prevent flyaway from mine premises and to minimize risk to people and property allowed within the zone of operations and outside it.

No flight operations outside the secure areas are allowed, and there are no impacts to privacy.