



FEDERAL AVIATION ADMINISTRATION
HEADQUARTERS WASHINGTON, DC



U.S. & International Special Notices FLIGHT ADVISORY

Special Notices FDC 8/2136 & 8/2189

As a result of new requirements, the Federal Aviation Administration (FAA) in conjunction with the Transportation Security Administration (TSA), Department of Homeland Security (DHS), Department of Defense (DOD) and the United States Customs and Border Protection (CBP), has issued two (2) FDC Special Notice NOTAMS concerning flights that wish to operate; to or from or within or transit territorial airspace of the United States (U.S.). These Special Notice NOTAMs will replace FDC NOTAM 6/7435 and will be effective November 1, 2008.

- Territorial airspace of the U.S. means the airspace over the U.S., its territories and possessions and the airspace overlying the territorial waters between the U.S. coast and twelve (12) nautical miles from the U.S. coast.
- To or from means any flight entering U.S. territorial airspace after departure from a location outside of the U.S. for landing at a destination in the U.S. or exiting U.S. territorial airspace after departure from a location in the U.S.
- Transit means any flight departing from a location outside of the U.S., its territories or possessions, which operates in the territorial airspace of the U.S. enroute to a location outside the U.S., its territories or possessions.
- Within means any flight departing from a location inside of the U.S., its territories or possessions, which operates in the territorial airspace of the U.S. enroute to a location inside the U.S., its territories or possessions.

****WARNING**** ANY flight operations within 100 NM of the U.S. border that requires an ATC assigned beacon code **MUST** continuously squawk the ATC assigned discrete beacon code or will be considered to be in violation of all applicable regulations and be subject to interception by U.S. military aircraft and/or be denied entry or re-entry into the U.S.

In addition to the requirements prescribed in 14 CFR Part 99, security control of air traffic, the following special security requirements are in effect pursuant to 14 CFR Section 99.7 special security instructions.

Procedures and definitions applicable to both Special Notices:

- Canadian and Mexican air ambulance, fire fighting, law enforcement, rescue recovery, and emergency evacuation aircraft engaged in operations within 100 NM of the border, with or without an active flight plan, are authorized with an ATC-assigned discrete beacon code.
- Foreign registered aircraft not specifically authorized under requirements mentioned elsewhere in either special notice, are authorized if they; file and are on an active flight plan, are equipped with an operational mode C or S transponder and continuously squawk an ATC issued transponder code, maintain two-way communications with ATC, comply with all U.S. Customs and Border protection requirements and are operating under an approved TSA aviation security program or are operating with an FAA/TSA airspace authorization.

Note - Aircraft registered in Russia or the Peoples Republic of China or if the aircraft is operating with the ICAO three letter designator of a Russian or Peoples Republic of China operator are required to have a FAA routing authorization.

- U.S. airspace access authorizations can be obtained at;
<https://waiver.c3.faa.gov>.
- TSA aviation security programs:
 1. Information and forms can be found at:
http://www.tsa.gov/what_we_do/tsnm/general_aviation/airspace_waivers.shtm (use lower case only).
 2. General aviation operations go to;
http://www.tsa.gov/what_we_do/tsnm/general_aviation/rules.shtm (use lower case only)
 3. Commercial aviation operations;
Provided after application to the DOT for commercial certification.
- State Department approved foreign diplomatic flights are authorized, except, special interest countries must also have an FAA routing authorization.
 1. State department diplomatic clearance information is available at:
<http://www.useg.org/useg.html> (use lower case only).
 2. FAA routing authorization information is available by country at:
http://www.faa.gov/airports_airtraffic/air_traffic/publications/ifim/us_restrictions/ (use lower case only).

- Noncompliance with the security requirements in these Special Notices may result in the flight being denied entry into the territorial airspace of the U.S. or ground stopped at a U.S. airport designated by the FAA and/or TSA.
- All existing FAA/TSA authorizations/waivers processed in accordance with FDC NOTAMS 2/5319, 6/6101, and 6/7435 are rescinded effective 30 days following the effective date of this Special Notice NOTAM.
- **Procedures applicable to aircraft with a maximum certified takeoff gross weight more than 100,309 pounds (45,500 KGS):**
 1. U.S. registered aircraft and U.S. military aircraft are authorized to operate within the territorial airspace of the U.S. in accordance with all applicable regulations. However, U.S. military, air ambulance, fire fighting, law enforcement, rescue recovery, and emergency evacuation aircraft engaged in operations within 100 NM of the border are authorized only with an ATC-assigned discrete beacon code.
 2. U.S. military aircraft are authorized to operate to or from or transit the territorial airspace of the U.S. in accordance with all applicable regulations.
 3. Aircraft registered in the U.S. are authorized to operate to or from or transit territorial airspace of the U.S. if they file and are on an active flight plan, are equipped with an operational mode C or S transponder and continuously squawk an ATC issued transponder code, maintain two-way communications with ATC, comply with all U.S. customs requirements and are operating under an approved TSA aviation security program or are operating with an FAA/TSA airspace authorization.
- **Procedures applicable to aircraft with a maximum certified takeoff gross weight of 100,309 pounds (45,500 KGS) or less:**
 1. U.S. registered aircraft and U.S. military aircraft are authorized to operate to or from or within or transit U.S. territorial airspace in accordance with all applicable regulations.
 2. U.S. military, air ambulance, fire fighting, law enforcement, rescue recovery, and emergency evacuation aircraft engaged in operations within 100 NM of the border are authorized needing only an ATC-assigned discrete beacon code.

3. Foreign registered aircraft are authorized to operate within U.S. territorial airspace when conducting post maintenance, manufacturer production, and acceptance flight test operations if they file and are on an active flight plan, are equipped with an operational mode C or S transponder and continuously squawk an ATC issued transponder code, maintain two-way communications with ATC, operational control is by a U.S. company, have a U.S. licensed pilot as the pilot in command and the aircraft uses a flight test call sign
4. Aircraft registered in Mexico, Canada, the Bahamas, Bermuda, the Cayman Islands, and British Virgin Islands are authorized to operate within the territorial airspace of the U.S. in accordance with all applicable regulations.
5. Aircraft registered in the Mexico, Canada, Bahamas, Bermuda, Cayman Islands, and British Virgin Islands are authorized to operate to or from or transit any of these countries and the territorial airspace of the U.S. if they; file and are on an active flight plan that enters U.S. territorial airspace directly from any of the countries listed in this paragraph (Flights entering U.S. territorial airspace from any country NOT listed in this paragraph must comply with all requirements for foreign registered aircraft in accordance with Paragraph H of the Special Notice NOTAM), are equipped with an operational mode C or S transponder and continuously squawk an ATC issued transponder code, maintain two-way communications with ATC and comply with all U.S. customs and border protection requirements.
6. Aircraft registered in the U.S., Mexico, or Canada and operating without an operational mode C or S transponder and/or without the ability to maintain two-way communications with ATC are authorized to operate in Alaska, if they; enter Alaskan airspace between Canada and Alaska north of the 54th parallel, file and are on an active flight plan, squawk 1200 if VFR and equipped with a transponder, have only the flight crew and known passengers on board the aircraft as reflected on the manifest and comply with all U.S. customs and border protection requirements.

FOR QUESTIONS OR FURTHER DETAILS, PLEASE CONTACT THE SYSTEM OPERATIONS SUPPORT CENTER (SOSC) LOCATED IN FAA HEADQUARTERS AT 202-267-8276.

WARNING

This document only contains an overview of the Special Notices that have been issued for these specific procedures. Be sure and check the published Special Notices for exact procedures and requirements. The SPECIAL NOTICES can be found on the FAA website www.faa.gov