

operating without an operational transponder, and/or the ability to maintain two-way radio communications with ATC, are authorized to operate to or from U.S. territorial airspace over Alaska if in compliance with all of the following conditions:

1. Depart and land at an airport within the U.S. or Canada;
2. Enter or exit U.S. territorial airspace over Alaska north of the fifty-fourth parallel;
3. File and are on an active flight plan;
4. Comply with all other applicable ADIZ requirements described in paragraph 5-6-4 and any other national security requirements in paragraph 5-6-2;
5. Squawk 1200 if VFR and equipped with a transponder; and
6. Comply with all applicable U.S. CBP requirements, including Advance Passenger Information System (APIS) requirements (see subparagraph 5-6-5c below for CBP APIS information), in accordance with 19 CFR Part 122, *Air Commerce Regulations*.

**c. CBP APIS Information.** Information about U.S. CBP APIS requirements is available at <http://www.cbp.gov>.

### 5-6-6. Civil Aircraft Operations Within U.S. Territorial Airspace

**a.** Civil aircraft with a maximum certificated takeoff gross weight less than or equal to 100,309 pounds (45,500 kgs) are authorized to operate within U.S. territorial airspace in accordance with all applicable regulations and VFR in airport traffic pattern areas of U.S. airports near the U.S. border, except for those described in subparagraph 5-6-6b below.

**b.** Civil aircraft with a maximum certificated takeoff gross weight less than or equal to 100,309 pounds (45,500 kgs) and registered in a U.S. State Department-designated special interest country or operating with the ICAO 3LD of a company in a country listed as a U.S. State Department-designated special interest country, unless the operator holds valid FAA Part 129 operations specifications, must operate within U.S. territorial airspace in accordance with the same requirements as civil aircraft with a

maximum certificated takeoff gross weight greater than 100,309 pounds (45,500 kgs), as described in subparagraph 5-6-6c below.

**c.** Civil aircraft with a maximum certificated takeoff gross weight greater than 100,309 pounds (45,500 kgs) are authorized to operate within U.S. territorial airspace if in compliance with all of the following conditions:

1. File and are on an active flight plan (IFR or VFR);
2. Equipped with an operational transponder with altitude reporting capability, and continuously squawk an ATC assigned transponder code;
3. Maintain two-way radio communications with ATC;
4. Aircraft not registered in the U.S. must operate under an approved Transportation Security Administration (TSA) aviation security program (see paragraph 5-6-10 for TSA aviation security program information) or in accordance with an FAA/TSA airspace waiver (see paragraph 5-6-9 for FAA/TSA airspace waiver information), except as authorized in 5-6-6c6. below;

**5.** Are in receipt of, and are operating in accordance with an FAA routing authorization and an FAA/TSA airspace waiver if the aircraft is registered in a U.S. State Department-designated special interest country or is operating with the ICAO 3LD of a company in a country listed as a U.S. State Department-designated special interest country, unless the operator holds valid FAA Part 129 operations specifications. VFR and DVFR flight operations are prohibited for any aircraft requiring an FAA routing authorization. (See paragraph 5-6-11 for FAA routing authorization information.); and

**6.** Aircraft not registered in the U.S., when conducting post-maintenance, manufacturer, production, or acceptance flight test operations, are exempt from the requirements in 5-6-6c4 above if all of the following requirements are met:

- (a) A U.S. company must have operational control of the aircraft;
- (b) An FAA-certificated pilot must serve as pilot in command;
- (c) Only crewmembers are permitted onboard the aircraft; and
- (d) "Maintenance Flight" is included in the remarks section of the flight plan.