

## Federal Aviation Administration, DOT

## § 99.5

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SOURCE: Docket No. 25113, 53 FR 18217, May 20, 1988, unless otherwise noted.

### Subpart A—General

#### § 99.1 Applicability.

(a) This subpart prescribes rules for operating all aircraft (except for Department of Defense and law enforcement aircraft) in a defense area, or into, within, or out of the United States through an Air Defense Identification Zone (ADIZ) designated in subpart B.

(b) Except for §§ 99.7, 99.13, and 99.15 this subpart does not apply to the operation of any aircraft—

(1) Within the 48 contiguous States and the District of Columbia, or within the State of Alaska, on a flight which remains within 10 nautical miles of the point of departure;

(2) Operating at true airspeed of less than 180 knots in the Hawaii ADIZ or over any island, or within 12 nautical miles of the coastline of any island, in the Hawaii ADIZ;

(3) Operating at true airspeed of less than 180 knots in the Alaska ADIZ while the pilot maintains a continuous listening watch on the appropriate frequency; or

(4) Operating at true airspeed of less than 180 knots in the Guam ADIZ.

(c) An FAA ATC center may exempt the following operations from this subpart (except § 99.7) on a local basis only, with the concurrence of the U.S. military commanders concerned, or pursuant to an agreement with a U.S. Federal security or intelligence agency:

(1) Aircraft operations that are conducted wholly within the boundaries of

an ADIZ and are not currently significant to the air defense system.

(2) Aircraft operations conducted in accordance with special procedures prescribed by a U.S. military authority, or a U.S. Federal security or intelligence agency concerned.

[Doc. No. 25113, 53 FR 18217, May 20, 1988, as amended by Amdt. 99–14, 53 FR 44182, Nov. 2, 1988; 66 FR 49822, Sept. 28, 2001; 69 FR 16755, Mar. 30, 2004]

#### § 99.3 Definitions.

*Aeronautical facility* means, for the purposes of this subpart, a communications facility where flight plans or position reports are normally filed during flight operations.

*Air defense identification zone (ADIZ)* means an area of airspace over land or water in which the ready identification, location, and control of all aircraft (except for Department of Defense and law enforcement aircraft) is required in the interest of national security.

*Defense area* means any airspace of the contiguous United States that is not an ADIZ in which the control of aircraft is required for reasons of national security.

*Defense visual flight rules (DVFR)* means, for the purposes of this subpart, a flight within an ADIZ conducted by any aircraft (except for Department of Defense and law enforcement aircraft) in accordance with visual flight rules in part 91 of this title.

[Doc. No. FAA–2001–10693, 66 FR 49822, Sept. 28, 2001, as amended at 69 FR 16755, Mar. 30, 2004]

#### § 99.5 Emergency situations.

In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from the rules in this part to the extent required by that emergency. He shall report the reasons for the deviation to the communications facility where flight plans or position reports are normally filed (referred to in this part as “an appropriate aeronautical facility”) as soon as possible.