



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

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

July 23, 2015

Exemption No. 11062A
Regulatory Docket No. FAA-2014-0352

Mr. Jonathan B. Hill
Cooley LLP
Counsel for Astraeus Aerial
1299 Pennsylvania Avenue, NW Suite 700
Washington, DC 20004

Mr. John McGraw
Aerospace Consulting, LLC
Agent for Astraeus Aerial
1299 Pennsylvania Avenue, NW Suite 700
Washington, DC 20004

Dear Messrs. Hill and McGraw:

This letter is to inform you that we have granted your petition for an amendment. It explains the basis for our decision, describes its effect, and lists the revised conditions and limitations.

By letters dated February 5 and May 27, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Astraeus Aerial (hereinafter petitioner or operator) for an amendment to your current exemption. That exemption from 14 CFR §§ 61.113(a) and (b); 91.119(c); 91.121; 91.151(a); 91.405(a); 91.407(a)(1); 91.409(a)(1) and (2); and 91.417(a) and (b) allows the petitioner to operate a UAS to conduct scripted, closed-set filming for the motion picture and television industry. You requested an amendment to add the DJI S1000 and DJI Inspire.¹

¹ The petitioner also requested changes to the Conditions and Limitations in their exemption. At this time, this request is still under review. The petitioner also requested to add the following aircraft - Lumenier multirotor sUAS models QAV250, QAV400 and QAV500. The FAA must conduct an assessment on these aircraft, which also includes a finding that the proposed UAS meet the conditions in Section 333 of Public Law 112-95. When the FAA completes its review, we will proceed accordingly and no further action will be required by the petitioner.

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 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.

The Basis for Our Decision

The FAA has updated the conditions and limitations since the petitioner’s initial grant of exemption to those found in Exemption No. 11213 to Aeryon Labs, Inc. (Docket No. FAA-2014-0642). Also 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), 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 amendment to 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 an amendment is in the public interest.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 11062 remains valid 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, the operator is granted an amendment to its 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 collection² and closed set motion picture and television filming. This exemption is subject to the conditions and limitations listed below.

Conditions and Limitations

The conditions and limitations within Grant of Exemption No. 11062 have been superseded, and are amended as follows.

In this grant of exemption, Astraeus Aerial 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 Astraeus Aerial Cinema System V.3CS, DJI S1000, and DJI Inspire 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.
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

² 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.

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 September 30, 2016, unless sooner superseded or rescinded.

Sincerely,

John S. Duncan
Director, Flight Standards Service

Enclosures



Jonathan B. Hill
T: +1 202 776 2725
jhill@cooley.com

Via regulations.gov and Email

February 5, 2015

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

Re: Amendment to Exemption 11062 – Astraeus Aerial

Dear Sir or Madam:

This is a request for an amendment to FAA Exemption 11062, Regulatory Docket No. FAA-2014-0352, granted to Astraeus Aerial. This amendment will provide for implementation of system upgrades, utilized during VLOS, protected-perimeter, motion picture image-capture operations currently covered under exemption 11062. These aggregate improvements, performing as an integrated system, deliver additional layers of operational safety, while simultaneously augmenting film set image-capture capabilities through the use of two FAA-licensed pilots, equipment upgrades to the exempted UAS platform, and additional Command and Control system redundancies.

Operational protocols, as well as equipment descriptions and specifications, are outlined in detail in the revised Astraeus Aerial V.3CS UAS *Flight Operations and Procedures Manual* accompanying this submission. As with prior manuals submitted in this docket, and as noted below, we are asking for CONFIDENTIAL treatment of the *Operations Manual*: the content is proprietary, includes trade secrets, and is not released to the public. The "Record of Revisions" section lists all changes made to the original *Manual* accepted with the original grant of exemption. The entire document has been edited for language and clarity; graphics have been inserted where deemed beneficial. The categorical modifications are as follows:

MINOR UPDATES

Evolutionary updates have been applied to the following sections, reflecting the results of the ongoing flight test process, as well as engineering upgrades:

- GENERAL DEPICTION AND DIAGRAMS
- DESCRIPTIVE DATA
- KEY TERMS AND ACRONYMS
- SPECIFICATIONS
- LIMITATIONS
- WEIGHT AND BALANCE



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AMPLIFICATIONS

The following sections have been amplified with practical formats, documentation and procedures for maintenance and flight logging:

- MAINTENANCE
- AIRCRAFT LOGS
- POST-EMERGENCY: AIRCRAFT DISCREPANCY REPORT AND LOGGING

MODIFICATIONS

The following sections have been substantially modified to reflect new operational procedures and protocols:

- OPERATIONAL OVERVIEW / SYSTEM FEATURES
- IN-FLIGHT EMERGENCY PROCEDURES
- EQUIPMENT MALFUNCTIONS REQUIRING ACTION
- NORMAL PROCEDURES
- APPENDIX

Astraeus Aerial requests that the FAA accept the revised Flight Operations and Procedures Manual, and issue an amendment to Exemption 11062 allowing operation as set forth therein.

CONFIDENTIAL: *Please note that the system specifications, descriptions, procedures, operational limitations/restrictions and methodologies provided in the accompanying **Astraeus Aerial V.3CS UAS Flight Operations and Procedures Manual (revised)** represent trade secrets, and are considered proprietary and confidential.*



February 5, 2015
Page Three

Please contact the under signed should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan B. Hill".

Jonathan B. Hill
Cooley, LLP
Counsel for Astraeus Aerial

A handwritten signature in blue ink, appearing to read "John McGraw".

John McGraw
John McGraw Aerospace Consulting, LLC
Agent for Astraeus Aerial

cc: James Williams
Robert Pappas
Jake Troutman
Dean Griffith
Thuy H. Cooper

113761352 v1

Operations Manual

(Filed as Confidential)

Astraeus Aerial - Exemption/Rulemaking (Amendment)

This Other document was issued by the **Federal Aviation Administration** (FAA)

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ID: FAA-2014-0352-0099

Document Information

Date Posted:

May 27, 2015

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Submitter Information

Submitter Name:

Daniel Tartre

Organization Name:

Astraeus Aerial

Comments

0

Comments Received *

Docket Information

This document is contained in
[FAA-2014-0352](#)

Related Dockets:

None

Related RINs:

None

Related Documents:

- [Astraeus Aerial - Exemption/Rulemaking \(Amendment\)](#)
- [Astraeus Aerial - Exemption/Rulemaking \(Amendment\)](#)
- [Astraeus Aerial - Additional](#)

Content

Re: Amendment to Exemption 11062 Astraeus Aerial DJI Inspire

This is a request for an amendment to FAA Exemption 11062, Regulatory Docket No. FAA-2014-0352, granted to Astraeus Aerial. This amendment will provide for the addition of the DJI Inspire multirotor sUAS aircraft to the inventory of approved aircraft for use during VLOS, protected-perimeter, motion picture image-capture operations currently covered under Exemption 11062.

These airframes are commercially available to the general public, as are all components used to complete them. In addition, all configurations of these components follow standard, well-established practices. No aspect of these aircraft is proprietary to Astraeus Aerial in design or manufacture.

Operational protocols, as well as equipment descriptions and specifications, are outlined in detail in the Astraeus Aerial Inspire sUAS Flight Operations and Procedures Manual, which is being sent under separate cover.

Although the aircraft themselves are not proprietary, the operational protocols contained in the Flight Operations and Procedures Manual represent trade secrets and are not released to the public. As with prior manuals submitted in connection with this docket, we are asking for CONFIDENTIAL treatment of the Flight Operations and Procedures Manual.

Astraeus Aerial requests that the FAA accept the Astraeus Aerial Inspire sUAS Flight Operations and Procedures Manual, and issue an amendment to Exemption 11062 allowing operation as set forth therein.

[Information](#)

* This count refers to the total comment/submissions received on this *document*, as of 11:59 PM yesterday. Note: Agencies review all submissions, however some agencies may choose to redact, or withhold, certain submissions (or portions thereof) such as those containing private or proprietary information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. This can result in discrepancies between this count and those displayed when conducting searches on the Public Submission document type. For specific information about an agency's public submission policy, refer to its website or the Federal Register document.

Astraeus Aerial - Exemption/Rulemaking (Amendment)

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Re: Amendment to Exemption 11062 Astraeus Aerial
Lumenier QAV250/400/500

This is a request for an amendment to FAA Exemption 11062, Regulatory Docket No. FAA-2014-0352, granted to Astraeus Aerial. This amendment will provide for the addition of Lumenier multirotor sUAS models QAV250, QAV400 and QAV500 to the inventory of approved aircraft for use during VLOS, protected-perimeter, motion picture image-capture operations currently covered under Exemption 11062.

These airframes are commercially available to the general public, as are all components used to complete them. In addition, all configurations of these components follow standard, well-established practices. No aspect of these aircraft is proprietary to Astraeus Aerial in design or manufacture.

Operational protocols, as well as equipment descriptions and specifications, are outlined in detail in the Astraeus Aerial QAV250/400/500 sUAS Flight Operations and Procedures Manual, which is being sent under separate cover.

Although the aircraft themselves are not proprietary, the operational protocols contained in the Flight Operations and Procedures Manual represent trade secrets and are not released to the public. As with prior manuals submitted in connection with this docket, we are asking for CONFIDENTIAL treatment of the Flight Operations and Procedures Manual.

Astraeus Aerial requests that the FAA accept the Astraeus Aerial QAV250/400/500 Flight Operations and Procedures Manual, and issue an amendment to Exemption 11062 allowing operation as set forth therein.

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Date Posted:

May 27, 2015

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Submitter Information

Submitter Name:

Daniel Tartre

Organization Name:

Astraeus Aerial

Comments

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[FAA-2014-0352](#)

Related Dockets:

None

Related RINs:

None

Related Documents:

- [Astraeus Aerial - Exemption/Rulemaking \(Amendment\)](#)
- [Astraeus Aerial - Exemption/Rulemaking \(Amendment\)](#)
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Astraeus Aerial - Exemption/Rulemaking (Amendment)

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Re: Amendment to Exemption 11062 Astraeus Aerial DJI S1000

This is a request for an amendment to FAA Exemption 11062, Regulatory Docket No. FAA-2014-0352, granted to Astraeus Aerial. This amendment will provide for the addition of the DJI S1000 multirotor sUAS to the inventory of approved aircraft for use during VLOS, protected-perimeter, motion picture image-capture operations currently covered under Exemption 11062.

This airframe is commercially available to the general public, as are all components used to complete it. In addition, all configurations of these components follow standard, well-established practices. No aspect of this aircraft is proprietary to Astraeus Aerial in design or manufacture.

Operational protocols, as well as equipment descriptions and specifications, are outlined in detail in the Astraeus Aerial S1000 sUAS Flight Operations and Procedures Manual, which is being sent under separate cover.

Although the aircraft themselves are not proprietary, the operational protocols contained in the Flight Operations and Procedures Manual represent trade secrets and are not released to the public. As with prior manuals submitted in connection with this docket, we are asking for CONFIDENTIAL treatment of the Flight Operations and Procedures Manual.

Astraeus Aerial requests that the FAA accept the Astraeus Aerial S1000 Flight Operations and Procedures Manual, and issue an amendment to Exemption 11062 allowing operation as set forth therein.

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Submitter Information

Submitter Name:

Daniel Tartre

Organization Name:

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Related Dockets:

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None

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- [Astraeus Aerial - Exemption/Rulemaking \(Amendment\)](#)
- [Astraeus Aerial - Exemption/Rulemaking \(Amendment\)](#)
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