



U.S. Department
of Transportation

**Federal Aviation
Administration**

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

May 17, 2007

Exemption No. 9294
Regulatory Docket No. FAA-2004-17087

Master Sargent Scott T. Stevenson
Airspace Manager
Joint Special Operations Command
Fort Bragg, NC 28307

Dear MSgt. Stevenson:

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.

The Basis for our Decision

On February 5, 2007, you petitioned the Federal Aviation Administration (FAA) on behalf of Joint Special Operations Command (JSOC) for an extension of Exemption No. 8256; however, it expired on February 28, 2006. That exemption from §§ 105.17 and 105.19(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) permitted JSOC forces to conduct unlighted night parachute operations from sunset to sunrise, through clouds, outside special use airspace, at and below 1,500 feet above ground level (AGL). The operations were to be conducted in Class B, C, and D airspace at specific airports closed to non-participating air traffic. As a result of your request for re-instatement and extension of expired Exemption No. 8256, we are treating your request as a new petition.

In your petition, you requested that this exemption be reclassified as permanent. The FAA, however, finds it in the best interest of safety to review this exemption every 2 years. This allows us to ensure that there has been no change in circumstances or regulations from which the exemption is granted.

On April 20, 2007, the FAA received supplemental information from you requesting an amendment to the expired exemption. The amendment you requested was the addition of Maxwell Air Force Base, Alabama, and Powell Drop Zone, Washington, to the list of airfields covered by this exemption. The amendment also requested correction of a

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previously identified airfield location from Campbell Army Airfield, Texas, to Campbell Army Airfield, Kentucky.

The FAA notes that in the expired Exemption No. 8256, JSOC was permitted to conduct these operations under Class B airspace. However, upon review, none of the airfields subject to this exemption are contained within Class B airspace; they are contained within Class C, D, and E airspace. Therefore, this exemption covers unlighted night parachute operations that will be conducted under Class C, D, and E airspace.

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 8256 (copy enclosed), the FAA found that the petition was unique and provided mitigating factors for consideration. The FAA found that by operating over solely established dropzones with adequate surveillance, and by having command and control, a maximum level of safety is obtainable under the circumstances.

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present.

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. §§ 40113 and 44701, delegated to me by the Administrator, Joint Special Operations Command is granted an exemption from 14 CFR §§ 105.17 and 105.19(a) and (b) to the extent necessary for JSOC forces to conduct unlighted night parachute operations from sunset to sunrise, through clouds, outside special airspace, at and below 1,500 feet AGL. The operations are to be conducted in Class C, D, and E airspace at airports listed in Condition 8b., closed by nonparticipating air traffic, subject to the conditions and limitations described below.

Conditions and Limitations

1. This exemption is limited to night parachute, combat readiness, training exercises of the JSOC conducted over or onto the airports listed in Condition No. 8b.
2. Each airborne training operation:
 - a. Must be:
 - (i) Conducted in a flight of two or more aircraft with a dedicated observer on duty, who is not a pilot, aboard each aircraft (non-pilot airborne observers); or
 - (ii) Escorted by an aircraft serving observation platform dedicated to surveillance for non-participating traffic (pilot airborne observer) in the event the training operation only consists of a single concept from which parachutists jump.

- b. In addition to the aerial observation, the operation must be conducted with personnel on the ground at the drop zone to conduct surveillance for potential conflicts with non-participating aircraft (ground observers).
 - c. The operations must be conducted in such a manner as to enable the airborne and ground observers to survey fully about for non-participating traffic and relay the findings to all participants so operations may be terminated while non-participating traffic is in the area.
3. Traffic notifications from the observers shall provide the flightcrew with information about the position and speed of the observed non-participating traffic.
4. When non-participating traffic is in the area, the training exercise and parachute operations shall be terminated until the air traffic is no longer in the area.
5. Unlighted parachute operations may not be conducted above 1,500 feet AGL and must be contained within the boundaries of the airport designated as a potential and previously utilized zone as listed in Condition No. 8. This area must be established as an area of low air traffic that does not infringe upon FAA-designated airspace areas and has been coordinated with the appropriate FAA Service Center System Support Group and region Flight Standards Division offices.
6. In addition, unlighted parachute operations, through clouds, may be conducted only at airports listed in Condition No. 8 and only as necessary to meet the requirements of combat readiness training by members of the JSOC.
7. Each pilot who will conduct operations for the JSOC under this exemption must be thoroughly familiar with its provisions.
8. The holder shall advertise the proposed training operations to operators at all airports within 50 miles of the area for 60 days preceding the initial use and 7 days preceding each subsequent use.
 - a. Airports to be used for the drop zones shall be closed by Notice to Airmen (NOTAM) to non-participating traffic. The tower shall remain appropriately staffed during the unlighted parachute operations to ensure that non-participating traffic remain excluded and clear of the airspace to be used.
 - b. The following airports are authorized for use with prior permission and agreement with the airport management, coordinated with FAA Service Center System Support Group and Flight Standards offices.
 1. Fairchild Air Force Base, Washington
 2. Gray Army Airfield, Washington
 3. Whidbey Island Naval Air Station, Washington
 4. Grant County/Moses Lake, Washington

5. Great Falls, Montana
 6. Pendleton, Oregon
 7. Klamath Falls, Oregon
 8. Mount Home Air Force Base, Idaho
 9. Boise, Idaho
 10. Indian Springs, Nevada
 11. Roswell, New Mexico
 12. Biggs Army Air Field, Texas
 13. Ft. Campbell Army Air Field, Kentucky
 14. Lawson Army Air Field, Georgia
 15. Hunter Army Air Field, Georgia
 16. North Airfield, South Carolina
 17. McGhee Tyson, Tennessee
 18. McEntire Air National Guard Station, South Carolina
 19. North Airfield Auxiliary, South Carolina
 20. Duke Field, Florida
 21. Hurlburt Field, Florida
 22. Avon Park, Florida
 23. Cecil Field, Florida
 24. Maxwell Air Force Base, Alabama
 25. Powell Drop Zone, Washington
9. The holder must provide notice through the use of NOTAMs/Special Notice disseminated at least 72 hours in advance of scheduled exercises. The training airspace will be identified by name (if applicable) or by latitude/longitude. The NOTAMs will advise that during the course of flight planning, potential users of the operational area will be provided with the information on the time and place of

the proposed unlighted parachute operations. The NOTAMs must be made available to the civil aviation community and must be capable of being disseminated among civil users of the National Airspace System.

This exemption ends on February 28, 2009, unless sooner superseded or rescinded.

Sincerely,

/s/

John M. Allen

Acting Director, Flight Standards
Service

Enclosure