



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

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

APR 16 2010

Exemption No. 9695A
Regulatory Docket No. FAA-2007-28302

Colonel Robert T. Hess
Aeronautical Services Agency
U.S. Department of the Army
9325 Gunston Road, Suite N319
Fort Belvoir, VA 22060

Dear Col. Hess:

This letter is to inform you that we have granted your petition to extend Exemption No. 9695. It explains the basis for our decision, describes its effect, and lists the conditions and limitations.

The Basis for Our Decision

By letter dated March 30, 2010, you petitioned the Federal Aviation Administration (FAA) on behalf of the United States Special Operations Command (USASOC) for an extension of Exemption No. 9695. That exemption from §§ 105.17 and 105.19(a) and (b) of Title 14, Code of Federal Regulations allows USASOC to conduct day and night parachute operations using parachutes with no illumination, through clouds, outside of restricted areas, at or below 1,500 feet above ground level (AGL). Those operations would be conducted in Class B, C, D, or E airspace at Department of Defense (DOD) controlled/contracted drop zones, or DOD controlled airports.

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 extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to USASOC.

AJR-10-224-E

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 9695 remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. § 40109, which the FAA Administrator has delegated to me, I grant your petition, subject to the following conditions and limitations.

Conditions and Limitations

1. This exemption is limited to USASOC combat readiness parachute training conducted at the airports/drop zones listed in Condition No. 8b.
2. Each airborne training operation:
 - a. Must be:
 - (i) Conducted with a dedicated observer, not performing aircrew duties, aboard each aircraft in a flight of two or more aircraft (non-pilot airborne observers); or
 - (ii) Escorted by an aircraft serving as an observation platform dedicated to surveillance for non-participating traffic (pilot airborne observer) in the event the training operation only consists of a single aircraft from which parachutists will 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 the surrounding airspace for non-participating air traffic and relay the findings to all participants so operations may be terminated while any non-participating air 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 air traffic.
4. When non-participating air traffic is in the area, the parachute training 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, listed in Condition No. 8., that is being utilized as a drop zone. This area must be established as an area of low density 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. 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 USASOC.
7. Each pilot who will conduct operations for the USASOC under this exemption must be thoroughly familiar with its provisions.
8. USASOC, or its designated representative, shall advertise the proposed parachute training operations to operators at all airports within 50 miles of the airport/drop zone 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 NOTAM to non-participating air traffic. The control tower shall remain appropriately staffed during the day and/or unlighted night parachute operations to ensure non-participating air traffic remain clear of the airspace to be used.
 - b. The following airports are authorized for use after permission has been obtained from, and a letter of agreement has been signed with, the airport's management. Letters of agreement must be coordinated with the appropriate FAA Service Center System Support Group and Flight Standards offices prior to signing.
 1. Allen Army Airfield, Alaska
 2. Avon Park, Florida
 3. Biggs Army Airfield, Texas
 4. Blackstone Army Airfield, Virginia
 5. Boise, Idaho
 6. Butts Army Airfield, Colorado
 7. Cairns Army Airfield, Alabama
 8. Camp Blanding Army Airfield, Florida
 9. Campbell Army Airfield, Kentucky
 10. Cecil Field, Florida
 11. Duke Field, Florida
 12. Felker Army Airfield, Virginia
 13. Fairchild Air Force Base, Washington
 14. Forney Army Airfield, Missouri
 15. Godman Army Airfield, Kentucky
 16. Gray Army Airfield, Washington
 17. Grant County/Moses Lake, Washington

18. Grayling Army Airfield, Michigan
19. Great Falls, Montana
20. Hagler Army Airfield, Mississippi
21. Henry Post Army Airfield, Oklahoma
22. Hood Army Airfield, Texas
23. Hunter Army Airfield, Georgia
24. Hurlburt Field, Florida
25. Indian Springs, Nevada
26. Klamath Falls, Oregon
27. Ladd Army Airfield, Alaska
28. Lawson Army Airfield, Georgia
29. Libby Army Airfield, Arizona
30. Mackall Army Airfield, North Carolina
31. Marshall Army Airfield, Kansas
32. Maxwell Air Force Base, Alabama
33. Mountain Home Air Force Base, Idaho
34. Muir Army Airfield, Pennsylvania
35. North Airfield Auxiliary
36. Pendleton, Oregon
37. Phillips Army Airfield, Maryland
38. Polk Army Airfield, Louisiana
39. Powell Drop Zone, Washington
40. Ray S. Miller Army Airfield, Minnesota
41. Redstone Army Airfield, Alabama
42. Robert Gray Army Airfield, Texas
43. Roswell, New Mexico
44. Sabre Army Airfield, Tennessee
45. Simmons Army Airfield, North Carolina
46. Wheeler Army Airfield, Hawaii
47. Wheeler-Sack Army Airfield, New York
48. Whidbey Island Naval Air Station, Washington

49. Wright Army Airfield, Georgia

9. USASOC, or its designated representative, must provide notice of proposed parachute training operations through NOTAMs/Special Notices disseminated at least 72 hours in advance of the planned training. 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 information on the time and place of the proposed parachute training 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.

The Effect of Our Decision

Our decision extends the termination date of Exemption No. 9695 to April 30, 2012, unless sooner superseded or rescinded.

All conditions and limitations of Exemption No. 9695 remain the same. This letter must be attached to, and is a part of, Exemption No. 9695.

Sincerely,



Elizabeth L. Ray
Director of System Operations Airspace & Aeronautical Information Management
Air Traffic Organization