



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

800 Independence Ave
Washington, DC 20591

July 20, 2021

Exemption No. 11985C
Regulatory Docket No. FAA-2001-8863

Mr. Kristopher J. Nastro
Department of the Navy
Naval Aviation Warfighting Development Center
4755 Pasture Road, BLDG 465
Fallon, NV 89496-5000

Dear Mr. Nastro:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 11985B. This letter transmits the FAA's decision, explains its basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

The Basis for the FAA's Decision

By letter dated June 14, 2021, you petitioned the FAA on behalf of the Department of the Navy (the Navy) for an extension of Exemption No. 11985B. That exemption from § 91.215(c) of Title 14, Code of Federal Regulations (14 CFR) allows the Navy to provide realistic air combat training in airspace defined in the exemption as the Transponder-Off Area.

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's Decision

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

The FAA has determined that the justification for the issuance of Exemption No. 11985B remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I grant the Department of the Navy's petition, to provide realistic air combat training in airspace defined in the exemption as the Transponder-Off Area, subject to the following conditions and limitations.

AJV-22-00028-E

Conditions and Limitations

1. Operations conducted under the authority of this exemption may be conducted only in the airspace described as that airspace bounded by a line beginning at—

lat. 39 deg 45'00" N., long. 118 deg 22'00"W.; thence eastward
to lat. 40 deg 07'00" N., long. 117 deg 00'00"W.;
to lat. 39 deg 25'00" N., long. 117 deg 00'00"W.;
to lat. 39 deg 10'00" N., long. 117 deg 23'00"W.;
to lat. 38 deg 57'00" N., long. 118 deg 20'00"W.;
to lat. 39 deg 07'00" N., long. 118 deg 20'00"W.;
to lat. 39 deg 06'00" N., long. 118 deg 33'00"W.;
to lat. 39 deg 17'00" N., long. 118 deg 21'00"W.;
to lat. 39 deg 45'00" N., long. 118 deg 22'00"W.;

excluding that airspace defined as the “VFR Corridor” as depicted on the Fallon Range Chart (FRC-1), prepared and published by the Defense Mapping Agency. All references to the “Transponder-Off Area” in this exemption refer to this airspace only.

2. The petitioner may assign overall responsibility for airspace containment of operations conducted under the authority of this exemption to the Naval Air Station Fallon Air Traffic Control (ATC) Facility. For purposes of this exemption, the FAA considers references to the “petitioner,” the “Naval Air Station Fallon Air Traffic Control Facility,” “Fallon ATC,” and “military ATC/radar unit” to describe the same entity when transponder-off operations are conducted in the Transponder-Off Area.
3. Nothing in this exemption changes or relieves the petitioner from providing ATC services within the Transponder-Off Area in accordance with FAA regulations, procedures, orders, or agreements except as specifically provided in these conditions and limitations.
4. The petitioner must review and maintain a letter of agreement with the Air Traffic Manager of the FAA’s Oakland and Salt Lake City Air Route Traffic Control Centers. The letter must include the procedures, contacts, operational times, and other information required by the petitioner and the FAA to safely conduct the operations authorized by this exemption.
5. Only U.S. military aircraft under the direct control of the petitioner are authorized to conduct operations under this exemption. The petitioner must also ensure that such aircraft are equipped with a non-transponder electronic device that enables aircraft identification and position correlation while conducting transponder-off operations under this exemption.
6. Each operation conducted under this exemption may be conducted only:
 - a. In the airspace described as the Transponder-Off Area;
 - b. Where two-way radio and primary radar coverage exists;
 - c. Where two-way radio and radar identification can be maintained continuously between the aircraft and military ATC/radar unit ground personnel responsible for tracking the aircraft; and

- d. By pilots the petitioner has determined are thoroughly familiar with the airspace containment procedures that are applicable to the operation and that are contained in the letters of agreement required under Condition and Limitation Number 4 of this exemption.
7. Operations conducted under the authority of this exemption may be conducted only when the following petitioner's equipment is operational:
 - a. Automated radar tracking systems for ATC and tactical training;
 - b. Transmitters and receivers used for two-way radio communications between pilots and military ATC/radar unit ground personnel responsible for tracking the aircraft; and
 - c. Interfacility communications equipment between the petitioner's and FAA ATC facilities that is required for normal operations.
8. When nonparticipating aircraft operating adjacent to the Transponder-Off Area are observed independently on Fallon ATC facility's radar displays or received as radar point-outs from adjacent military and civil ATC facilities, the Fallon ATC facility must track and monitor such flights.
9. When nonparticipating aircraft request radar traffic advisory service while operating in any Military Operations Area contained within the airspace described in Condition and Limitation Number 1 above, the Fallon ATC facility must provide such service.
10. The petitioner must ensure that each aircraft operating with its transponder off remains within the Transponder-Off Area and within the petitioner's radar surveillance coverage; or if outside the Transponder-Off Area or beyond the petitioner's radar surveillance coverage, is instructed to turn the transponder back on.
11. If radar surveillance of an aircraft conducting transponder-off operations cannot be maintained, the military ATC/radar unit controller must advise the pilot of that aircraft to turn on the aircraft's transponder and proceed to a point within the Transponder-Off Area designated in the letter of agreement required under Condition and Limitation Number 4 of this exemption.
12. The petitioner must ensure that any pilot conducting operations under the authority of this exemption is instructed to turn on the aircraft transponder:
 - a. Whenever a loss of pilot/controller communications occurs or is anticipated;
 - b. When a participating aircraft poses a potential for a spill-out or conflict with any nonparticipating aircraft; or
 - c. When advised by the military ACT/radar unit for any reason.
13. The petitioner may conduct operations under the authority of this exemption only when appropriate information is publicized to airspace users concerning radar traffic advisory service that will be provided by the petitioner, and is included in the letter of agreement required under Condition and Limitation Number 4 of this exemption.

To request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2001-8863 (<http://www.regulations.gov>). In addition, you should submit your request no later than 120 days prior to the exemption's expiration date listed below.

To request an amendment to this exemption, please submit your request no later than 120 days prior to the date you need the amendment using the process indicated above.

Any extension or amendment request must meet the requirements of 14 CFR 11.81.

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. 11985B to 11985C and extends the termination date to July 31, 2023, unless sooner superseded or rescinded.

Sincerely,

/s/

Natasha A. Durkins
Director, Policy, AJV-P
Air Traffic Organization