

other categories of controlled airspace and serves to prevent an uncontrolled jump in areas of heavy aircraft traffic. In addition, this action requires an aircraft operator and parachutist, as appropriate, to provide notice of altitude information in terms of mean sea level (MSL). Currently, altitudes are sometimes reported in levels above the ground, leading air traffic controllers and other pilots to misunderstand the altitude of the jump relative to other flight activity in the area.

**EFFECTIVE DATE:** July 17, 1986.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Gene Falsetti, Airspace and Air Traffic Rules Branch, Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-8783.

**SUPPLEMENTARY INFORMATION:**

**History**

*Parachute Jumping in Terminal Control Areas*

On December 27, 1985, the FAA published a notice of proposed rulemaking which proposed that an aircraft operator obtain an ATC authorization prior to making a nonemergency parachute jump in or into a terminal control area. The same notice proposed that parachute jump altitude information be submitted to the FAA in terms of mean sea level rather than above ground level (50 FR 52933, Notice 85-26).

With respect to jumping in TCA's, it was explained in the preamble of the notice that the TCA Program does not presently address the problem of separating TCA aircraft traffic from parachute jumpers who, because of the lack of a requirement in Part 105, may jump in or into TCA airspace without prior ATC authorization. Presently, such a requirement pertains to certain other airspace areas, namely, airport radar service areas, control zones, and positive control areas. Although ATC authorization is still required to enter a TCA, once this has been obtained, jumping in or into a TCA may begin at pilot or jumper prerogative. This is considered to be operationally unacceptable since unauthorized, uncontrolled parachute jumping is incompatible with the nature of TCA airspace. In TCA airspace, ATC separation services are meant to be provided to all airspace users to reduce the probability of midair collisions.

**14 CFR Part 105**

[Docket No. 24873; Admt. 105-9]

**Requirements for Parachute Jumps in Terminal Control Areas and Reporting Altitudes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes the requirement to obtain an air traffic control (ATC) authorization for a nonemergency parachute jump in or into terminal control areas (TCA). Such authorization is currently required for

*Altitude Notice Information*

It was also explained in the preamble to the notice that currently, in addition to authorization, notice is required for jumps in all airspace. In all cases, certain specific information is required to be submitted with the notice. One item to be included in jump information is the altitude in terms of above ground level (AGL) at which jumping will take place.

In the notice, it was explained that the requirement to submit altitude information in terms of AGL can create the potential for confusion. Some pilots of jump aircraft have reported actual operating altitude to ATC while in flight in terms of AGL rather than MSL. It is possible this has occurred because of the notice requirement which states that altitude information must be given in terms of AGL. The confusion factor could be hazardous. In the flight environment, flight altitudes are expressed in terms of MSL. Therefore, controllers may naturally expect that altitudes reported by jump aircraft are also in terms of MSL. The provision of altitude information in terms of AGL can create the serious potential for a midair collision between parachutists, the aircraft carrying parachutists, and other aircraft operating in the vicinity.

*Public Comment*

Four comments were received in response to the proposal. Respondents were the Air Traffic Control Association, Inc., the Air Line Pilots Association, the Port Authority of New York, and the Air Transport Association.

Three of the four commenters endorsed the proposal without change or qualification. The Air Line Pilots Association concurred and went further by saying that the rule should be expanded to require ATC authorization for parachute jumps in or into an airport traffic area. Expansion of the rule to apply to airport traffic areas is not within the scope of this rulemaking action. If any future consideration were to be given in this area, it would be preceded by public notice.

This action entails a substitution of terms in an existing notice requirement and application of an ATC authorization requirement to make a nonemergency jump in a TCA. Little or no impact is seen regarding the change in notice terms since no new requirement is imposed and since the substitution of terms is seen as making no greater economic, energy, cost, or reporting demand on parachutists. The ATC

authorization requirement is also seen as having minimal impact. This provision applies to a limited amount of nonemergency sport parachutist operations. There are presently 23 TCA's in the country with no current plans for increasing their number. Within the TCA's there are relatively few published parachute jumping areas, usually two or less in each TCA. The areas that are published are generally located away from the primary airport and from primary arrival and departure routes. In addition, the rule would make no change to the requirement that ATC authorization be obtained before entry into a TCA. It would only require that an ATC authorization be obtained before jumping begins. The rule would help maintain the integrity of the TCA by ensuring that parachute operations are conducted free of traffic conflicts and are safely integrated into a positive separation environment that includes all other airspace activity. A regulatory evaluation of this proposal has been placed in the docket.

For the reasons set forth in the preamble to this rule, the FAA has determined that this document involves a regulation which is (1) not major under Executive Order 12291, and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979); and I certify that under the criteria of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities. A copy of the regulatory evaluation prepared for this action may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

**List of Subjects in 14 CFR Part 105**

Parachuting, Air Traffic control.

**The Amendment****PART 105—[AMENDED]**

Accordingly, Part 105, Subpart A of the Federal Aviation Regulations (14 CFR Part 105), is amended as follows:

1. The authority citation for Part 105 is revised to read as follows:

Authority: 49 U.S.C. 1348, 1354, and 1421; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. By revising the title of § 105.21 to read as follows:

**§ 105.21 Jumps Into or Within Positive Control Areas and Terminal Control Areas**

3. In § 105.21, paragraph (a) is revised to read as follows:

**§ 105.21 Jumps Into or Within Positive Control Areas and Terminal Control Areas**

(a) No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft, in or into a positive control area or terminal control area without, or in violation of, an authorization issued under this section.

4. In § 105.25, paragraph (a)(4) is revised to read as follows:

**§ 105.25 Information Required, and Notice of Cancellation or Postponement of Jump**

(a) \* \* \*  
(4) The altitudes above mean sea level at which jumping will take place.

Issued in Washington, D.C. on June 9, 1986.

Donald D. Engen.

Administrator.

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