

U.S. Department
of Transportation
Federal Aviation
Administration

October 18, 1991
23495

Exemption No. 3946C
Regulatory Docket No.

Colonel William F. Dismukes
U.S. Army Aeronautical Services Agency
Airspace Support Division
Cameron Station
Alexandria, VA 22304-5050

Dear Colonel Dismukes:

This is in response to your petition on behalf of the Department of the Army to extend Exemption No. 3946B dated August 11, 1988. Under this exemption, the Department of the Army was granted continuing relief from the provisions of Section 91.209(a) and (b) of the Federal Aviation Regulations (formerly Section 91.73(a) and (b)) thus allowing the Army to conduct certain night flight military training operations without lighted aircraft position lights.

Your petition indicates that the conditions and reasons stated in your petition have not changed substantively from your original request for an exemption.

A summary of the June 28, 1991 petition for exemption was published in the Federal Register (56 FR 36861) on August 1, 1991, for public comment. No comments were received.

The Federal Aviation Administration (FAA) finds that the petitioner's current night flight operations have been safely conducted without lighted aircraft position lights under the existing exemption. The FAA continues to believe that an equivalent level of safety can be accomplished by limiting all such activity to helicopters, by confining the operations to all defined areas of low traffic density, by employing dedicated surveillance during such operations, and by advertising the petitioner's activities and operating areas to other users of the airspace.

In consideration of the foregoing, the FAA has determined that an extension of Exemption No. 3946B to allow the Department of the Army to conduct certain night flight military training operations without lighted aircraft position lights on a continuing basis is in the public interest. As a result, the identical terms of Exemption 3946B, is justified.

Therefore, pursuant to the authority contained in Sections 307 and 313 of the Federal Aviation Act of 1958, as amended, Exemption No. 3946B issued to the Department of the Army, is amended by extending the termination date to December 31, 1994, unless sooner superseded or rescinded by the FAA. All other conditions and limitations remain unchanged.

This extension of exemption is part of and must be attached to Exemption No. 3946B.

Sincerely,

L. Lane Speck
Director, Air Traffic
Rules and Procedures Service