

U.S. Department  
of Transportation  
Federal Aviation  
Administration

November 22, 1996  
23495

Exemption No. 3946E  
Regulatory Docket No.

Mr. Roger W. Yates  
U.S. Army Aeronautical Services Agency  
9325 Gunston Road, Suite N319  
Fort Belvoir, VA 22060-5582

Dear Mr. Yates:

This is in response to your August 23, 1996, letter and October 18, 1996, telephone conversation petitioning the Federal Aviation (FAA) on behalf of the Department of the Army (Army) for an extension of Exemption No. 3946, as amended. That exemption from Section 91.209(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) permits the Army to conduct certain military training operations at night without lighted aircraft position lights.

In your petition, you indicated that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

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 the Army.

The FAA has determined that the justification for the issuance of Exemption No. 3946 as amended, remains valid with respect to this exemption.

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. Section 40109, formerly Section 307(e) of the Federal Aviation Act of 1958 as amended, delegated to me by the Administrator (14 CFR Section 11.53), Exemption No. 3946, as amended, is hereby further amended by extending its December 31, 1996, termination date to December 31, 1998, unless sooner superseded or rescinded.

All other conditions and limitations of Exemption No. 3946, as amended, remain the same. This letter shall be attached to, and is a part of Exemption No. 3946.

Sincerely,

Thomas C. Accardi  
Director, Flight Standards Service