

U.S. Department
of Transportation
Federal Aviation
Administration

Exemption No. 3946F
Regulatory Docket No.
23495

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

Dear Mr. Yates and Col. Dove:

This is in response to your June 12, 1998, letter and September 8, 1998, supplemental information petitioning the Federal Aviation Administration (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. Please note that Amendment No. 91-247, which became effective on March 11, 1996 (61 FR 5151, February 9, 1996), revised and redesignated the paragraphs of Section 91.209. Therefore, the FAA has determined that the Department of the Army requires relief from Section 91.109(a) (1) and (2) instead of Section 91.209(a) and (b).

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 40113 and 44701, delegated to me by the Administrator (14 CFR Section 11.53), Exemption No. 3946, as amended, is hereby further amended by modifying the paragraph from which relief is granted to reflect amendments to part 91 and by extending its December 31, 1998, termination date to January 31, 2001, unless sooner superseded or rescinded.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,

Richard O. Gordon
Acting Director, Flight Standards Service