NOV 15 2004

Exemption No. 3946I
Regulatory Docket No. FAA-2002-13066

COL Allen S. Baker
US Army Aeronautical Services Agency
Department of the Army
9325 Gunston Road, Suite N319
Fort Belvoir, VA 22060-5582

Dear COL Baker:

We are pleased to inform you that we have granted your petition to extend Exemption
No. 3946, as amended. This letter explains the basis for our decision and describes its effect.

The Basis for our Decision

By letter dated September 22, 2004, you petitioned the FAA on behalf of the Department of
the Army (Army) for an extension of Exemption No. 3946, as amended. That exemption from
§ 91.209(a)(1) and (2) of Title 14, Code of Federal Regulations permits the Army to conduct
certain military training operations at night without lighted aircraft position lights.

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 exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition
in the <u>Federal Register</u> 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.
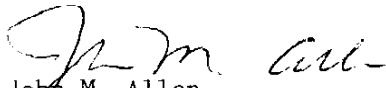
AFS-04-657-E

The FAA has determined that the justification for the issuance of Exemption No. 3946, as amended, remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I grant your petition.

The Effect of Our Decision

Our decision extends the termination date of Exemption No. 3946, as amended, to January 31, 2007, unless sooner superseded or rescinded

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

Sincerely,

John M. Allen
Acting Director, Flight Standards Service