



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

800 Independence Ave., S.W.  
Washington, D.C. 20591

January 17, 2007

Exemption No. 3946J  
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 Colonel Baker:

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

### **The Basis for Our Decision**

On December 5, 2006, you petitioned 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 § 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 original exemption.

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.

### **Our Decision**

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.

E-2007-0103

**The Effect of Our Decision**

Our decision extends the termination date of Exemption No. 3946, as amended, to January 31, 2009, unless sooner superseded or rescinded.

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

Sincerely,

/s/

James J. Ballough  
Director, Flight Standards Service