

August 4, 2004

Exemption No. 5100G
Regulatory Docket No. FAA-2001-10857

Mr. Carl P. McCullough
Executive Director
Department of Defense Policy Board on Federal Aviation
1480 Defense Pentagon
Washington, DC 20301-1480

Dear Mr. McCullough:

We are pleased to inform you that we have granted your petition to extend Exemption No. 5100, as amended. This letter explains the basis for our decision and describes its effect.

The Basis for our Decision

By letter filed July 12, 2004, you petitioned the Federal Aviation Administration (FAA) on behalf of the Department of Defense (DOD) for an extension of Exemption No. 5100, as amended. That exemption from §§ 91.117(a) and (b), 91.159(a), and 91.209(a)(1) and (b) of Title 14, Code of Federal Regulations permits the DOD to conduct air operations in support of drug law enforcement and traffic interdiction without meeting certain requirements pertaining to (1) aircraft speed, (2) cruising altitudes for flights conducted under visual flight rules, and (3) the use of aircraft position lights and anticollision light systems.

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 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 DOD.

The FAA has determined that the justification for the issuance of Exemption No. 5100, as amended, remains valid with respect to this exemption and is in the public interest.

AFS-04-507-E

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Our decision extends the termination date of Exemption No. 5100, as amended, to September 30, 2006, unless sooner superseded or rescinded.

All conditions and limitations of Exemption No. 5100, as amended, remain the same. This letter will be attached to, and is a part of, Exemption No. 5100.

Sincerely,

//s//

John M. Allen

Acting Director, Flight Standards Service