

Exemption No.4988
UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C. 20591

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In the matter of the petition of *

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THE SOARING SOCIETY OF AMERICA, * Regulatory Docket No. 25588
INC. *

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for an exemption from *
§§ 45.11(a) and (d), and *
45.29(h) of the *
Federal Aviation Regulations *

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PARTIAL GRANT OF EXEMPTION

By letter dated March 28, 1988, Ms. Judy R. Lincoln, Government Liaison Board Chairman, Soaring Society of America, Inc., Hobbs, New Mexico 88241-1308, petitioned for an exemption from the Federal Aviation Regulations (FAR) on behalf of: (1) all persons operating gliders in the United States, (2) all registered owners of gliders in the United States; and (3) all manufacturers of gliders registered or to be registered in the United States, including foreign and domestic entities as well as amateur-builders. The petitioner seeks to exempt gliders from the requirements of § 45.11(a) regarding external ID plates in general; from the requirements of § 45.11(d) regarding owner-affixed external ID information on gliders manufactured before March 7, 1988; and from the requirements of § 45.29(h) regarding the size of registration marks on aircraft penetrating an Air Defense Identification Zone (ADIZ) or Distant Early Warning Identification Zone (DEWIZ).

Sections of the FAR affected:

Section 21.182(a) states, in pertinent part, that each applicant for an airworthiness certificate must show that his aircraft is identified as prescribed in § 45.11.

Section 45.11(a) states, in pertinent part, that aircraft covered under § 21.182 must be identified and that, except as provided in paragraphs (c) and (d) of this section, the aircraft identification plate must be secured to the aircraft fuselage exterior so that it is legible to a person on the ground, and must be either adjacent to and aft of the rear-most entrance door or on the fuselage near the tail surfaces.

Section 45.11(d) states, in pertinent part, that on aircraft manufactured before March 7, 1988, the identification plate required by § 45.11(a) may be secured at an accessible exterior or interior location near an entrance, if the model designation and builder's serial number are also displayed on the aircraft fuselage exterior. The model designation and builder's serial number must be legible to a person on the ground and must be located either adjacent to and aft of the rearmost entrance door or on the fuselage near the tail surfaces. The model designation and builder's serial number must be displayed in such a manner that they are not likely to be defaced or removed during normal service.

Section 45.29(h) states, in pertinent part, that after March 7, 1988, each operator of an aircraft penetrating an ADIZ or DEWIZ shall display temporary or permanent 12-inch high nationality and registration marks.

The petitioner's supportive information is as follows:

The petitioner asserts that the Soaring Society of America supports drug interdiction efforts by Federal agencies. The petitioner notes, however, that no such activities cited by those agencies and none known to the Soaring Society of America have involved gliders in any way. The petitioner further asserts that although gliders may have cross country capability, many aspects of soaring flight make gliders unattractive and highly impractical for use in drug importation. Chief among these are the fact that the variable nature of meteorological conditions necessary to support cross country soaring makes arrival at a predetermined designation dependent on the vagaries of nature, and that frequent radio contact with the retrieve crew is the only means to ensure that the pilot, aircraft, and crew arrive at the same destination -- even frequent radio contact often means pilots landing off-field must wait several hours for a retrieve. These realities make soaring an unattractive means to import illegal drugs. In addition, profit being a prime drug smuggling motivation, gliders are inefficient vehicles considering weight and balance limitations and maximum cockpit loads. Perhaps the most compelling reason that gliders are not used for drug smuggling is that there are few options to escape pursuing authorities, and none if, due to weather conditions, the glider pilot must land enroute to the intended destination.

The petitioner also contends that pertinent existing regulations must be considered in terms of the extent to which they enhance drug related enforcement actions. The present external ID plate requirements of § 45.11 are

ineffective with respect to gliders for a variety of reasons which include lack of ramp-check procedures at soaring sites and ineffectiveness of such checks, since many gliders are flown, disassembled, and taken home by their owners in locked trailers. Similarly, the 12-inch registration marks required by § 45.29 are inapplicable to gliders, because the majority have fuselage surfaces too small to accommodate them. In addition, air-to-air identification, cited as the chief benefit of the 12-inch markings, is scarcely needed for suspect gliders; once spotted in flight, any glider could more easily be followed to its eventual destination, where in all probability, the pilot will have to await the arrival of his ground crew (or pursuing enforcement officials, whichever arrive first).

A summary of the original petition was published in the Federal Register (53 FR 15483) on April 19, 1988. No comments were received. The Federal Aviation Administration's (FAA) analysis/summary is as follows:

The FAA has reviewed the petitioner's supporting information and agrees with the petitioner that gliders do not pose a significant drug smuggling problem, and that compliance with the identification plate requirements by the petitioner's members would not significantly expand the effectiveness of narcotic interdiction. Imposition of the economic burden of compliance with the external ID plate requirement, therefore, appears to be unnecessary.

The FAA does not agree that the Soaring Society of America members should be exempt from the requirement to have 12-inch temporary or permanent nationality and registration marks, which are required of all aircraft penetrating an ADIZ or DEWIZ. The sole exception to this requirement applies when the surface is not large enough for full-size marks, in which case marks as large as practicable shall be placed on the largest of the authorized surfaces. In view of the petitioner's assertion that gliders are rarely operated across an ADIZ or DEWIZ, the requirement does not appear to impact a significant number of the petitioner's members. The request for exemption from § 45.29(h) is therefore denied.

In summary, the FAA has determined that an exemption is appropriate to permit operation of gliders in the United States without compliance with the external marking requirements. Therefore, in addition to the members of the Soaring Society of America, relief will be granted to all persons operating gliders in the United States, all registered owners of gliders in the United States, and all manufacturers of gliders registered or to be registered in the United States, including foreign and domestic manufacturers as well as amateur-built aircraft builders. These gliders are to be exempt from the requirements to have the identification plate secured or the aircraft model and serial number displayed on the exterior of the aircraft at either of the specified locations.

In consideration of the foregoing, I find that a partial grant of exemption is in the public interest and will not adversely affect safety. Therefore, pursuant to the authority contained in Sections 307(e) and 313(a) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), the petitioner is granted an exemption on behalf of all registered owners of gliders in the United States, all manufacturers of gliders registered or to be registered in the United States, including foreign and domestic manufacturers as well as amateur-built aircraft builders, from § 45.11(a) and (d) as they pertain to the identification plate secured or the aircraft model and serial number displayed on the exterior of the aircraft at either of the specified locations.

This exemption is subject to the following conditions and limitations:

A copy of this exemption must be carried in each glider covered by this exemption.

This exemption terminates on October 30, 1990, unless sooner superseded or rescinded.

Issued in Washington, D.C., on October 31, 1988



U.S. Department of Transportation
800 Independence Ave SW
Washington, DC 20591

**Federal Aviation
Administration**

JUL 27 2004

Exemption No. 4988G
Regulatory Docket No. FAA-2002-13187

Mr. C. Dennis Wright
Executive Director
The Soaring Society of America, Inc.
P.O. Box 2100
Hobbs, NM 88241-2100

Dear Mr. Wright:

We are pleased to inform you that we have granted your petition to extend Exemption No. 4988, as amended. This letter explains the basis for our decision and describes its effect.

The Basis for our Decision

By your letter dated June 15, 2004, you petitioned the Federal Aviation Administration (FAA) for the Soaring Society of America (SSA) for an extension of Exemption No. 4988, as amended. That exemption from § 45.11 (a) and (d) of Title 14, Code of Federal Regulations (14 CFR) permits SSA to forgo the requirement to secure an identification plate or display the model and serial number on the exterior of the aircraft at specified locations.

In your petition, you indicate that there are similar 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 SSA.

AIR-04-494-E

The FAA has determined that the justification for the issuance of Exemption No. 4988, 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. 4988, as amended, to October 30, 2008, unless sooner superseded or rescinded. All conditions and limitations of Exemption No. 4988, as amended, remain the same. This letter will be attached to, and is a part of, Exemption No. 4988.

Sincerely,



John



J. Hickey Director, Aircraft Certification Service