

April 11, 2002

Exemption No. 7752
Regulatory Docket No. FAA-2002-11961

Mr. Eric Kindig
EK Aviation
14833 Sidney Plattsville Road
Sidney, OH 45365

Dear Mr Kindig:

By letter dated March 4, 2002, you petitioned the Federal Aviation Administration (FAA) on behalf of EK Aviation (EK Aviation) for an exemption from §§ 135.251, 135.255, and 135.353, and appendixes I and J to part 121 of Title 14, Code of Federal Regulations (14 CFR). This exemption, if granted, would permit EK Aviation to conduct local sightseeing flights at Sidney and Urbana, Ohio for their Airfairs on June 29 and July 4, 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 6899 (copy enclosed), the FAA noted that the sightseeing flights were provided only once a year at an annual event. The FAA found the event not only promoted general aviation, but fostered positive and productive working relations among the community, pilots, airport authorities, airport neighbors, and other members of the general public. Additionally, the FAA emphasized that affected operators and pilots conducting operations under the terms of the exemption must comply with §§ 135.249 and 135.253 concerning the use of prohibited drugs and the misuse of alcohol.

Having reviewed your reasons for requesting an exemption, I find they do not differ materially from those presented by the petitioner in the enclosed grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present.

AFS-02-308-E

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. §§ 40113 and 44701, delegated to me by the Administrator, Eric Kindig doing business as EK Aviation is granted an exemption from 14 CFR §§ 135.251, 135.255, and 135.353, and appendixes I and J to part 121 to the extent necessary to allow EK Aviation to conduct local sightseeing flights at Sidney and Urbana, Ohio for airfairs during June and July 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135, subject to the following conditions and limitations:

1. Operations must be conducted during daylight hours only.
2. Operations must be conducted in airplanes operating under visual meteorological conditions only, on nonstop sightseeing flights that begin and end at the same airport, and within a 25-statute-mile radius of that airport.
3. Aircraft used under the terms of this exemption must have a standard airworthiness certificate.
4. Before conducting operations under the terms of this exemption, EK Aviation must brief its pilots about drug- and alcohol-free operations.
5. Pilots conducting operations under the terms of this exemption must hold at least a private pilot certificate.
6. If operations are conducted by a pilot holding a private pilot certificate, the requirements of 14 CFR § 61.113(d) must be met.
7. EK Aviation must notify the Flight Standards District Office that has geographic responsibility for the event location with the dates and times of planned flight activity under this exemption.
8. EK Aviation may participate in no more than four such events per calendar year.
9. Pilots may participate in no more than four such events per calendar year, and must have a logbook entry for each event in which they participate.

This exemption terminates on July 31, 2002, unless sooner superseded or rescinded.

In an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS),

located at <http://dms.dot.gov>. This new system enables interested persons to submit, view, and download requests to the DMS in accordance with 14 CFR § 11.63. Future requests should be submitted through this system.

Sincerely,

/s/ Anthony F. Fazio
Director, Office of Rulemaking

Enclosure

