



U.S. Department
of Transportation

**Federal Aviation
Administration**

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

MAY 20 2004

Exemption No. 7112C
Regulatory Docket No. FAA-2002-11591

Mr. Andrew V. Cebula
Senior Vice President
Government and Technical Affairs
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, MD 21701-4798

Dear Mr. Cebula:

By letter dated January 8, 2004, you petitioned the Federal Aviation Administration (FAA) on behalf of Aircraft Owners and Pilots Association (AOPA) for an extension of Exemption No. 7112, as amended. That exemption from §§ 135.251, 135.255, and 135.353, and appendices I and J to part 121 of Title 14, Code of Federal Regulations (14 CFR) permits AOPA members to conduct local sightseeing flights at charity or community events, for compensation or hire, without complying with certain antidrug and alcohol misuse prevention requirements of part 135.

In your petition you state 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 AOPA.

The FAA has determined that the justification for the issuance of Exemption No. 7112, as amended, remains valid with respect to this exemption and is in the public interest.

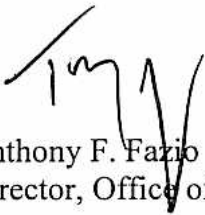
AFS-04-171-E

In consideration of the forgoing, I find that a grant of exemption is in the interest. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, Exemption No. 7112, as amended, is hereby further amended by extending its June 30, 2004, termination date to June 30, 2006, unless sooner superseded or rescinded. This exemption is subject to the following revised conditions and limitations:

1. AOPA members must receive permission and a copy of this grant of exemption from AOPA's designated authorizing official prior to each event in which this grant of exemption is used.
2. Operations must be conducted during daylight hours only.
3. 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.
4. No aerobatic or formation flights will be conducted.
5. Aircraft used under the terms of this exemption must have a standard airworthiness certificate.
6. Each aircraft used must be airworthy and must comply with the applicable requirements of subpart E of 14 CFR part 91.
7. Before conducting operations under the terms of this exemption, the AOPA member who is representing the event sponsor must brief each pilot on the specific terms, conditions and limitations contained in this grant of exemption. Specifically that pilots and operators conducting these non-stop, sightseeing flights must comply with §§ 135.249 and 135.253 concerning the use of prohibited drugs and the misuse of alcohol. Sections 135.249 and 135.253 prohibit an operator from knowingly using any person to perform flight crewmember duties while that person is under the influence of alcohol or has prohibited drugs in his or her system. Additionally, no certificate holder or operator may knowingly use any person to perform any safety-sensitive function if the person has a verified positive drug test result, has refused to submit to a drug test, or has used alcohol within the preceding 8 hours.
8. Pilots must hold at least a valid and current commercial pilot certificate for this event. However, if the event is sponsored by a charitable organization identified as such by the U.S. Department of Treasury, pilots may hold a current and valid private pilot certificate, providing all the applicable requirements of 14 CFR §61.113(d) are met.

9. Each pilot is required to have a logbook entry for each event in which the pilot participates.
10. A pilot may participate in no more than four events in a calendar year.
11. The event sponsor may conduct no more than four events in a calendar year. Each person operating under this exemption must provide AOPA with a statement, made electronically or in a form acceptable to AOPA, on behalf of the event sponsor, indicating that neither the event sponsor nor any participating pilot has participated in more than four similar events in a calendar year.
12. AOPA will provide the FAA with an annual report of all persons who have conducted operations under the terms of this exemption. The report will include the date of the event, the event sponsor(s), the charitable or community cause for which the funds are being raised, and the pilot name and certificate number of each participating pilot. AOPA will submit the report no later than January 15 for the previous calendar year to: Division Manager, Drug Abatement Division, AAM-800, Office of Aviation Medicine, 800 Independence Avenue, SW, Washington, DC 20591.

Sincerely,



Anthony F. Fazio
Director, Office of Rulemaking