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FRANKFORT FLIGHT SERVICE, INC.

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FRANKFORT MUNICIPAL AIRPORT
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August 21, 2002

TO: RULES DOCKET (AGC-10)
FEDERAL AVIATION ADMINISTRATION
800 INDEPENDENCE AVENUE
WASHINGTON, D. C. 20591

FROM: FRANKFORT FLIGHT SERVICE, INC.

SUBJECT: PETITION FOR EXEMPTION

02 SEP -3 PM 4:18

DEPT OF TRANSPORTATION
OFFICE OF AIRCRAFT SAFETY

BACKGROUND

Pursuant to Section 11.25 of the Federal Aviation Regulations, Frankfort Flight Service, Inc. respectfully requests an exemption from Section 135.143 (C) (2) of the Federal Aviation Regulations and any other regulation necessary to allow it to operate its fleet of aircraft without TSO-C112 Mode (S) transponder installed.

Frankfort Flight Service, Inc. requests relief from Section 135.143 (C) (2) which states, in pertinent part:

(C) ATC transponder equipment installed within the time periods indicated must meet the performance and environmental requirements of the following TSO's.

(2) After January 1, 1992; the appropriate class of TSO-C112 Mode (S), for the purposes of Paragraph (C) (2) of this section, "Installation" does not include:

(I) Temporary installation of TSO-C74b or TSO-C74c substitute equipment, as appropriate, during maintenance of the permanent equipment;

(II) Reinstallation of equipment after temporary removal for maintenance, or;

(III) For fleet operations, installation of equipment in a fleet aircraft after removal of the equipment for maintenance from another aircraft in the same operator's fleet.

The exemption request would apply to the attached list of Frankfort Flight Service, Inc. aircraft.: N456ST, N555PL, N5228T and N5147L.

GRANTING THE PETITION WOULD NOT ADVERSELY AFFECT SAFETY:

Ground sensors, when combined with Mode (S) transponders, enable air traffic control (ATC) to track aircraft more effectively, thereby reducing the likelihood of a mid air collision. However, without ground sensors, which will not be available until late 1995, or early 1996, Mode (S) transponders. Thus, the proposed exemption would not reduce aviation safety.

NOT GRANTING THE PETITION WOULD ADVERSELY AFFECT ECONOMICS:

The installation of Mode (S) transponders would impose a substantial financial burden. Granting the proposed exemption would generate benefits in the form of cost relief for both Frankfort Flight Service, Inc. and its customers.

GOOD CAUSE EXISTS TO DISPENSE WITH PUBLICATION AND COMMENT PROCEDURES:

A delay for publication and comment procedures in the federal register would be detrimental because it would place significant economic hardship on Frankfort Flight Service, Inc.

Pursuant to Section 11.25 (d) of the FAR, a Summary of this petition is attached.



FRANKFORT FLIGHT SERVICE, INC.

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SUMMARY

Frankfort Flight Service, Inc. petitions for an exemption from the requirements of Section 135.143 (C) (2) of the FAR, and any other regulation necessary to allow it to operate its fleet of aircraft under the provisions of Part 135 without TSO-C-112 Mode (S) transponders installed until a FAA Mode (S) ground equipment to interface with TSO-C-112 transponders is substantially in place nationwide and Frankfort Flight Service, Inc. receives reasonable notice from the FAA that the exemption is canceled, or (B) for a 24-month (or similar) period with a feature providing for automatic extension until the FAA Mode (S) ground facilities are substantially in place nationwide.

Frankfort Flight Service, Inc. presently has its fleet in compliance with the FAR until it purchased a new (used) aircraft. The prior owner of this aircraft had its Transponder replaced on January 24, 2001 with a new Garmin 327 transponder. This transponder would not be usable in Part 135 without this exemption. In checking it is apparent that sometime in the future a new Garmin 330 Transponder will become available. Due to extreme pressures on the market, there is a long waiting list for the product from the factory.



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