



Exemption No. 18510A
Regulatory Docket No. FAA-2020-0292

Mr. John McGraw
Vice President of Regulatory Affairs
National Air Transportation Association
818 Connecticut Ave., NW.
Washington, DC 20006

Dear Mr. McGraw:

This letter is to inform you that we have granted your petition to extend and amend Exemption No. 18510. The discussion below reviews the petition, states the decision, lists the conditions and limitations, and describes the decision's effect.

The Petition

By letter dated May 7, 2020, you petitioned the Federal Aviation Administration (FAA) on behalf of the National Air Transportation Association (NATA) and its members for an extension of Exemption No. 18510. That exemption from §§ 135.245(c), 135.247(a), 135.301(a), 135.323(b), 135.337(g), 135.338(g), 135.339(b), 135.340(b), and 135.505(d) of Title 14, Code of Federal Regulations provides limited relief from the timeframes for completing recurrent training and qualification requirements for ground personnel and crewmembers¹ due through May 31, 2020.

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 original exemption. You request that the exemption be extended and amended to provide relief from the timeframes for completing recurrent training and qualification requirements for crewmembers due June 1, 2020 through September 30, 2020.²

A summary of the petition was published in the Federal Register on May 19, 2020 (85 FR 29999). Frankie Marrero, DER Frankie LLC, commented that Exemption No. 18510 should be granted to specific operators that provide a short description of their safety analysis and risk mitigation plan.

¹ For purposes of this exemption, crewmember refers to pilots and flight attendants.

² The provision of relief for training and qualification requirements for crewmembers due through September 30, 2020, would necessarily require an extension of the exemption through December 31, 2020 to accommodate the allowance of two additional grace months for training requirements that already include a grace month. *See* Exemption No. 18510, footnote 5.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 18510 remains valid with respect to this exemption and is in the public interest. The petitioner requested relief from the timeframes for completing recurrent training and qualification requirements for ground personnel and crewmembers due through September 30, 2020. Because the COVID-19 public health emergency continues to evolve, and the length and nature of its ongoing effects are uncertain, we are at this time limiting this exemption to recurrent training and qualification requirements due through July 31, 2020.³ The FAA has added Condition and Limitation No. 6 to ensure that certificate holders provide a revised plan to mitigate any potential risk introduced by extending the relief to additional ground personnel and crewmembers with training and qualification requirements due in June and July.

The FAA notes that individual certificate holders are granted authorization to use Exemption No. 18510 in operations specification A005 after demonstrating compliance with the Conditions and Limitations of the exemption, including the safety risk analysis and mitigation information required by Condition and Limitation No. 5. This approach is consistent with the one comment received on this petition.

The FAA emphasizes that this extension does not change the relief as originally granted in Exemption No. 18510 for ground personnel and crewmembers with training and qualification requirements due through May 31, 2020. Personnel who complete recurrent training, testing, checking, evaluation, recency, or observation up to either two or three calendar months after the calendar month in which the training, testing, checking, evaluation, recency, or observation is required, will be considered to have taken or completed the training, testing, checking, evaluation, recency, or observation in the calendar month in which it was required. *See* Condition and Limitation No. 4.

The FAA has also updated Condition and Limitation No. 7 to include specific requirements for certificate holders that operate outside of the United States under this exemption.

Pursuant to the authority contained in 49 U.S.C. §§ 106(f), 40113, and 44701, delegated to me by the Administrator, part 119 certificate holders conducting part 135 operations are granted an exemption from 14 CFR §§ 135.245(c), 135.247(a), 135.301(a), 135.323(b), 135.337(g), 135.338(g), 135.339(b), 135.340(b), and 135.505(d). This exemption is subject to the conditions and limitations listed below.

³ The inclusion of training due through July 31, 2020 means that, for a crewmember who was due to complete recurrent training in July as to a requirement that already allowed for one grace month, the original grace month is August. With this two-month extension, the crewmember's grace months are August, September, and October. If the crewmember completes the training in August-October, the crewmember will be considered to have completed it in July. However, the FAA notes that, unlike the other regulatory sections included in the relief provided by this exemption, 14 CFR §§ 135.245(c) and 135.247(a) does not already permit a grace month. Thus, for a crewmember who is due to meet the requirements of §§ 135.245(c) and 135.247(a) in July, the crewmember's grace months are August and September, but not October.

Conditions and Limitations

1. This exemption applies only to part 119 certificate holders who have submitted a Letter of Intent to the FAA at the following address: 9-AVS-AFS200-COVID-Exemptions@faa.gov. The Letter of Intent must state the certificate holder's intention to exercise the relief granted in this exemption and affirm the intention to act consistently with the conditions and limitations herein.
 - a. A certificate holder that submitted a Letter of Intent prior to May 29, 2020, in accordance with the original issuance of this exemption has met the requirement of Condition and Limitation No. 1 and does not have to submit another letter.
2. This exemption applies only to part 119 certificate holders who have been granted authorization by their assigned principal operations inspector in operations specification A005.
3. This exemption applies only to crewmembers or ground personnel who are required to complete recurrent training, testing, checking, evaluation, recency, or observation through July 31, 2020.
4. Personnel who complete recurrent training, testing, checking, evaluation, recency, or observation up to either two⁴ or three⁵ calendar months after the calendar month in which the training, testing, checking, evaluation, recency, or observation is required, will be considered to have taken or completed the training, testing, checking, evaluation, recency, or observation in the calendar month in which it was required.
5. Any part 119 certificate holder requesting to use this exemption must provide a plan to its assigned principal operations inspector with the following information.
 - a. For certificate holders with an accepted SMS, a safety risk assessment.
 - b. For certificate holders without an accepted SMS, a safety analysis and corresponding risk mitigations to be implemented by the certificate holder.
 - c. The method(s) the certificate holder will use in accordance with § 135.329(e)(1) to ensure that each crewmember using relief under Conditions and Limitations Nos. 3 and 4 above remains adequately trained and currently proficient for each aircraft, duty position, and type of operation in which the person serves.
6. A certificate holder that met Condition and Limitation No. 5 prior to May 29, 2020, must provide a revised plan to its assigned principal operations inspector if the certificate holder intends to apply the relief provided in this exemption to crewmembers or ground personnel who are required to complete recurrent training, testing, checking, evaluation, recency, or observation in June and July 2020.
7. Certificate holders may operate outside of the United States under this exemption, unless otherwise prohibited by a foreign country. Crewmembers must have in their physical possession, or readily accessible in the airplane, a copy of this grant of exemption when exercising the relief provided. In accordance with the Convention

⁴ With this exemption, a total of two grace months are available to complete the requirements of 14 CFR §§ 135.245(c) and 135.247(a).

⁵ With this exemption, a total of three grace months are available to complete the requirements of 14 CFR §§ 135.293(a) and (b) 135.295, 135.297(a) and (b), 135.299(a), 135.337(f), 135.338(f), 135.339(a)(2), 135.340(a)(2), 135.343, and 135.505(a).

on International Civil Aviation (Chicago Convention), and its Annexes, crewmembers must present a copy of this grant of exemption for inspection upon request by a foreign civil aviation authority.

The Effect of Our Decision

The FAA's decision amends Exemption No. 18510 to 18510A and extends the termination date to October 31, 2020, unless sooner superseded or rescinded.

Sincerely,