



Exemption No. 18511A
Regulatory Docket No. FAA-2020-0308

Mr. Andy Cebula
Vice President, NextGen and New Entrants
Airlines for America
1275 Pennsylvania Ave., NW
Washington, D.C. 20004

Dear Mr. Cebula:

This letter is to inform you that we have granted your petition to extend and amend Exemption No. 18511. 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 4, 2020, you petitioned the Federal Aviation Administration (FAA) on behalf of Airlines for America (A4A) and its members for an extension of Exemption No. 18511. That exemption from §§ 121.401(b), 121.411(g), 121.412(g), 121.413(b), 121.414(b), 121.439(a), 121.903(e), and 121.1005(d) of Title 14, Code of Federal Regulations provides limited relief from the timeframes for completing recurrent training and qualification requirements for ground personnel, crewmembers,¹ and aircraft dispatchers 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 an extension and amendment of the exemption to provide relief from the timeframes for completing recurrent training and qualification requirements for ground personnel, crewmembers, and aircraft dispatchers due June 1, 2020 through September 30, 2020.²

A summary of the petition was published in the Federal Register on May 18, 2020 (85 FR 29776). The Air Line Pilots Association, International (ALPA) submitted comments in

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

²The provision of relief for training and qualification requirements for ground personnel, crewmembers, and aircraft dispatchers 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. 18511, footnote 6.

opposition to extending Exemption No. 18511. ALPA commented that extension of the exemption would serve the purpose of operational flexibility rather than to help protect the health of pilots and prevent the spread of COVID-19. ALPA contends that the initial exemption was granted at a time when training centers were closed to perform deep cleaning and allowed the industry time to establish protocols to help keep pilots healthy while in training. ALPA asserts that the original exemption should provide sufficient time for air carriers to establish plans to address the backlog of personnel who require training and that the requested extension of the exemption to December 31, 2020 is excessive and introduces unnecessary risk in the safety of operations. ALPA states that, if Exemption No. 18511 is extended, it should be amended to include additional conditions and limitations.

The Regional Airline Association (RAA) submitted comments in support of extending Exemption No. 18511. RAA commented that granting an extension of Exemption No. 18511 is in the public interest, will provide certificate holders with the necessary flexibility to safely train crewmembers, and will help ensure regional airlines continue to have safely trained crews to meet the demand for continuing air service. RAA contends that, because regional airlines are critical contributors to the air transportation system and provide the only source of air service to smaller airports, healthy regional airlines are needed to ensure economic recovery at the state and local level, particularly in this time of COVID-19.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 18511 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, crewmembers, and aircraft dispatchers due through September 30, 2020. Because of 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, crewmembers, and aircraft dispatchers with training and qualification requirements due in June and July.

ALPA commented that extension of the exemption would be for the purpose of operational flexibility rather than to help protect the health of pilots. The FAA notes that the COVID-19 public health emergency and the circumstances that justified the grant of Exemption No. 18511 continue. Certain training environments, such as crowded classrooms, may pose an unnecessary risk of exposure to crewmembers and aircraft dispatchers, which may result in the unnecessary lapse of qualifications. ALPA commented that the requested extension is excessive. The FAA

³ The inclusion of training due through July 31, 2020 means that, for a crewmember or aircraft dispatcher 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 or aircraft dispatcher's grace months are August, September, and October. If the crewmember or aircraft dispatcher completes the training in August-October, the crewmember or aircraft dispatcher 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 § 121.439(a) does not already permit a grace month. Thus, for a crewmember who is due to meet the requirements of § 121.439(a) in July, the crewmember's grace months are August and September, but not October.

agrees that extending the exemption to provide relief from the timeframes for completing recurrent training and qualification requirements for ground personnel, crewmembers, and aircraft dispatchers due through September 30, 2020 is premature at this time. Accordingly, this exemption is limited to ground personnel, crewmembers, and aircraft dispatchers with training and qualification requirements due through July 2020.

ALPA commented that extending Exemption No. 18511 would introduce unnecessary risk and asserted that additional conditions and limitations should be added. The FAA emphasizes that this extension does not expand upon the relief for ground personnel, crewmembers, and aircraft dispatchers with training and qualification requirements due through May 31, 2020. It provides the same relief to additional ground personnel, crewmembers, and aircraft dispatchers with training and qualification requirements due in June and July. 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 finds that providing the same relief to additional ground personnel, crewmembers, and aircraft dispatchers does not present a risk to aviation safety that cannot be mitigated under the conditions and limitations of this grant of exemption.

The FAA has 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 training and qualification under part 121 are granted an exemption from 14 CFR §§ 121.401(b), 121.411(g), 121.412(g), 121.413(b), 121.414(b), 121.439(a), 121.903(e), and 121.1005(d). This exemption is subject to the conditions and limitations listed below.

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 limitation 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, aircraft dispatchers, 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 conducting part 121 operations, a safety risk assessment in accordance with § 5.55.
 - b. For certificate holders conducting part 135 operations with an accepted SMS, a safety risk assessment.
 - c. For certificate holders conducting part 135 operations without an accepted SMS, a safety analysis and corresponding risk mitigations to be implemented by the certificate holder.
 - d. The method(s) the certificate holder will use in accordance with § 121.415(g)(1) to ensure that each crewmember and aircraft dispatcher 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, aircraft dispatchers, 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 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.

⁴ With this exemption, a total of two grace months are available to complete the requirements of 14 CFR § 121.439(a).

⁵ With this exemption, a total of three grace months are available to complete the requirements of 14 CFR §§ 121.411(f), 121.412(f), 121.413(a)(2), 121.413(h), 121.414(a)(2), 121.414(h), 121.433(c)(1)(i) and (ii), 121.440(a), 121.441(a)(1)(ii) and (a)(2), 121.453(a), 121.463(c), and 121.1005(a).

The Effect of Our Decision

The FAA's decision amends Exemption No. 18511 to 18511A and extends the termination date to October 31, 2020, unless sooner superseded or rescinded.

Sincerely,