



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

800 Independence Ave  
Washington, DC 20591

Exemption No. 18512A  
Regulatory Docket No. FAA-2020-0307

Mr. Paul J. McGraw  
Vice President, Operations & Safety  
Airlines for America  
1275 Pennsylvania Ave., NW  
Washington, D.C. 20004

Dear Mr. McGraw:

This letter is to inform you that we have granted your petition to extend Exemption No. 18512. 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 1, 2020, you petitioned the Federal Aviation Administration (FAA) on behalf of Airlines for America (A4A) and its member airlines for an extension of Exemption No. 18512. That exemption from §§ 121.407(c)(2), 121.409(b)(2)(i), 121.417(c)(2)(i)(C)-(D) and (E)(4), 121.424(a)(1), 121.427(b)(2), (d)(1)(ii) and (d)(2), 121.441(b)(1), and 121.805(b)(5)(iii) of Title 14, Code of Federal Regulations provides relief to allow A4A members and other part 119 certificate holders<sup>1</sup> to use alternative methods to conduct certain required crewmember<sup>2</sup> emergency procedures during recurrent and upgrade training, checking, and evaluation 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 to allow certificate holders to use alternative methods to conduct certain required crewmember emergency procedures during recurrent, and upgrade training, checking, and evaluation through November 30, 2020.

A summary of the petition was published in the Federal Register on May 18, 2020 (85 FR 29778). The Regional Airline Association (RAA) submitted comments in support of extending Exemption No. 18512. RAA commented that granting an extension of Exemption No. 18512 is

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<sup>1</sup> These certificate holders must conduct training and qualification in accordance with part 121. This includes all part 121 air carriers and any part 135 air carrier/operator that is required by § 135.3(b) or is authorized under § 135.3(c) to conduct training and qualification in accordance with part 121.

<sup>2</sup> For the purposes of this exemption, crewmember refers to pilots, flight engineers, and flight attendants.

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. 18512 remains valid with respect to this exemption and is in the public interest. The petitioner requested relief to allow certificate holders to use alternative methods to conduct certain required crewmember emergency procedures during recurrent, and upgrade training, checking, and evaluation through November 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 allow certificate holders to use alternative methods to conduct certain required crewmember emergency procedures during recurrent, conversion, and upgrade training, checking, and evaluation through July 31, 2020. The FAA has added Condition and Limitation No. 8 to ensure that certificate holders provide a revised plan to mitigate any potential risk introduced by extending the relief to training, checking, and evaluation conducted in June and July.

The FAA notes that this extension does not change the relief as originally granted in Exemption 18512. However, since the original issuance of Exemption 18512, the Pilot Professional Development Final Rule became effective (85 FR 10896, Feb. 25, 2020). This rule changed the structure of §§ 121.415 and 121.427, changed the definition of “upgrade training” in § 121.400, and added the term “conversion training” in § 121.400. The FAA now uses the term conversion training in part 121 to identify the training provided to flight engineers qualifying as Second in Command on the same airplane type. This extension incorporates the updated regulatory references and terminology.

The FAA has also updated Condition and Limitation No. 9 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 §§ 121.407(c)(2), 121.409(b)(2)(i), 121.417(c)(2)(i)(C)-(D) and (E)(4), 121.424(a)(1), 121.427(b)(2)(i)-(iii), (e)(1)(ii) and (e)(2), 121.441(b)(1), and 121.805(b)(5)(iii) to the extent necessary to allow relief from the manner in which the certificate holder conducts training, checking, and evaluation on emergency and abnormal procedures.<sup>3</sup> This exemption is subject to the conditions and limitations listed below.

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<sup>3</sup> The FAA notes that it is granting relief from §§ 121.407(c)(2), 121.409(b)(2)(i), 121.424(a)(1), 121.427(e)(1)(ii), and 121.441(b)(1) only to the extent necessary to allow certificate holders to adjust training and checking procedures contained in 14 CFR part 121 appendix E, section III, paragraphs (f)(1) and (g); appendix F, section VII, paragraphs (a) through (d); and appendix H, paragraph 6.

## 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 who are required to complete recurrent training, checking, or evaluation through July 31, 2020 and to pilots completing conversion or upgrade training, checking, or evaluation through July 31, 2020.
4. During recurrent, conversion, or upgrade training, checking, or evaluation of emergency procedures or drills that requires the crewmember to don or use emergency equipment that must be placed on or over the head, the certificate holder may use alternative methods to conduct the training, checking, and evaluation. This paragraph does not apply to initial or transition training, checking, or evaluation.
5. During recurrent flight attendant performance drills of cardiopulmonary resuscitation, the certificate holder may use alternative methods to conduct the drills. This paragraph does not apply to initial flight attendant training.
6. Any crewmember that performs emergency drills or performance drills under Conditions and Limitations Nos. 4 or 5 using alternative methods must complete the drills using the normal procedures during the person's next regularly scheduled recurrent ground training or within 12 calendar months (plus grace month) of the training using the alternative methods, whichever is earlier.
7. 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 who have 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 alternative methods the certificate holder will use to accomplish the training and checking described in Conditions and Limitations Nos. 4 and 5.
  - e. The method(s) the certificate holder will use in accordance with § 121.415(h)(1) to ensure that each crewmember using relief under Conditions and Limitations Nos. 3, 4, and 5 remains adequately trained and currently proficient for each aircraft, duty position, and type of operation in which the person serves.

8. A certificate holder that met Condition and Limitation No. 7 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 training, checking, or evaluation conducted in June and July 2020.
9. 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.

### **The Effect of Our Decision**

The FAA's decision amends Exemption No. 18512 to 18512A and extends the termination date to July 31, 2020, unless sooner superseded or rescinded.

Sincerely,