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December 20, 2020

ELECTRONIC MAIL

Justin Barcas
Aviation Safety
Program Analyst, ARM-208
202.267.7023

SUBJECT: Regarding your petition for exemption FAA-2020-0805:

Mr. Justin Barcas,

First, as to “... *relevant technical and scientific data* to support consideration of an Exemption to 14 CFR 121.407.”:

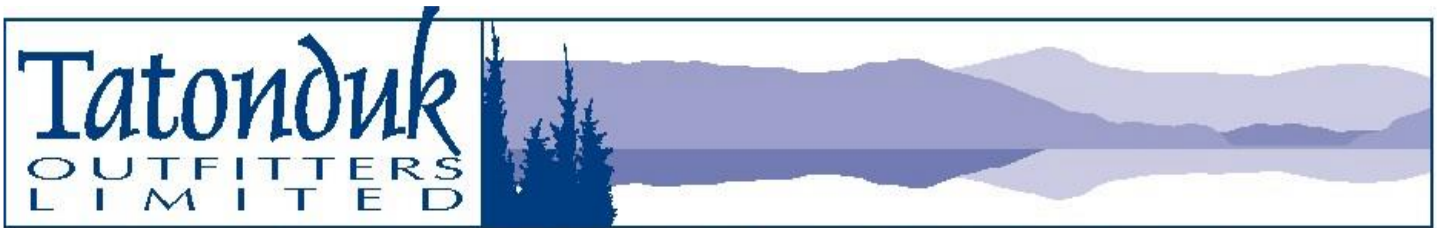
I would reference you to FXGA’s petition for exemption which cites the Flight Standardization Board (FSB) Report, Revision 8 dated 10/17/2014, for the McDonnell-Douglas DC9 McDonnell Douglas / DC9-10 through -87, MD80, MD88, MD90, MD-90EFD, 717-200, MD-87 Fire Tanker; this citation is noted throughout the petition, and specifically highlights the FSB’s observation on such things as the variant handling qualities – which they deem as sufficient to permit handling qualities credit. We go as far in our petition to illustrate the one (1) instance in which the DC-9-10 variant does not equate to the others; please take note that even with the presupposed distinction between the DC-9-10 and other variants, there was a prior petitioner who was granted the authority to utilize the DC-9-30 series to train their DC-9-10 pilots, somewhat contrary to your position – search “FAA-2019-0797” at *regulations.gov*.

We cite the FSB document because according to the FAA, some of the FSB’s responsibilities include, but are not limited to:

- Determine^[ing] the requirements for pilot type ratings for the aircraft in question.
- Publish^[ing] recommendations **for FAA inspectors to use** in approving an operator's training program.
- Ensure initial flight crew member competency.

~ Emphasis added ~

We maintain, based on the FSB membership - which includes Operations Inspectors, Safety Standards Representatives (NSP), and **Technical Advisors** (Air Transportation Division, Flight Technologies and Procedures Division, and the General Aviation and Commercial Division) - that this document can / should be viewed as an accredited source of *technical data*. Furthermore, I think it can be argued that the *data* contained within the document is based on *scientific* methods, resulting in *scientific data*.



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Additionally, there is the regulatory intent (RULE) discussed within our petition which allows for the use of such data to the extent needed by an inspector to grant our requested exemption. We cite two provisions:

§121.407 (a)(1)(ii) states in relevant part:

The type airplane and, *if applicable*, the particular variation within type, for which the training or check is being conducted; and ... (emphasis added).

§121.400 (c)(10) states in relevant part:

Related aircraft. Any two or more aircraft of the same make with either the **same** or different type certificates that have been *demonstrated and determined by the Administrator to have commonality to the extent that credit* between those aircraft may be applied for flightcrew member training, checking, recent experience, operating experience, operating cycles, and line operating flight time for consolidation of knowledge and skills. (emphasis added).

Secondly, as to “... *technical and scientific data to support the your assertions regarding possible COVID-19 exposure...*”:

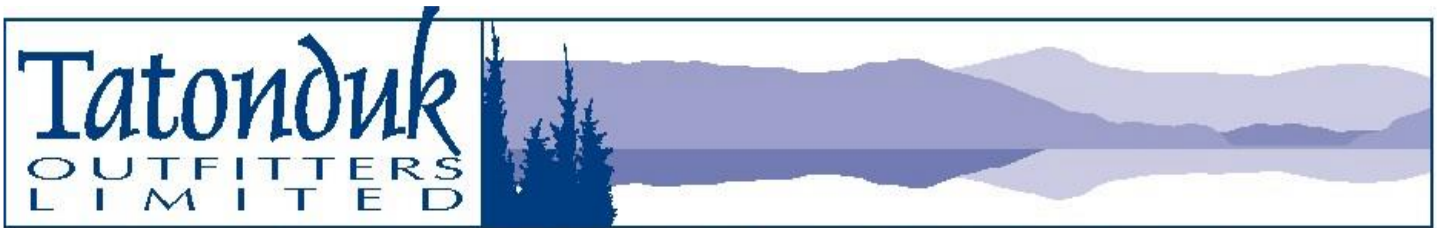
FXGA maintains that NO data is requisite regarding the assertion made referencing COVID-19. Our petition merely points out that WE maintain this FFS in Alaska, and dictate who, how, and when it is used. We discuss this COVID issue because FXGA has Alaska State Government approved COVID-19 mitigating controls in place for this FFS’s use, including protocol for out of State users; Alaska’s mandates, as well as our approved procedures, DO NOT coincide with those of the State of Florida - the current location of the only operable DC-9-30 FFS. That said, we cannot guarantee (to the same level of certainty) the safety of our crewmembers when they are exposed to mitigation other than the ones we have successfully employed here at home.

Regarding the travel distinction you have levied in your email... I would direct you to our comment embedded in the footnotes of our petition which points out the fact that FAA employee travel is RESTRICTED due to COVID concerns.

We did not specifically address the travel concerns regarding movement on the “commercial air carriers aircraft” alone, but instead felt it was unnecessary to illustrate that the Florida housed FFS is used by multiple domestic and international parties, while our Alaska FFS is not.

Keep in mind, COVID-19 was an ancillary issue of note, and the globally relevant data to support our contention that leaving the confines of our State - travelling, housing, etc. – and exposing our crews to risks for which our management has little authority to control need NOT be supported at all. This issue should fall under reasonable stipulation, and furthermore, if that were NOT the case, the FAA would cease to restrict the travel of its employees.

Lastly, FAA principal operations inspectors use the approved FSB document as guidance in approving aircraft operators’ crew training, checking and currency programs. We feel you have enough DATA by considering that document in conjunction with the RULE, and our petition.



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Feel free to contact me with any questions, comments and/or further concerns. FXGA looks forward to working with you though this approval process, always keeping the safety of our crews and the travelling public in mind.

Regards,

/s/ Paul Quirion

Director of Operations

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