



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

June 8, 2021

Exemption No. 18811
Regulatory Docket No. FAA-2021-0389

Mr. Matthew Sears
Director of Operations
USA Jet Airlines
Willow Run Airport
2068 E Street
Belleville, MI 48111

Dear Mr. Sears:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your request for an exemption. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date it ends.

The Basis for the FAA's Decision

By letter dated April 26, 2021, you petitioned the FAA on behalf of USA Jet Airlines (USA Jet) for an exemption from §§ 63.39(b)(1)(2) and 121.425(a)(2)(i) and (ii) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow USA Jet to meet certification requirements of § 63.39(b)(1) and (2) concurrently with the qualification requirements of § 121.425(a)(2)(i) and (ii) in a single flight check. The proposed exemption would also allow applicants in training for that flight check to take (1) the airplane preflight inspection portion of that flight check using an advanced pictorial means instead of an airplane, and (2) the normal procedures portion of that flight check in an approved flight simulation training device (FSTD).

The FAA has issued a grant of exemption in circumstances similar in material respects to those presented in your petition. In Grant of Exemption No. 4901P (copy enclosed), the FAA found that experience has shown that the use of pictorial means for training and testing purposes compares favorably with an actual preflight of an airplane.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in all material respects to relief previously requested in the enclosed Grant of Exemption No. 4901P;
- The reasons stated by the FAA for granting the enclosed Grant of Exemption No. 4901P also apply to the situation presented in your petition; and

AFS-21-00381-E

- A grant of exemption is in the public interest.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested exemption would not set a precedent and any delay in acting on this petition would be detrimental to USA Jet.

Under the authority contained in 49 U.S.C. 106(f), 40113, 44701 and 44807, which the FAA Administrator has delegated to me, I hereby grant USA Jet Airlines an exemption from 14 CFR §§ 63.39(b)(1) and (2) and 121.425(a)(2)(i) and (ii) to the extent necessary to allow USA Jet to meet certification requirements of § 63.39(b)(1) and (2) concurrently with the qualification requirements of § 121.425(a)(2)(i) and (ii) in a single flight check subject to the conditions and limitations described below.

Conditions and Limitations

1. **Advanced Pictorial Means.** USA Jet may use advanced pictorial means to conduct the airplane preflight inspection portion of the initial flight engineer flight check under certain conditions. For those employees who are applying for the flight engineer certificate and who are able to present (for the class rating sought) satisfactory evidence of any one of the requirements specified in §§ 63.37(b)(1) through (7), or who are applying for an additional class rating in accordance with the requirements of § 63.33, USA Jet must –
 - a. Develop and use advanced pictorial means that provide distant views and detailed close-up views of each passenger compartment and exterior preflight inspection item depicting normal and abnormal conditions;
 - b. Provide equipment with random access capability to any picture for training and checking purposes;
 - c. Ensure the pictures and descriptions of the items are approved by the Flight Standards office having responsibility for the USA Jet air carrier certificate; and
 - d. Ensure the holder of a flight engineer certificate issued under this exemption demonstrates proficiency on at least one complete visual inspection of the aircraft exterior and the cabin interior of a static airplane of the appropriate type. This demonstration of proficiency must be completed successfully and documented before the completion of operating experience required by § 121.434 and this exemption.
2. **Restricted Flight Engineer Certificate.** USA Jet may conduct the normal procedures portion of the in-flight phase of the flight engineer practical test (and flight check, as applicable) for a restricted flight engineer certificate in an approved flight simulation training device (FSTD). For flight engineer certificate applicants who are applying for an additional class rating in accordance with the requirements of § 63.33 or who meet any one of the experience requirements of § 63.37(b)(4) through (7) (Note: In the case of paragraph (b)(7), the applicant also must hold at least a commercial pilot certificate with an instrument rating), USA Jet must—

- a. Ensure each approved FSTD used to conduct the normal procedures portion of the flight engineer practical test is approved and maintained in accordance with § 121.407 and qualified in accordance with part 60 or a previously qualified device, as permitted in accordance with § 60.17. This FSTD must be a flight training device qualified at Level 6 or above or a full flight simulator qualified at Level A or above with or without operating motion and visual systems;
- b. Ensure the flight engineer normal procedures portion of the practical test is conducted in an approved FSTD with a complete crew complement that is task familiar in accordance with Advisory Circular (AC) 120-35, as amended, Flightcrew Member Line Operational Simulations: Line-Oriented Flight Training, Special Purpose Operational Training, and Line Operational Evaluation. USA Jet must provide a means for ensuring individuals who are not qualified and current remain task familiar. The crew complement may not include another flight engineer certificate applicant;
- c. Ensure the holder of a restricted flight engineer certificate issued under this exemption understands that the certificate may be used in service as a required flight engineer crewmember only under the supervision of a flight engineer, approved by the Administrator, during the initial 12 hours of operating experience. The supervising flight engineer must hold the necessary certificates and ratings and must be qualified to perform flight engineer duties in the particular type airplane involved. The 12-hour operating experience required herein may be reduced to 6 hours by substituting one additional takeoff and landing for each hour of flight time. If the qualifying flight engineer demonstrates competence during supervised operating experience, the selected flight engineer must issue a letter of competence upon completion of the required period of in-flight supervision. This letter must signify that the restriction on the certificate no longer applies. This letter must be retained by the holder until a permanent unrestricted flight engineer certificate can be issued;
- d. Ensure the competence of the flight engineer applicant is certified in accordance with Condition No. 2(c). In addition, ensure the applicant knows that only upon completion of proper certification of competence may the flight engineer applicant apply to any Flight Standards office for the issuance of a permanent unrestricted flight engineer certificate;
- e. Ensure the applicant knows that when serving in revenue operations conducted under the authority of this exemption, the applicant must maintain in his or her possession at all times his or her letter of competence and restricted flight engineer certificate, or unrestricted flight engineer certificate, with the reference to this exemption deleted;
- f. Ensure a restricted flight engineer certificate issued under this exemption bears the statement: "This certificate is subject to the provisions of Exemption No. 18811, as amended;"
- g. Obtain approval from the Flight Standards office having responsibility for the USA Jet air carrier certificate before exercising the privileges of this exemption; and
- h. Ensure those flight engineers selected to observe a qualifying flight engineer during the operating experience required by this exemption are approved by the Administrator before acting as in-flight supervisor flight engineers. In addition, if the

selected flight engineer notes discrepancies in the performance of duties by the qualifying flight engineer and recommends additional training and further observation in the areas of discrepancy, USA Jet must ensure the recommended additional training and further line observation is completed satisfactorily before application is made for the FAA unrestricted flight engineer certificate.

3. Unrestricted Flight Engineer Certificate. USA Jet may conduct the normal procedures portion of the in-flight phase of the flight engineer practical test (and flight check, as applicable) for an unrestricted flight engineer certificate in an approved FSTD. Supervised operating experience is not a requirement for the unrestricted certificate. Accordingly, the requirements for the normal procedures portion of the practical test are different from those associated with the restricted certificate (Condition No. 2 above). The transition from training to line operations, including crew coordination issues, is promoted by three additional requirements in the flight test for the unrestricted certificate: (1) a higher level of flight simulation, including operational visual and motion systems; (2) a more highly qualified crew complement; and (3) a line operational evaluation (LOE).

For those flight engineer certificate applicants who are able to present, for the class rating sought, satisfactory evidence of any one of the requirements specified in § 63.37(b)(1) through (7), or who are applying for an additional class rating in accordance with the requirements of § 63.33, USA Jet must—

- a. Ensure each approved FSTD used to conduct the flight engineer normal procedures LOE portion of the flight engineer practical test is approved and maintained in accordance with § 121.407 and qualified in accordance with part 60 or a previously qualified device, as permitted in accordance with § 60.17. This approved FSTD must be qualified at Level A or higher and must have operating visual and motion systems;
 - b. Ensure the flight engineer normal procedures LOE is conducted with a complete crew complement that is task familiar in accordance with AC 120-35, as amended. Such crewmembers must be qualified in accordance with § 61.58. No medical certificate or 90-day landing currency is required. The crew complement may not include another flight engineer certificate applicant;
 - c. Develop, obtain approval for, and have available for use during the conduct of the flight engineer normal procedures LOE no fewer than six separate flight engineer normal procedures LOE scenarios. Each scenario must be designed in a manner that avoids stereotyping and makes it distinct from other scenarios used in training or testing; and
 - d. Obtain approval from the Flight Standards office having responsibility for the USA Jet air carrier certificate before exercising the privileges of this exemption.
4. USA Jet may not exercise the privileges of this exemption outside the United States.

To request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2021-0389 (<http://www.regulations.gov>). In addition, you should submit your request no later than 120 days prior to the exemption's expiration date listed below.

To request an amendment to this exemption, please submit your request no later than 120 days prior to the date you need the amendment using the process indicated above.

Any extension or amendment request must meet the requirements of §11.81 of 14 CFR.

This exemption terminates on June 30, 2024, unless sooner superseded or rescinded.

Sincerely,

/s/

Rick Domingo
Executive Director, Flight Standards Service