

May 28, 2004

Exemption No. 8331  
Regulatory Docket No. FAA-2001-10717

Mr. James L. Dahlquist  
Chief Pilot  
Westjet Air Center, Inc.  
4160 Fire Station Road  
Rapid City, SD 57703

Dear Mr. Dahlquist:

This is in response to your April 21, 2004, letter petitioning the Federal Aviation Administration (FAA) on behalf of Westjet Air Center, Inc. (Westjet) for an extension of Exemption No. 7136, as amended. That exemption from § 61.3(a) and (c) of Title 14, Code of Federal Regulations (14 CFR) permitted Westjet pilots to carry written confirmation of FAA issued pilot or medical certificates provided by Westjet based on information in Westjet's approved record system. However that exemption expired on March 31, 2004. Therefore, the FAA will process your petition as a new exemption request.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 5560, as amended (copies enclosed), the FAA found that although the FAA issues telegraphic replacement certificates on a 24-hour emergency basis, some airlines are not equipped to receive such certificates in a timely manner at various locations during non-business hours. The FAA states that the inability of an airline to receive telegraphic replacement certificates in a short time could result in substantial flight delays or even flight cancellations.

The FAA found that permitting the air carrier to issue written confirmation of FAA-issued flight crewmember certificates could preclude such delays and cancellations and, therefore, would be in the public interest. The FAA also found that although there may be minor differences between the content of the records maintained by the FAA and those maintained

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by the carrier, granting the exemption with certain conditions and limitations would provide a level of safety equivalent to that provided by the affected regulations. Finally, the FAA stated that under section 1 of chapter 1 of annex 1 to the International Civil Aviation Organization International Standards and Recommended Practices, a license must be issued or rendered valid by a Contracting State and, therefore, operations under the exemption would be limited to flights conducted within the 48 contiguous States and the District of Columbia.

The FAA notes that in Amendment 61.102, "Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules; Final Rule; Request for Comments" (62 FR 16220, April 4, 1997), effective August 4, 1997, § 61.29 was revised to permit airmen who have lost an airman or medical certificate to obtain confirmation by facsimile rather than by telegram that the certificate was issued.

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed grants of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemptions also apply to the situation you present.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Westjet Air Center, Inc., is granted an exemption from 14 CFR § 61.3(a) and (c) to the extent necessary to permit Westjet to issue to its pilot flight crewmembers written confirmation of an individual FAA-issued crewmember certificate based on information in Westjet's approved record system. That confirmation, when attached to this exemption, permits (1) Westjet to operate the affected flight and (2) the individual pilot to serve as flight crewmember for any part 135 flight operations without having in his/her possession an FAA-issued pilot or medical certificate, subject to the following conditions and limitations:

1. Before conducting operations under this exemption, Westjet must develop, submit to, and have approved by its FAA principal operations inspector (POI) a plan outlining the procedures it expects to employ in issuing a temporary confirmation document to pilot flight crewmembers who do not have in their personal possession the airmen or medical certificate required under the regulations for a particular flight.
2. Westjet's procedures, as specified in condition No. 1, must include a method to ensure positive identification of the pilot flight crewmember when the pilot flight crewmember no longer has any identification.
3. Each pilot flight crewmember who operates a flight under this exemption must comply with § 61.29(c) and ensure a request for a facsimile from the FAA

confirming the applicable certificate is made within 72 hours of the initiation of any flight conducted under this exemption. Westjet is authorized to make this application to the FAA on behalf of the pilot flight crewmember. The pilot flight crewmember must provide a copy of the facsimile to Westjet within 24 hours of the receipt of that facsimile.

4. Westjet's confirmation document must include the written words, "Issued under the authority of Exemption No. 8331."
5. The privileges of this exemption may be exercised only when the affected pilot flight crewmember operates totally within the District of Columbia and the 48 contiguous States of the United States. The privileges of this exemption may not be exercised in Alaska or Hawaii.

This exemption terminates on June 30, 2006, unless sooner superseded or rescinded.

Sincerely,

//s//

John M. Allen  
Acting Director, Flight Standards Service

Enclosures