



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

Exemption No. 18522B
Regulatory Docket No. FAA-2020-0372

Mr. Paul J. McGraw
Vice President, Operations & Safety
Airlines for America
1275 Pennsylvania Ave. NW
Suite 1300
Washington, DC 20004

Dear Mr. McGraw:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 18522A. The discussion below reviews the petition, states the FAA's decision, lists the conditions and limitations, and describes the decision's effect.

The Petition

By letter dated August 10, 2020, Airlines for America (A4A) petitioned the FAA on behalf of its members and other part 119 certificate holders operating under part 121 for an extension of Exemption No. 18522. That exemption from 14 CFR §§ 121.311(g), 121.333(f), 121.391(d) and 121.573(a) provides A4A members and other part 119 certificate holders operating under part 121 relief to allow flight attendants to relocate from the seats they would normally occupy in order to comply with recommendations from the Centers for Disease Control and Prevention (CDC) concerning proximity to other people. In addition, this relief from certain requirements of the regulation concerning passenger briefings excuses crewmembers from demonstrating the use of oxygen dispensing equipment and donning and inflating a life preserver. You requested that the FAA extend the same relief provided in Exemption No. 18522A through January 31, 2021.

Your petition indicates 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.

The FAA has not published a summary of the petition in the Federal Register because, under 14 CFR § 11.87, the agency determined that good cause exists for not delaying action on the petition.

The FAA's Decision

The FAA has determined that the justification for the issuance of Exemption No. 18522A remains valid with respect to this exemption and is in the public interest. While aviation activity

has increased, CDC recommendations for mitigating the risk of transmission remain in place, including recommendations related to proximity to other persons. Accordingly, this exemption is extended for the limited period requested by the petitioner.

The FAA has updated Conditions and Limitations No. 1 and 2 to clarify that, in exercising the relief under this exemption, if the petitioner submitted any of the following items prior to September 30, 2020, the petitioner is not required to make a new submission: a letter of intent (Condition and Limitation No. 1), alternate methods and procedures for conducting the passenger safety briefing (Condition and Limitation No. 3), procedures the certificate holders will use to position flight attendants who are at a location other than their currently assigned duty station (Condition and Limitation No. 4), and a safety risk assessment (Condition and Limitation No. 5).

Pursuant to the authority provided by 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, A4A members and other certificate holders conducting part 121 operations are granted an exemption from 14 CFR §§ 121.311(g), 121.333(f), 121.391(d), and 121.573(a) to allow flight attendants to relocate from the seats they would normally occupy in order to comply with recommendations from the CDC concerning proximity to other people. In addition, this exemption allows relief from certain requirements of the regulation concerning passenger briefings and therefore excuses crewmembers from demonstrating the use of oxygen dispensing equipment and donning and inflating a life preserver. This exemption is subject to the conditions and limitations listed below.

Conditions and Limitations

1. This exemption applies only to part 119 certificate holders conducting operations under part 121 that submit 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 limitations herein. A certificate holder that submitted a Letter of Intent prior to September 30, 2020 in accordance with the previous issuances of this exemption has met the requirement of this Condition and Limitation and does not have to submit another letter.
2. This exemption applies only to part 119 certificate holders that have been granted authorization by their assigned principal operations inspector in Operations Specification A005. Alternative methods and procedures submitted in accordance with Conditions and Limitations 3, 4, or 5 should be submitted to the assigned principal operations inspector prior to issuance of Operations Specification A005.
 - a. A certificate holder that provided a submission in accordance with Conditions and Limitations 3, 4, or 5 prior to September 30, 2020 in accordance with the previous issuances of this exemption has met the requirement of those Conditions and Limitations.
3. Part 119 certificate holders that seek to operate in accordance with this exemption must develop and use alternative methods for conducting the passenger safety briefing. Such alternative methods might involve describing or displaying photographs or other depictions

of the required safety equipment in a manner that does not involve donning or using the equipment. Certificate holders must submit for FAA review each alternative method that the certificate holder seeks to use under this exemption, as described in Condition and Limitation 2, above.

4. During take-off and landing, flight attendants are required to be located as near as practicable to the required floor level exits and shall be uniformly distributed throughout the airplane in order to provide the most effective egress of passengers in the event of an emergency evacuation. During taxi, each flight attendant must be seated with his or her seatbelt fastened, except to perform duties related to the safety of the airplane and its occupants. Certificate holders must submit for FAA review the procedures the certificate holders will use to position flight attendants who are at a location other than their currently assigned duty station. The FAA must receive these procedures in the manner described in Condition and Limitation 2, above.
5. Any part 119 certificate holder conducting operations under part 121 that requests to use this exemption must provide a safety risk assessment to its assigned principal operations inspector in accordance with 14 CFR § 5.55 that describes the intended use of this exemption and potential risks that could arise from it.
6. Apart from this exemption's application within the United States, part 119 certificate holders conducting operations under part 121 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.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2020-0372 (<http://www.regulations.gov>).

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

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. 18522A to 18522B and extends the termination date to January 31, 2021, unless sooner superseded or rescinded.

Sincerely