

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, D.C. 20591

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In the matter of the petition of \*  
\*  
JET AMERICA INTERNATIONAL INC., \*  
\*  
for an exemption from Section \*  
135.89(b)(3) of the Federal \*  
Aviation Regulations \*  
\*  
\* \* \* \* \*

Regulatory Docket No. 20284

PARTIAL GRANT OF EXEMPTION

By letters of March 3 and 25, 1980, Mr. William J. McKenna, Chief Pilot, Jet America International Inc. (Jet America), General Aviation Terminal, Washington National Airport, Washington, D.C. 20001, petitioned for an exemption from Section 135.89(b)(3) of the Federal Aviation Regulations (FAR) to permit operation under Section 121.333(c)(2) of the FAR. Petitioner requested this exemption to permit operation of its Learjet 23 and 25 aircraft above flight level (FL) 350 (35,000 feet) up to and including FL 410 (41,000 feet) without one pilot having to wear and use an oxygen mask.

Section 135.89(b)(3) states, in pertinent part, that whenever an aircraft having a pressurized cabin is operated above 35,000 feet, at least one pilot at the controls shall wear, secured and sealed, an oxygen mask supplying oxygen.

Section 121.333(c), regarding use of oxygen by flight crewmembers, requires, in pertinent part, that when operating above flight level 250 each flight crewmember must be provided with an oxygen mask so designed that it can be rapidly placed on his face, secured, sealed, and supplying oxygen upon demand.

Section 121.333(c)(2) requires that when operating above flight level 250 one pilot at the controls shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen, except that the one pilot need not wear and use an oxygen mask while at or below flight level 410 if each flight crewmember on the flight deck has a quick-donning mask.

Section 121.333(c)(3) requires that if, for any reason or at any time, it is necessary for one pilot to leave his station at the controls of the airplane when operating above flight level 250, the other pilot shall put on and use his mask.

Section 121.333(c)(4) requires that before the takeoff for flight each crewmember shall preflight his oxygen equipment and ensure that the supply is adequate for use.

In support of its request, the petitioner states:

1. Jet America operates Learjet models 23 and 25 aircraft which are FAA certificated to fly up to and including FL 410 and FL 450, respectively.

2. As a matter of company policy the flightcrews use Puritan Bennet ZMR-138 type oxygen masks. When not in use in flight, the masks are worn hanging from the pilot's neck and can be donned with one hand, sealed, and delivering oxygen within 5 seconds.

3. The use of the oxygen mask for an extended period is uncomfortable and fatiguing, which could have a negative effect on safety.

4. Because of the close proximity of the flightcrew in the cabin, the passengers are aware of cockpit procedures. The donning of a mask is disconcerting to the passengers, causing undue alarm and doubt of the reliability of the aircraft pressurization system.

5. Jet America's FAA-approved training manual includes training requirements in high-altitude flight phenomena and physiology. Flight training includes instruction in emergency procedures for aircraft decompression, emergency descent, and use of oxygen masks.

6. Precedent has been established by Grant of Exemption No. 2833, and petitioner states that a grant of its request would not adversely affect safety. Further, it would dispel passenger apprehension concerning high-altitude flight in Learjet aircraft.

The FAA concludes that the reliability of the aircraft cabin pressurization systems plus the design features of the quick-donning mask and use of an approved training program would provide an equivalent level of safety.

The FAA also concludes that the pertinent portions of Section 121.333(c)(1) through (c)(4), involving the use of supplemental oxygen by crewmembers, should be included as conditions and limitations in this exemption rather than imposing one isolated section of Part 121 on this Part 135 operation.

In consideration of the foregoing, I find that the partial grant of exemption requested by the petitioner would be in the public interest. Therefore, pursuant to the authority contained in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), Jet American International Inc., is granted an exemption from Section 135.89(b)(3) of the Federal Aviation Regulations to the extent necessary to permit operation of its pressurized Learjet 23 and 25 aircraft up to and including 41,000 feet mean sea level or the maximum certificated altitude of the aircraft, whichever is lower, without requiring at least one pilot seated at the controls to wear, secured and sealed, an oxygen mask, except as required by Section 135.89(b)(2)(i). This exemption is subject to the following conditions and limitations:

1. When operating at flight altitudes above flight level 250, each flight crewmember on flight deck duty must be provided with an oxygen mask so designed that it can be rapidly placed on his face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that after being placed on the face it does not prevent immediate communication between the flight crewmember and other crewmembers over the airplane inter-communication system. When it is not being used at flight altitudes above flight level 250, the oxygen mask must be kept in condition for ready use and located so as to be within the immediate reach of the flight crewmember while at his duty station. The oxygen mask after being put on must not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system.

2. When operating at flight altitudes above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen, except that the one pilot need not wear and use an oxygen mask while at or below flight level 410 if each flight crewmember on flight deck duty has a quick-donning type of oxygen mask that the certificate holder has shown can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The certificate holder shall also show that the mask can be put on without disturbing eyeglasses and without delaying the flight crewmember from proceeding with his assigned emergency duties.

3. Any time it is necessary for one pilot to leave his station at the controls of the airplane when operating at flight altitudes above FL 250, the remaining pilot shall put on and use his oxygen mask until the other pilot has returned to his duty station.

4. Before the takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to ensure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure are adequate for use.

5. A copy of this exemption must be carried aboard the aircraft when Jet America is exercising the privileges thereof.

This exemption expires June 30, 1982, unless sooner superseded or rescinded.

/s/ Kenneth S. Hunt  
Director of  
Flight Operations

Issued in Washington, D.C., on  
July 22, 1980.