

BEFORE THE
FEDERAL AVIATION ADMINISTRATION
WASHINGTON D.C.
Exemption No. 17086

Petition of:

DELTA AIR LINES, INC.
OPERATING CERTIFICATE DALA026A

For exemption of certain requirements of 14
C.F.R. §121.438(a), §121.438(b) and
§121.652(a)

Docket FAA-2016-4676

PETITION OF DELTA AIR LINES, INC.
FOR AN AMENDMENT TO EXEMPTION 17086
AND EXTENSION

September 18, 2017

Delta Air Lines, Inc, operating certificate DALA026A, hereby petitions the Federal Aviation Administration (FAA), pursuant to 14 C.F.R. Part 11, for amendment and extension to Exemption 17806 allowing partial relief from Federal Aviation Regulations (FAR) §121.438(a), §121.438(b) and §121.652(a).

Section of the FAR Affected:

§ 121.438 Pilot operating limitations and pairing requirements.

(a) If the second in command has fewer than 100 hours of flight time as second in command in operations under this part **in the type airplane being flown**, and the pilot in command is not an appropriately qualified check pilot, the pilot in command must make all takeoffs and landings in the following situations:

- (1) At special airports designated by the Administrator or at special airports designated by the certificate holder; and
- (2) In any of the following conditions:
 - (i) The prevailing visibility value in the latest weather report for the airport is at or below $\frac{3}{4}$ mile.
 - (ii) The runway visual range for the runway to be used is at or below 4,000 feet.
 - (iii) The runway to be used has water, snow, slush or similar conditions that may adversely affect airplane performance.
 - (iv) The braking action on the runway to be used is reported to be less than "good".
 - (v) The crosswind component for the runway to be used is in excess of 15 knots.
 - (vi) Windshear is reported in the vicinity of the airport.
 - (vii) Any other condition in which the PIC determines it to be prudent to exercise the PIC's prerogative.

(b) No person may conduct operations under this part unless, **for that type airplane**, either the pilot in command or the second in command has at least 75 hours of line operating flight time, either as pilot in command or second in command. The Administrator may, upon application by the certificate holder, authorize deviations

from the requirements of this paragraph (b) by an appropriate amendment to the operations specifications in any of the following circumstances:

- (1) A newly certificated certificate holder does not employ any pilots who meet the minimum requirements of this paragraph.
- (2) An existing certificate holder adds to its fleet a type airplane not before proven for use in its operations.
- (3) An existing certificate holder establishes a new domicile to which it assigns pilots who will be required to become qualified on the airplanes operated from that domicile.

§ 121.652 Landing weather minimums: IFR: All certificate holders.

(a) If the pilot in command of an airplane has not served 100 hours as pilot in command in operations under this part **in the type of airplane** he is operating, the MDA or DA/DH and visibility landing minimums in the certificate holder's operations specification for regular, provisional, or refueling airports are increased by 100 feet and one-half mile (or the RVR equivalent). The MDA or DA/DH and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport, but in no event may the landing minimums be less than 300 and 1. However, a Pilot in command employed by a certificate holder conducting operations in large aircraft under part 135 of this chapter, may credit flight time acquired in operations conducted for that operator under Part 91 in the same type airplane for up to 50 percent of the 100 hours of pilot in command experience required by this paragraph.

(Emphasis added)

Background:

Delta was granted partial relief from (FAR) §121.438(a), §121.438(b) and §121.652(a) on 8/30/2016. Since this time Delta has been successfully applying the conditions and limitations of the exemption. In summary, pertinent to this request, the conditions and limitations established minimum hour requirements for the B-757 and B-767 as part of the combined hours needed to comply with the appropriate rule. Prior to the implementation of related aircraft rule, Delta was complying with the Flight Standards Board requirements and imposed additional requirements to ensure the pilots had a combined total of flight hours on the B-757 and B-767 along with a certain number of cycles on each aircraft. For example, for B-767 pilots who had never flown transoceanic operations before, Delta would allow a crew to be paired together as long as one of the pilots had 75 hours between the B-757 and B-767 and both pilots had at least 4 operating cycles on the type aircraft.

When Delta applied for the exemption we looked back at our past practice of using combined hours for the B-757 and B-767 with minimum cycle requirements for each aircraft. We calculated the average block time the pilot received at the controls to determine an average time for both initial and transition pilots for the B-757 and B-767 fleets. Since the rule was based on minimum hours and not minimum cycles, Delta converted the cycles to block time to develop the number of hours for our proposal. Our goal was to mirror our past practices as closely as possible since our data supported our previous method. The average block hours for the B-767 in transoceanic operations was over 8.5 hours. Delta would schedule 4 legs on the B-767 for pilots with no transoceanic experience and 2 legs for pilots with previous transoceanic experience. After review of two, three and four pilot operations, this method would average approximately 25 hours and 15 hours respectively.

To ensure consistent application of the hour requirements of the exemption Delta ensured our scheduling practices during operating experience covered both the exemption hour requirements and the previous self-imposed cycle requirements. In several cases we were fulfilling the cycle

requirements but would be just under the block hour requirements. This necessitates operating at least one additional flight leg and is typically scheduled for two since the pilot will normally be scheduled for the return leg versus deadheading. This has mainly been an issue on the B-767 which typically flies stage lengths in excess of 8 hours and there is more variability between planned block time and actual block time mainly due to the variability in winds aloft. Also, complying with the appropriate accounting for block hours flown during augmented operations impacted the total hours at the controls.

During this time Delta has continued to study the same data used for the original request and has seen no statistical difference between pilots who have flown extra cycles to gain the minimum hour requirements and those who did not. Our analysis supports our proposal to use either hours or cycles to meet related aircraft requirements of our petition.

Relief and Extension Requested:

1. Similar to exemption grants issued to other carriers operating under related aircraft rules, Delta seeks to add a stipulation to the current hour requirements allowing for the related aircraft experience to be completed by either minimum hours or operating cycles and landings. This would not apply to the overall requirements of the rules, e.g., the pilot would still need a total of 75 hours combined block time in the B-757 and B-767 to be paired with a pilot not meeting the 75 hour requirement.
2. Delta has recently added the Airbus 350 (A350) to the fleet. Delta requests the A350 be added to Conditions 4, 6 and 7 as appropriate.
3. During 2018, Delta will be adding the Bombardier CS100 to the fleet and has options to add the CS300 after induction of the CS100. Delta requests the CS100 and CS300 be added to Conditions 4, 6 and 7 as appropriate.
4. Delta requests an extension be granted along with this request to remove some administrative burden for the FAA and Delta.

For ease of documenting and review of our request, the following is the current conditions and limitations with Delta's requests from number 1 and 2 above bolded/underlined.

Conditions and Limitations

1. Delta must have an approved related aircraft designation for the B-767 in accordance with § 121.418(b).
2. This exemption only applies to flight operations conducted by pilots who completed a Delta B-757 qualification curriculum that included the B-767 related aircraft differences training.
3. This exemption only applies to flight operations in the B-757-200 Classic Flight Deck (CFD), B-757-300CFD, and the B-767-300CFD.
4. An SIC pilot may make takeoffs and landings in the B-757 or B-767 in the situations described in § 121.438(a)(1) and (2) if the SIC has at least 100 hours of flight time in operations under part 121 in a combination of the B-757 and B-767 and at least one of the following flight time requirements is met:
 - a. At least 25 hours **or five operating cycles** in the B-757 and at least 25 hours **or four operating cycles** in the B-767 for pilots who completed initial qualification or who do not have at least 100 hours of flight time on another aircraft at Delta Air Lines;
 - b. At least 15 hours **or five operating cycles** in the B-757 and at least 25 hours **or four operating cycles** in the B-767 for pilots who completed transition qualification and were previously qualified at Delta with at least 100 hours on the **CS100, CS300, B-717, B-737, MD-88 or MD-90, or Airbus A320 series**; or

- c. At least 15 hours or five operating cycles in the B-757 and at least 15 hours or three operating cycles in the B-767 for pilots who completed transition qualification and were previously qualified at Delta with at least 100 hours on the A330, **A350**, B-777, B-747-400, or B-767-400.
5. An SIC who does not meet the requirements in Condition and Limitation No. 4 may make takeoffs and landings in the B-757 or B-767 in the situations described in § 121.438(a)(1) and (2) if the PIC is an appropriately qualified check pilot.
6. Delta may conduct operations under part 121 in the B-757 or B-767, without meeting the requirements of § 121.438(b), if at least one of the following flight time requirements is met:
 - a. The PIC or SIC has 75 hours of line operating flight time in a combination of the B-757 and B-767, including at least 25 hours or five operating cycles in the B-757 and at least 25 hours or four operating cycles in the B-767 for pilots who completed initial qualification or who do not have at least 100 hours of flight time on another aircraft at Delta;
 - b. The PIC or SIC has 75 hours of line operating flight time in a combination of the B-757 and B-767, including at least 15 hours or five operating cycles in the B-757 and at least 25 hours or four operating cycles in the B-767 for pilots who completed transition qualification and were previously qualified at Delta with at least 100 hours on the **CS100, CS300**, B-717, B-737, MD-88 or MD-90, or Airbus A320 series; or
 - c. The PIC or SIC has 75 hours of line operating flight time in a combination of the B-757 and B-767, including at least 15 hours or five operating cycles in the B-757 and at least 15 hours or three operating cycles in the B-767 for pilots who completed transition qualification and were previously qualified at Delta with at least 100 hours on the Airbus A330, **A350**, B-777, B-747-400, or B-767-400.
7. A PIC is not required to increase the MDA or DA/DH and visibility landing minimums in accordance with § 121.652(a) when conducting flight operations in the B-757 or B-767, if the PIC has at least 100 hours of PIC flight time in operations under part 121 in a combination of the B-757 and B-767 and at least one of the following flight time requirements is met:
 - a. At least 25 hours or five operating cycles of PIC flight time in the B-757 and at least 25 hours or four operating cycles of PIC flight time in the B-767 for pilots who completed initial or upgrade qualification;
 - b. At least 15 hours or five operating cycles of PIC flight time in the B-757 and at least 25 hours or four operating cycles of PIC flight time in the B-767 for pilots who completed transition qualification and were previously qualified at Delta with at least 100 hours on the **CS100, CS300**, B-717, B-737, MD-88 or MD-90, or Airbus A320 series; or
 - c. At least 15 hours or five operating cycles of PIC flight time in the B-757 and at least 15 hours or three operating cycles of PIC flight time in the B-767 for pilots who completed transition qualification and were previously qualified at Delta with at least 100 hours on the Airbus A330, **A350**, B-777, B-747-400, or B-767-400.
8. For a PIC who does not meet the requirements of Condition and Limitation No. 7, Category I or Category II instrument approach procedure weather minimums may be used when conducting flight operations in the B-757 or B-767 if the following requirements are met:
 - a. General. The Delta B-757 and B-767 pilot training and qualification must include suitable low visibility instrument approach, landing, and missed approach scenarios in flight training using the applicable airborne system and appropriate flight simulation training devices for those scenarios.
 - b. Category I, specific. A PIC may be authorized to use the lowest applicable Category I instrument approach minimums for a particular runway and instrument approach procedure if each of the following conditions is met—

- i. The PIC and SIC are trained and qualified for Category II or Category III, or are trained to an equivalent level with respect to the airborne system use, ground facility use, associated procedures, and any other relevant topics;
 - ii. The aircraft and associated airborne systems are eligible for Category I or II for Delta when Delta's approved B-757 and B-767 training incorporates the use of an approach coupler or a heads-up display (HUD) system that provides flight guidance information to decision height;
 - iii. The approach coupler or HUD system is used for the approach to decision height or until initiation of a missed approach;
 - iv. The flight crew must use appropriate instrument approach procedures for Category II or III, or equivalent instrument approach procedures acceptable to the Administrator; and
 - v. Category I instrument approach procedures or landings will not be initiated when the weather conditions are below 4,000 RVR (3/4 mile visibility) and the cross-wind component exceeds 15 knots combined with a braking action report of less than "good."
 - c. Category II, specific. A PIC may conduct Category II operations in accordance with Operations Specifications paragraph C059 if each of the following conditions is met —
 - i. The PIC has at least 300 hours as PIC or SIC in a turbojet airplane;
 - ii. The PIC and SIC are trained and qualified in Category II or III instrument approach procedures, and use those procedures appropriately;
 - iii. The airplane and associated airborne systems are approved for Category III for Delta or for Category II for Delta using an approach coupler and an autoland system or HUD which provides flight guidance information to decision height; and
 - iv. That approach coupler and autoland system or HUD is used for the instrument approach procedure and landing or until initiation of a missed approach.
9. Delta may operate outside the United States under this exemption, unless otherwise prohibited by a foreign country.
10. This exemption may not be used with any other exemption or deviation from §§ 121.438 or 121.652.

The addition of flight cycles is in line with Delta's current scheduling practices that are producing a safe operation. The hours of experience or cycles are consistent with the practices that were self-imposed before the related aircraft rule change.

No Adverse Effect on Safety

As stated in Delta's original petition request Delta continues to maintain the following oversight of the B-757 and B-767 operations:

1. The Safety Assurance function of Delta's approved Safety Management System continues to monitor reactive data concerning the B-757 and B-767 from the NTSB and FAA from 1984 to present date.
2. Delta continues to conduct two specific proactive analyses of non-conforming grades during the pilot's first return to training after initial qualification on the B-757/B-767. This analysis has not shown any statistical difference since Delta began operating under the original exemption grant. The pass rate/overall satisfactory performance for the past 18 months for the B-757/B-767 pilot's first return to continuing qualification training after initial qualification training continues to track over 99 percent.

Delta has a long successful history operating the B-757-200, B-757-300 and B-767-300 as a combined category. Delta's robust performance analysis system allows performance to be monitored

to the individual task level and also breaks out segments of the pilot population, e.g., new to equipment type. Our data continues to support that the related aircraft system employed at Delta is effective.

Public Interest/Benefit:

In cases where Delta is unable to meet the hour requirements of the current exemption and has to fly additional leg(s) it creates six issues:

1. It is removing legs available to other pilots to meet consolidation hour requirements.
2. It is removing legs available to other pilots to meet crew pairing hour requirements.
3. It is removing legs available to other pilots to meet low minimums hour requirements.
4. It is removing legs available to other pilots to meet the minimum three takeoffs and landings in 90 days in the actual aircraft.
5. It is removing legs available to meet Second in Command hour requirements.
6. The current method of complying with the exemption is not making best use of the Line Check Pilots by using this resource for additional legs previously not required prior to the related aircraft rule.

The public would be best served by allowing Delta to operate using either cycles or hours that has resulted in a safe operations for many years prior to the related aircraft rule. Delta has an active Safety Management System (SMS) designed to monitor proficiency issues. Delta will continue to actively monitor pilot proficiency using a combination of training and checking data, Flight Operations Quality Assurance (FOQA) data, pilot self-reports, and Line Operational Safety Audits (LOSA).

Request for expedited consideration:

Delta is requesting that, as part of this Petition for Exemption request, the public comment phase be waived as per Title 14 CFR Part 11.87(a) and (c), which states:

"The FAA may not publish a summary of your petition for exemption and request comments if you present or we find good cause why we should not delay action on your petition. The factors we consider in deciding not to request comment include:

(a) Whether granting your petition would set a precedent...

(c) Whether our delaying action on your petition would affect you adversely."

In this case the FAA would be approving a qualification scheme that was in place for many years with no indication of a safety risk. As such Delta's proposal is not precedent setting.

The cycles Delta is proposing is in line to what has been granted to other similarly positioned air carriers operating the B-757 and B-767 as related aircraft.

Summary for Federal Register (if deemed required)

Rules from which Delta seeks exemption

Delta Air Lines, Inc, operating certificate DALA026A, hereby petitions the Federal Aviation Administration (FAA), pursuant to 14 C.F.R. Part 11, for amendment and extension to exemption 17806 allowing partial relief from Federal Aviation Regulations (FAR) §121.438(a), §121.438(b) and §121.652(a).

Brief description of the exemption

1. Delta is seeking to use a combined flight time for the B-757 and B-767 for compliance with §121.438 and §121.652. This relief is only applicable to pilots who are engaged in flying the related aircraft consisting of the B-757-200, B-757-300 and B-767-300 using a "classic" flight deck configuration. Similar to exemption grants issued to other carriers operating under related aircraft rules, Delta seeks to add a stipulation to the current hour requirements allowing for the related aircraft experience to be completed by either minimum hours or operating cycles and landings. This would not apply to the overall requirements of the rules, e.g., the pilot would still need a total of 75 hours combined block time in the B-757 and B-767 to be paired with a pilot not meeting the 75 hour requirement.
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4. Delta requests an extension be granted along with this request to remove some administrative burden for the FAA and Delta.

Please contact Charles M. Schramek, Director Quality Assurance, Compliance, and Business Support, at (404) 715-1112 or e-mail at chuck.schramek@delta.com, if you have and questions or need additional information.

Sincerely,



Stephen M. Dickson
Senior Vice President Flight Operations
Delta Air Lines, Inc.

cc: John Brooke, Principal Operations Inspector
Delta Certificate Management Unit – FAA