

August 17, 2001

Exemption No. 7600
Regulatory Docket No. FAA-2001-9285

Mr. John S. Fredericksen
Executive Vice President
Mesaba Aviation, Inc.
7501 26th Avenue South
Minneapolis, MN 55450

Dear Mr. Fredericksen:

By letter dated March 28, 2001, you petitioned the Federal Aviation Administration (FAA) on behalf of Mesaba Aviation, Inc. (Mesaba), for an exemption from § 121.344(d) of Title 14, Code of Federal Regulations (14 CFR) to permit Mesaba to operate 18 British Aerospace BAe RJ85 Avroliner (RJ85) airplanes without installing the required approved digital flight data recorder (DFDR) capable of recording all required parameters.

The FAA issued a grant of exemption in circumstances similar to those presented in your petition. In Grant of Exemption No. 7319 (copy enclosed), the FAA stated that the petitioner could not record all of the required parameters because it was waiting on Technical Standard Order (TSO) certification of a software revision and on an upgraded Flight Data Acquisition Unit (FDAU). The FAA found that because of extenuating circumstances beyond the control of the petitioner, the TSO was not completed on time and the FDAU was not available; therefore, the petitioner could not complete the upgrades as required.

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 grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present. Specifically, the FAA finds that events beyond Mesaba's control caused a delay in the issuance of a supplemental type certificate (STC) for the required DFDR modification kits, which resulted in the delay of the installation of the kits. The FAA also finds that it is in the public interest to allow Mesaba to continue to operate its airplanes for a limited time so that they can be brought into compliance with § 121.344(d). Although the FAA has decided to grant this relief, it firmly believes that Mesaba could have prevented this request through more timely planning and parts procurement. Furthermore, the FAA has determined that it would not be in the public interest to disrupt the air travel plans

AFS-01-338-E

of the general public during the summer travel season when there are no immediate safety of flight issues involved.

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, Mesaba Aviation, Inc., is granted an exemption from 14 CFR § 121.344(d) to operate 18 RJ85 airplanes without those airplanes having the capability to record data in accordance with the following paragraphs of § 121.344(a):

- (12) Pitch control input.
- (13) Lateral control input.
- (14) Rudder pedal input.

This exemption is subject to the following conditions and limitations:

1. Within 30 days after the effective date of this exemption, Mesaba must submit to its principal maintenance inspector a maintenance schedule for each affected RJ85 airplane that indicates the date on which it expects the DFDR modification to be completed.
2. Upon parts availability, each affected airplane must be brought into compliance no later than the sooner of—
 - (a) The date referenced in the maintenance schedule submitted under condition No. 1, or
 - (b) Five days after Mesaba receives the needed STC approval and parts.
3. Mesaba must make monthly progress reports to the Air Transportation Division (AFS-200) of the Flight Standards Service, ATTN: Denise Cashmere, concerning the development, certification, manufacture, and delivery of equipment that is the subject of this exemption.
4. Before any operations are conducted under this exemption, Mesaba must obtain amended operations specifications authorizing the use of this exemption.

This exemption terminates for each airplane on the date that airplane is brought into compliance with the applicable subsection, but no later than January 31, 2002, unless sooner superseded or rescinded.

Sincerely,

/s/ Nicholas A. Sabatini
Director, Flight Standards Service

Enclosure

AFS-01-338-E (Docket No. FAA-2001-9285) Exemption No. 7600, 08/17/01

MR. JOHN S. FREDERICKSEN
EXECUTIVE VICE PRESIDENT
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MINNEAPOLIS, MN 55450

Certificate holding region: AGL-200, Flight Standards service, Great Lakes Region.