

Exemption No. 10286

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC 20591

In the matter of the petition of

**NetJets Aviation, Inc.**

for an exemption from § 43.3(g) of  
Title 14, Code of Federal Regulations

**Regulatory Docket No. FAA-2010-1018**

**GRANT OF EXEMPTION**

By letter dated September 30, 2010, Mr. Richard B. Shideler, Director of Maintenance, NetJets Aviation, Inc. (NetJets), 4111 Bridgeway Avenue, Columbus, Ohio 43219, petitioned the Federal Aviation Administration (FAA) on behalf of NetJets for an exemption from § 43.3(g) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would allow NetJets properly trained pilots (under an approved training program) to accomplish supervised updates of navigational software databases of installed flight management systems. The relief sought would apply to all aircraft maintained under parts 135 and 91K.

**The petitioner requests relief from the following regulation:**

Section 43.3(g) prescribes that except for holders of a sport pilot certificate, the holder of a pilot certificate issued under part 61 may perform preventive maintenance on any aircraft owned or operated by that pilot which is not used under parts 121, 129, or 135 of this chapter. The holder of a sport pilot certificate may perform preventive maintenance on an aircraft owned or operated by that pilot and issued a special airworthiness certificate in the light-sport category.

**The petitioner supports its request with the following information:**

NetJets operates a fleet of nearly 500 aircraft serving more than 3500 customers while flying annually to more than 1500 airports throughout the United States. In 2009, this resulted in operations of nearly 300,000 flights. Most of the airports to which NetJets' customers fly

have limited or no scheduled air service. Each year, access to many of these airports, especially during periods of low visibility, is becoming entirely dependent on use of area navigation (RNAV) procedures. The FAA promotes RNAV as serving the general public interest because RNAV benefits the safety, access, capacity, predictability, and operational efficiency of the national airspace system and reduces environmental impacts of aviation. Specifically, RNAV procedures provide reduced risk of controlled flight into terrain, improved airport and airspace access in all weather conditions, as well as the ability to meet environmental and obstacle clearance constraints. It also enhances reliability and reduces delays by defining more precise terminal area procedures. Finally, it reduces workload and improves productivity of air traffic controllers. NetJets aircraft are appropriately equipped and authorized by the FAA to use RNAV routes and procedures. All terminal RNAV procedure authorizations and some RNAV route authorizations require the air traffic control navigational database be current. The interests of NetJets customers and the general public are not served if an airport cannot be accessed or flight routes cannot be used because the navigational database is no longer current. Unnecessary positioning flights to maintenance locations or transporting maintenance personnel to an aircraft solely for updating an expired navigational database are in direct conflict with public benefits of using RNAV procedures and routes. Such maintenance positioning flights can needlessly lead to increased flight delays, increased airspace congestion, and an increase of carbon emissions and pollution. NetJets believes that granting this exemption will significantly reduce the number of times a NetJets aircraft is operated with an expired navigational database and will benefit NetJets customers and the general public.

NetJets believes that allowing its trained pilots to accomplish updates of navigational software databases in their assigned aircraft provides an equivalent level of safety to that achieved by having authorized maintenance personnel accomplish the update. NetJets' pilots use the flight management system daily and are thoroughly trained in all aspects of its normal operation and non-normal operating characteristics including the installed navigational software database. Updating the navigational database is simple and does not require any special tools or removal/disassembly of any components. There are no known instances of an incident or accident attributable to pilot updating of a navigational software database. NetJets' pilots will be trained in all aspects of the updating procedure, including non-normal indications, any required operational checks, and the requirement to contact the NetJets maintenance control center (MCC) if any abnormalities are encountered while accomplishing the update. The MCC maintenance controllers are certificated and authorized maintenance technicians and will approve the work accomplished by the pilots as the person directly in charge of maintenance per § 135.435(b). The required aircraft log entry for the update will be signed by the MCC authorized maintenance technician and the aircraft will be returned to service in accordance with NetJets' approved maintenance procedures. The approved form containing the log entry will be transmitted by the maintenance controller to the crew for insertion in the aircraft log.

Although the petitioner requested that action on its petition not be delayed for publication in the Federal Register, the FAA found that the petition, if granted, would set a precedent. Therefore, to allow an opportunity for the public to comment on the petition, a summary of this petition was published in the Federal Register on April 13, 2011 (76 FR 20806). Four comments were received. All four comments were in support of granting NetJets' petition.

**The FAA's analysis is as follows:**

The FAA finds the flight management computer (FMC) technology has evolved sufficiently to support NetJets' position that an equivalent level of safety can be attained by pilots loading navigational software databases as currently exists with certificated mechanics performing the uploads. Database loading of front panel and pedestal mounted FMCs does not require special tools, special access, or removal of the FMC. Further, FMCs perform an internal check and confirm proper loading of navigational databases in most cases. Properly trained pilots can load the software databases and confirm the upload was successful. Should the upload attempt be unsuccessful, minimum equipment list procedures already exist to safely operate the aircraft with an inoperative flight management computer.

The FAA further finds that NetJets has sufficiently illustrated how granting of this petition is in the public's interest.

**The FAA's Decision:**

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, NetJets Aviation, Inc., is granted an exemption from 14 CFR § 43.3(g) to the extent necessary to allow NetJets properly trained pilots (under an approved training program) to accomplish supervised updates of navigational software databases of installed flight management systems, subject to the conditions and limitations listed below.

**Conditions and Limitations:**

1. Pilots will be trained on all specific makes and models of the FMC to which they will be uploading navigational software databases. Training on one make and model will not enable the pilot to update databases in other makes and models.
2. Upon successful completion of training, each pilot will be authorized, in writing, by the director of maintenance or authorized designee, to perform navigational software database uploads on systems for which they have received training.
3. The software being uploaded will not contain system operating software. The upload must include the navigational database only. The director of maintenance is responsible for ensuring the software being uploaded does not contain operating system software.

4. NetJets must have written procedures available to the pilot to perform the task and to evaluate the accomplishment of the task, including those tasks that require a decision concerning the airworthiness of the aircraft.
5. Each completed task must include the maintenance log entries, including the name of the person performing the upload, the date of the upload, the database revision number uploaded, and the aircraft location at the time of upload.
6. This grant of exemption from § 43.3(g) includes only the uploading of navigational software databases as listed in Appendix A to part 43, paragraph (c)32, and does not extend to other preventive maintenance tasks identified in Appendix A to part 43.

This exemption terminates on June 30, 2013, unless sooner superseded or rescinded.

Issued in Washington, DC, on June 15, 2011.

/s/

John W. McGraw  
Acting Director, Flight Standards  
Service