

DOCKET No.: SA-521
EXHIBIT No. 17N

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Correspondence between Ellett and FAA

(3 pages)

initial - AT S-200

HOGAN & HARTSON LLP

E. TAZEWELL ELLETT
PARTNER
(202) 637-8644
EELLETT@HHLAW.COM

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-6600
FAX (202) 637-6910

December 30, 1999

BY FACSIMILE AND CERTIFIED MAIL

Mr. L. Nicholas Lacey
Director, Flight Standards Service (AFS-1)
Federal Aviation Administration
800 Independence, Av., SW
Washington, DC 20591
Fax: (202) 267-5230

Re: Petition for Reconsideration of File Number 99WP150028

Nich
Dear Mr. Lacey:

This firm represents Emery Worldwide Airlines ("EWA"). By letter dated December 1, 1999 (the "Letter"), the San Jose Flight Standards District Office ("San Jose FSDO") advised EWA that the San Jose FSDO had decided to amend EWA's operations specifications. We have attached a copy of that Letter.

Pursuant to the provisions in Federal Aviation Regulations § 119.51(d), EWA hereby petitions for reconsideration of the decision reached by the San Jose FSDO in the Letter.

EWA takes very seriously the concerns expressed by the San Jose FSDO in the Letter and looks forward to working with you and your staff to provide you with any relevant information you may require about the substantive issues as you consider this petition. To begin the process of providing you with this information, EWA proposes to discuss via telephone with you or your staff what information you will require. If necessary, we would also be happy to meet with you at an appropriate time. Following these discussions, EWA would then be able to provide written material to you addressing any concerns expressed by you or your staff.

Additionally, we want to point out that since the time the Letter was issued by the San Jose FSDO, the FAA transferred EWA's certificate from the San Jose FSDO to the Cincinnati FSDO, effective December 17, 1999. EWA intends to work closely with the receiving FSDO during the pendency of your review to reach a

(1)

HOGAN & HARTSON LLP

Mr. L. Nicholas Lacey
Director, Flight Standards Service
December 30, 1999
Page 2

resolution that would be satisfactory to the receiving FSDO. If we are successful, we hope that you will take into account such a resolution as you reach your decision on this petition.

Thank you for reviewing this matter. We will call in the near future to determine a mutually convenient time to meet with you. In the meantime, please do not hesitate to call if you have any questions.

Sincerely,

~~E. Tazewell Ellett~~

E. Tazewell Ellett

cc: Mr. Kent Scott
Robert C. Conlon, Esq.



U.S. Department of Transportation
Federal Aviation Administration

Flight Standards Service
Aircraft Maintenance Division

800 Independence Ave., SW.
Washington, DC 20591

3/26/00
Shawn [unclear]
Tom [unclear]
Steve [unclear]
See [unclear]
Return to [unclear]

MAR 13 2000

E. Tazewell Ellett, Esq.
Hogan & Hartson, L.L.P.
555 Thirteenth Street, NW
Washington, DC 20004-1109

Dear Mr. Ellett:

We have evaluated your December 31, 1999 request, submitted on behalf of Emery Worldwide Airlines (EWA), for reconsideration of certain San Jose Flight Standards District Office (FSDO) initiated Operations Specifications amendments. Along with the information provided in the February 2, letter it is our understanding that the Cincinnati FSDO and EWA have come to a resolution which resolves the need to amend the operations specifications of EWA.

Also evaluated was additional information provided by the current Principal Maintenance Inspector located at the Cincinnati FSDO.

As a result of this new information the proposed amendment should not be implemented at this time. However, if the issues are not resolved between the Cincinnati FSDO and EWA then the amendment shall stand.

I am hopeful this information is satisfactory. However, should you require clarification, or additional information regarding this matter, please do not hesitate to call on us.

Sincerely,

Angela B. Elgee
Manager, Continuous Airworthiness
Maintenance Division