



**OMEGA  
AERIAL REFUELING SERVICES**

23 August 2011

Dear Mr. English:

Please find below the reply to the questions you asked Kevin O'Neill. Kevin's comments are incorporated into this reply.

**1. How does Omega demonstrate on-going compliance with the provisions of the Navy contract?**

Omega is required to maintain and operate our tanker aircraft to FAR part 91 standards (where applicable) and other additional Navy requirements outlined in Navy Contract No: N00019-07-D-009. We frequently liaise with the Navy to demonstrate compliance with the following items:

- a) The primary method of compliance (maintenance and inspection) is that we maintain a valid certificate of airworthiness (Experimental, Market Survey) and associated operating limitations on each aircraft which is renewed every 90 days.
- b) Out of service maintenance (B&C checks, defect rectification, repairs and modification) is performed on all aircraft at FAA approved FAR part 145 maintenance facilities.
- c) In service maintenance (daily's, transits, A checks, defect rectification and repairs) is only performed by appropriately certified and rated A&P Mechanics.
- d) All Omega aircraft are maintained in accordance with FAA/OEM approved maintenance programs.
- e) All repairs, alterations and modifications are FAA approved or carried out in compliance with OEM instructions.



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- f) We frequently meet with our oversight FAA office (Dulles FSDO) to discuss and update them on operations. We also have a standing invitation to them to visit and oversee our operations as they wish. The Navy is aware of our frequent contact with the FAA.
- g) The FAA has issued us a 14 CFR Part 91 Letter of Operation (LOA) which includes deviation authority (LODA) flight training, operations in P-RNAV and/or B-RNAV 5 airspace, RNP airspace and NAT/MNPS airspace,
- h) Our Minimum Equipment list (MEL) is FAA approved as part of the above mentioned (item g) LOA.
- i) Omega operates to the rules and standards of FAR Part 91 (as applicable) and in accordance with the requirements of the Performance Work Statement (PWS) of our Navy Contract.
- j) Omega's flight crews are trained to required FAA part 61/91 standards. This training takes place at Pam Am International Flight Academy FAA Part 142 Approved School PN7X447K.

### **2. What is Omega's position on the FAA policy as described in the John Allen briefing and the March Federal Register Notice?**

As an initial matter, we viewed the "FAA policy" changes as a "proposed" policy in view of its placement in the Federal Register and the FAA's request for comments, which is typical of "proposed" changes. We believe the Navy, our customer, viewed the policy change the same way, i.e. as a proposal. Based on subsequent exchanges with FAA, it appeared that FAA was taking the position that the policy change was "not" a proposal. While we disagree with this characterization, OARS nevertheless contacted the Navy and obtained the Navy's declaration of OARS status as a Public Aircraft operator and submitted that confirmation to FAA.

As to the policy itself, we agree with some aspects, but disagree with others. If the Navy declares OARS one of its "public use" operators, why should OARS (or any other similarly situated Public Aircraft operator) have to make a declaration to the FAA before every flight that we are about to perform a public use flight? In fact, we



question why OARS should have to make any declaration at all— as opposed to our being able to rely on the Navy declaration. This is not to say that OARS will not comply with FAA policy; we are basically questioning the need for such a policy to the extent that it would require us to second guess the governmental agency (the Navy) to whom we are contracted. We also disagree that public use operations are confined to within US airspace only. This, among other things, seems to be inconsistent with other FAA internal guidance and is certainly contrary to our understanding of our status over the past 11 years.

**3. Was there any contact from any part of the FAA regarding the Public Aircraft status of Omega's AAR during the first part of 2011? (i.e. from January until just prior to the accident)**

Not directly. We received notification (e-mail) from the Navy in late January that the FAA had informed them that a new policy on public use would be issued by the FAA in the near term, but no defined timeline. Kevin O'Neill did have a routine meeting at the Dulles FSDO in early February where public use was discussed. No conclusions or action items emerged from that meeting as the new policy had not been issued at that time. Nor, at this meeting, did anyone suggest that we should not continue our operations as a Public Aircraft operator.

**4. Was there any new information regarding Public Aircraft provided by the Navy during the first part of 2011?**

Yes. As outlined in item 3 above, the Navy notified us in late January that the FAA had informed them that a new policy on public use would be issued by the FAA. This notification resulted from a meeting with the FAA where the proposed new policy was discussed. At that time the FAA indicated that they would accept comments from the "public"; however when the proposed wording appeared only the government contracting agencies were allowed comment. We felt that by not allowing comments from the contractors and limiting it to the government agencies only was undervaluing the vast experience of "public use" contractors operating worldwide on behalf of these government agencies. As noted in our response to Question 2, we understood that the policy change would be released as a "proposal". In any event, the Navy did in fact confirm to the FAA OARS public use status which was submitted to the FAA on July 21, 2011.