



U.S. Department
of Transportation
**Federal Aviation
Administration**

Transport Airplane Directorate
1601 Lind Avenue SW
Renton, Washington 98057-3356

November 23, 2011

Re: Clarification of Exemption No. 9791C
Regulatory Docket No. FAA-2008-1249

Mr. Douglas Lane
Director, Regulatory Administration
Delegated Compliance Org., Commercial Airplanes
The Boeing Company
P.O. Box 3707, MC 03-52
Seattle, WA 98124-2207

Dear Mr. Lane:

This letter is to clarify, per your request, amended Exemption No. 9791. It explains the basis for our decision and describes its effect.

The Basis for Our Decision

By letter RA-11-05061 dated September 19, 2011, The Boeing Company (Boeing) contacted the Federal Aviation Administration (FAA) requesting an amendment to Exemption No. 9791. That exemption, from § 25.853(a) of Title 14, Code of Federal Regulations, allows Boeing temporary relief from the flammability-testing requirements for various interior panels on multiple Boeing airplane types, as listed in Partial Grant of Exemption No. 9791 and Letter Grant of Amended Exemption 9791A. The amendment Boeing requests would extend the relief, provided by the exemption, to modification kits and spare parts; and parts that, although changed in some manner, have not changed with respect to the adhesive joints that are the subject of the exemption.

Boeing's letter includes no other change in the conditions, and reasons relative to public interest and safety, that were the basis for granting the original exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested amendment to the exemption would not set a precedent.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 9791 remains valid with respect to this amendment and is in the public interest. As noted by Boeing, the original exemption was granted to “permit type certification” of affected airplanes, for a limited time. Since the parts in question are largely permanent installations, the FAA did not address the issue of spare parts or modification kits that might incorporate the same features. Furthermore, the FAA has no intent to require retrofit to any of the airplanes covered by the exemption. In the event that one of those airplanes requires a spare part, it would be consistent to permit the spare part to meet the same standard as the original part. Similarly, it would be consistent to permit projects involving modifications to parts covered by the exemption if they are completed, (i.e., data approved prior to the end of the exemption period) even if the actual installation is performed after the exemption expires. Boeing must ensure that there is configuration control such that the operators do not mistakenly install a part, lacking compliance data, onto an airplane not covered by the exemption.

With respect to the third request: To not require a new compliance finding for parts that are modified in-service, but which do not affect the adhesive joint, the FAA agrees that this situation requires a further exemption to avoid unnecessary complication for operators. Any parts that are modified in such a way as to leave the adhesive-joint construction unchanged, can be added to the exemption. The bonded-joint construction would therefore not require an additional compliance finding. However, if the bonded-joint construction is changed, then compliance would be required, and the exemption does not apply.

The FAA also notes that Boeing discusses the application of this approach after the exemption period, and relates it to whether a part is changed or not. In the letter, Boeing states:

Previously certified panels with changes that do not involve these joint constructions will be considered follow-on constructions for this feature, without the need for a new finding of compliance.

To avoid any confusion, parts on airplanes certificated after the exemption has expired are required to comply, whether or not they are changed. For airplanes covered by the exemption, this amendment describes the acceptable approach for modified parts.

Therefore, under the authority provided by 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I amend exemption 9791, per your petition request, to permit modification kits and spare parts, that have been approved prior to the expiration of the exemption, to continue to be used and installed on airplanes covered by the exemption, even after the exemption expires.

The Effect of Our Decision

All other conditions and limitations of Exemption No. 9791 remain the same. This letter must be attached to, and is a part of, Exemption No. 9791.

Sincerely,

/s/ Ali Bahrami

Ali Bahrami
Manager, Transport Airplane Directorate
Aircraft Certification Service