

Exemption No. 9976

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98057-3356**

In the matter of the petition of

Air Transport International, L.L.C.

for an exemption from § 25.1415(b) of
Title 14, Code of Federal Regulations

Regulatory Docket No. FAA-2009-1172

GRANT OF EXEMPTION

By letter received December 9, 2009, Mr. Jeff Nord, Vice President of Quality Control & Chief Inspector, Air Transport International, L.L.C., 2800 Cantrell Road, Little Rock, AR 72202, petitioned for a temporary exemption from the requirements of Title 14, Code of Federal Regulations (14 CFR) 25.1415(b). Specifically, ATI requests relief from the limitations in Technical Standard Order (TSO) C70a, which restrict Type II liferafts to non-transport category airplanes. ATI has eleven transport-category airplanes with these liferafts installed.

Related sections of the regulation:

Section 25.1415(b) requires that each liferaft for a transport-category airplane be approved.

Section 25.1301(a)(3) requires that each item of installed equipment be installed according to limitations specified for that equipment.

The petitioner's supportive information is as follows:

ATI respectfully petitions for a temporary exemption from the provisions of § 25.1415(b) for the airplanes listed in Table 1. Section 25.1415(b) requires that each liferaft for a transport-category airplane be approved. ATI requests relief from these provisions of part 25 related to the limitations in Technical Standard Order (TSO) C70a, which restrict the use of Type II liferafts to non-transport-category airplanes.

Table 1 – Affected Aircraft

Tail Number	Serial Number	Line Number
N820BX	46065	460
N821BX	45811	262
N822BX	45813	284
N823BX	46064	459
N828BX	45993	382
N830BX	45973	358
N602AL	45991	380
N603AL	46003	401
N604BX	46046	444
N605AL	46106	490
N606AL	46044	432

Supportive information is as follows:

ATI respectfully petitions for an exemption to § 25.1415(b) for the Douglas DC-8-70 aircraft as listed in Table 1 for a period of approximately 120 days. Within this request, ATI will show that by granting this petition, an equivalent level of safety is maintained. Failure to grant the exemption represents an economic hardship to ATI.

Background

Recently, the Federal Aviation Administration informed ATI that the installed TSO C70a Type II liferafts are not acceptable for certification on a transport-category aircraft, and ATI must discontinue overwater operations until receipt of an exemption or installation of TSO C70a Type I liferafts. ATI is aggressively pursuing the acquisition of TSO C70a Type I liferafts, and has placed an order for a sufficient number of the TSO C70A Type I liferafts to install in their affected aircraft. ATI is currently waiting for the manufacture, delivery, and subsequent installation of TSO C70a Type I liferafts.

ATI respectfully petitions for a temporary exemption, not to exceed 120 days, from 14 CFR 25.1415(b), for the eleven Douglas DC-8-70 airplanes listed in Table 1.

ATI believes that the level of safety will not be compromised if ATI is allowed to operate these 11 airplanes with TSO C70a Type II liferafts installed, in lieu of Type I liferafts, for this limited time. ATI is confident that, given the extremely improbable circumstances under which a liferaft needs to be deployed, the TSO C70a Type II liferaft would fully perform the intended function. The small number of supernumeraries (up to four), along with three crew members, is far more representative of part 91 or part 135 occupancy than a part 121 commercial passenger loading. Additionally, the supernumeraries carried on board ATI’s aircraft are all flight-deck authorized employees, FAA, or DOD personnel. Additionally, more than 70 percent of ATI’s flights are conducted over the North American continent and are not subject to 14 CFR 121.339.

ATI requests a same-day, expedited approval of this exemption as ATI currently has contractual agreements for aircraft to fulfill this week.

The FAA has recently granted several temporary exemptions to part 121 air carriers in quite similar circumstances.

Federal Register publication

The FAA finds, for good cause, that action on this petition should not be delayed by publication and comment procedures for the following reasons:

- this matter does not affect the flying public at large,
- this matter represents only a request for temporary exemption from the requirement, rather than permanent relief,
- delay in acting on the petition would be detrimental to the petitioner and, likewise, publication and comment procedure cannot be completed before the scheduled flights.

The FAA's analysis

The FAA notes that the petitioner has several reasons for requesting this temporary exemption. Underlying each of the arguments, however, is the relatively low risk associated with a temporary grant of exemption. While the FAA agrees that the occupants of a freighter airplane are more likely to be familiar with the airplane and its equipment, this is not relevant to the capability of the liferaft itself. The liferafts presently installed are TSO C70a approved, Type II liferafts. However, the TSO has a limitation such that the Type II liferafts are for use on non-transport-category airplanes only. The TSO states that Type I liferafts are for transport-category airplanes.

Type I liferafts are designed to be more robust and seaworthy than Type II liferafts, and are better suited to the extended overwater operation typical of transport-category airplanes. Under such conditions, the liferaft may need to be occupied for longer periods of time than would be necessary for airplanes equipped with Type II liferafts. For these reasons, the FAA requires liferafts meeting the standards of the Type I liferaft (principally, multiple inflation chambers and redundant inflation systems) on this type of airplane. Nonetheless, given the relatively short time period of the requested exemption and the small number of airplanes affected, the FAA considers that an exemption would be in the public interest and will not materially affect the level of safety provided by the regulations. Granting the exemption will enable the petitioner to fulfill its contractual obligations and avoid unnecessary disruptions of air commerce.

Since both Type I and Type II liferafts are readily available for the airplane industry to purchase, the FAA typically allows only a very short time to exchange the liferafts. In this case, ATI has told the FAA, in a telephone call on December 9, 2009, that ATI has made arrangements to purchase replacement Type I liferafts and is waiting for the 22 liferafts to be manufactured and delivered. After the liferafts have been delivered, ATI will install the liferafts on the subject airplanes. The FAA considers that additional time is warranted to allow for procurement and

installation of the new liferafts on the subject airplanes, a timeframe which will not measurably degrade safety.

The FAA's decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, Air Transport International, L.L.C., is hereby granted an exemption from 14 CFR 25.1415(b). The petition is granted to the extent required to permit operation of eleven Douglas DC-8-70 airplanes, with TSO C70a Type II liferafts. This exemption expires on April 10, 2010.

Issued in Renton, Washington, on December 11, 2009.

/s/

Ali Bahrami
Manager, Transport Airplane Directorate
Aircraft Certification Service