



U.S. Department
of Transportation

Small Airplane Directorate
901 Locust Street
Kansas City, Missouri 64106

**Federal Aviation
Administration**

Exemption No. 10068
Regulatory Docket No. FAA-2010-0495

May 25, 2010

Mr. Rich Adler
Director of Engineering
Wipaire, Incorporated
1700 Henry Avenue, Fleming Field
South St. Paul, MN 55075

Dear Mr. Adler:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

The Basis for Our Decision

By letter dated May 4, 2010, you petitioned the Federal Aviation Administration (FAA) on behalf of Wipaire, Incorporated (Wipaire) for an exemption from § 23.177(b) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow Wipaire to install the Wipaire model 7000 amphibian floats on the Quest Aircraft Design, LLC. model 100 “Kodiak” aircraft without meeting lateral stability requirements.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Wipaire.

The FAA has previously granted relief in a circumstance similar to those presented in your petition. In these circumstances, the FAA found that for the airplane in question, the gradual divergence was acceptable because of the unique nature of the airplane and its operations. In the case of the Kodiak,

- (1) the weak to slightly unstable lateral stability margins of the modified aircraft do not preclude continued safe flight and landing. Compliance with § 23.147(c) was

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determined during flight test with the roll controls free, reduced operational margins, and the installation and use of the emergency aileron trim timer override system (ETTOS),

- (2) the weakly divergent lateral stability of the modified aircraft in certain configurations is not detrimental to normal operations and,
- (3) the modified aircraft meets the original intent of § 23.177(b), in the “get-home” emergency configuration following loss of primary roll control.

The Kodiak airplane incorporates the emergency aileron trim timer override system (ETTOS), which will be installed as part of the float installation approval. The ETTOS allows continuous operation of the aileron trim system in an emergency configuration.

Having reviewed your reasons for requesting an exemption, I find that—

- the reasons stated by the FAA for granting the previous relief also apply to the situation you present; and
- a grant of exemption is in the public interest.

Our Decision

Under the authority contained in 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I hereby grant Wipaire, Incorporated an exemption from § 23.177(b) subject to the conditions and limits described below.

Conditions and Limitations

Wipaire, Inc. model 7000 amphibian floats on Quest Aircraft Design, LLC model 100 “Kodiak” aircraft is exempt from meeting the static lateral stability requirement of § 23.177(b) – provided the aircraft is equipped with the Wipaire Emergency Trim Timer Override System (ETTOS). The ETTOS system provides a level of safety at least equal to that provided by § 23.177(b).

Sincerely,

s/

John Colomy
Acting Manager, Small Airplane Directorate
Aircraft Certification Service

Project No.: ACE-10-275-E

Project Officer: J. Lowell Foster
ACE-111:TTompkins:05/20/10:Doc#FAA-2010-0495
ACE-111:Regulations and Policy Office

ACE-111: JLFoster/tt:5/20/10:X4125/X4199

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