

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

In the matter of the petition of

**Supertanker Services, Inc.**

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

**Regulatory Docket No. FAA-2010-0649**

**GRANT OF EXEMPTION**

By letter dated June 11, 2010, Mr. Neil Stevens, Director of Maintenance, Supertanker Services, Inc., 3850 Three Mile Lane, McMinnville, Oregon, 97128, petitioned for a temporary exemption from the requirements of Title 14, Code of Federal Regulations (14 CFR) 25.1415(b), as it relates to the limitations in Technical Standard Order (TSO) C70a, which limits Type II liferafts to non-transport category airplanes. Supertanker Services, Inc., has one airplane with these liferafts installed.

**The petitioner requests relief from the following regulations:**

**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 supports its request with the following information:**

This text is quoted from the petitioner's request.

Supertanker Systems, Inc. (SSI), petitions for a temporary exemption from the provisions of Section 25.1415(b) for the airplane listed in Table 1 below. Section 25.1415(b) requires that each life raft for a transport category airplane be approved. SSI requests relief from these provisions of part 25 as it relates to the scope definition in Technical

Standard Order (TSO) C70A that states Type II Life rafts are for use in Non-Transport Category Airplanes.

**Section of the FAR affected:**

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

Table 1 – Affected Aircraft

Tail Number	VRBL Number	Line Number	Serial Number
N479EV	RA633	94	19898

**Supportive information is as follows:**

SSI has been compelled to petition for an exemption to Section 25.1415(b) for the SSI B747-100 Supertanker as listed in Table 1 for a brief period of approximately 100 days. Within this request, SSI will show that by granting this petition, an equivalent level of safety is maintained. Failure to grant the exemption represents an economic hardship to SSI that was not avoidable through actions on SSI’s part.

**Background:**

Recently, SSI was contacted by its Certificate Management Office (CMO) and was provided a copy of the FAA Notice N8900.116 for review and action. SSI has reviewed the FAA Notice N8900.116. SSI understands the issue the letter is raising, but differs in the assessment of the approval status of its current life rafts (Eastern Aero Marine (EAM) Model T9, P/N R0103A121), hereinafter referred to as a T9 life raft.

SSI agrees that FAR 25.1415 is valid and requires the use of approved life rafts on its 747 Supertanker. However, SSI’s position is that neither of these regulations require a specific TSO life raft, but simply state that the life rafts must be approved. There are many examples in the FARs where specific TSOs are called out for various items of required equipment. Life rafts are not one of these cases. Life rafts used on transport-category aircraft could be covered by TSO C12, C69, or C70, or by any other specification approved by the FAA.

SSI also agrees that TSO C70a, Appendix 1, Scope, states:

“TYPE I - For use in any category aircraft.  
TYPE II - For use in non-transport category aircraft.”

However, SSI’s secondary position is that this statement in TSO C70a is not the only factor to be considered. Specific intended use must also be considered. There are numerous cases on a 747 freighter where special consideration is given to the fact that

only crewmembers and “supernumeraries” are carried. While FAR Part 25 does not specifically mention “supernumeraries”, there is long history of the FAA considering these unique personnel during rulemaking and certification approvals. The history of specific FAA approval of the use of the T9 life raft is evidence of this consideration.

The SSI Supertanker aircraft listed in Table 1 above was previously operated by SSI’s sister company, Evergreen International Airlines (EIA) in freighter service. EIA has used the T9 life raft for almost 20 years with full FAA knowledge and approval. In the Airworthiness Directive (AD) 92-14-02, the FAA acknowledged the common usage of the T9 life raft. The FAA did not deem the use of this life raft a safety concern, but simply required a lanyard no different than for TSO C70a Type I life rafts. This AD required compliance with EAM SB T9-25-1 on life rafts used on the 747 upper deck, with which EIA has complied. Had the use of the T9 life raft been deemed a safety or compliance concern during this FAA rulemaking process, the AD would have prohibited T9 use on 747 freighters.

The STC SA2121CE-D was used to convert EIA’s retired transport category aircraft N477EV and N478EV from passenger to freighter by Boeing. This STC installed life rafts per the Boeing drawing 65B58005, -509 configuration on these aircraft. Please note that the life raft is listed as “EAMT9-121”. This is the model number for our life raft P/N R0103A121. The “EAM” refers to Eastern Aero Marine; the “T9” is the basic life raft model; and the “121” identifies the FAR part 121 kit included in the life raft. STC SA2125CE-D and Boeing drawing 016U5920, -1 configuration are essentially the same, but are effective to aircraft N485EV.

In both cases, these STCs were reviewed and approved by the FAA for use of the T9 life rafts on 747 freighters. These life rafts are included in the certification data of these aircraft and are therefore approved as required by FAR 25.1415 as part of the type design.

STC ST00185SE is an EIA STC allowing the carriage of grooms on the main deck of a properly equipped 747 freighter aircraft. As part of this STC, a palletized groom station was constructed and approved as part of the required equipment. This palletized groom station is defined by the EIA drawing 25-4-0026-92 Rev I. This drawing calls out the use of life raft P/N R0103-105 or R0103A105. These are the same as life raft P/N R0103A121, except they do not have lanyard modification described in AD 92-14-02. This is because these life rafts are intended to be used from the main deck (door 5L or 5R) and therefore the lanyard length is not the safety concern it would be if used on the upper deck.

This groom station STC package was given extremely close scrutiny by the FAA Seattle ACO at the time of submittal because it was the first 747 STC to specifically allow the carriage of grooms in the main deck cargo compartment. Life raft information was submitted with the data package and the approval was granted. Therefore, as was the case in the other STCs discussed, the T9 life raft was included in the certification data of this

STC. This meets the FAR 25.1415 requirement for the life raft to be approved as part of the type design.

The above discussion provides four completely separate occasions where FAA ACOs have specifically approved the use of the T9 life rafts for use on 747 freighters. These approvals constitute part of the type design for these aircraft. If the FAA deems the use of these life rafts to be a safety concern, SSI would expect the FAA to issue new rulemaking and invite public comment, as is the long-standing normal process used by the FAA in safety-related matters.

Further, the four cases discussed above clearly demonstrate that the historical, or defacto, policy of the FAA regarding the T9 life raft is that it is approved for use on 747 freighters. Three separate STC projects, involving two ACOs, and an AD rulemaking process reviewed and specifically approved the use of T9 life rafts on 747 freighters. The Transport Directorate in Seattle defines transport aircraft certification policy and their demonstrated policy, for at least the last 20 years, has been to approve the T9 life raft for use on 747 freighters. This demonstrated FAA policy of approval of the T9 life raft is contrary to the new supposed national policy described in FAA Notice N8900.116, issued by the Flight Standards Service.

A review of the FAA website for the Flight Standards Service shows their mission to be:

*“The Flight Standards Service promotes safe air transportation by setting the standards for certification and oversight of airmen, air operators, air agencies, and designees. We also promote safety of flight of civil aircraft and air commerce by:*

- *Accomplishing certification, inspection, surveillance, investigation, and enforcement*
- *Setting regulations and standards*
- *Managing the system for registration of civil aircraft and all airmen records”*

In contrast, a review of the FAA website for Aircraft Certification Service shows their mission to be:

*“The Aircraft Certification Service of the FAA is the office responsible for:*

- *Administering safety standards governing the design, production, and airworthiness of civil aeronautical products;*
- *Overseeing design, production, and airworthiness certification programs to ensure compliance with prescribed safety standards;*

- *Providing a safety performance management system to ensure continued operational safety of aircraft; and,*
- *Working with aviation authorities, manufacturers, and other stakeholders to help them successfully improve the safety of the international air transportation system.”*

The FAA Notice N8900.116 appears to skirt the normal rulemaking process used by the FAA and does not appear to be in compliance with the mission statement for the Flight Standards Service.

SSI strongly objects to being compelled to remove the T9 life rafts from our 747 Supertanker at the present time for the following reasons:

1. There has been no unsafe condition identified for T9 life raft usage on the 747 freighter/Supertanker;
2. There has been no out-of-compliance condition identified for T9 life raft usage on the 747 freighter/Supertanker;
3. There has been no certification rulemaking prohibiting T9 life raft usage on the 747 freighter/Supertanker per Part 39;
4. There has been no opportunity for public comment that the aforementioned rulemaking process would normally provide;
5. Replacement of the T9 life rafts in our 747 freighter fleet would be a significant economic burden to SSI, yet the FAA has not performed an economic cost-benefit evaluation that would be part of the normal rulemaking process;

SSI is committed to aircraft safety. SSI has never had any reported in-service, or shop, issues reported that would suggest this life raft is unsafe or incapable of performing its intended function.

Notwithstanding all of the above discussion, SSI has been compelled by FAA Flight Standards, through its CMO, to petition for exemption from Section 25.1415(b).

**Safety:**

SSI believes that the level of safety will not be compromised if SSI is allowed to operate the listed aircraft with TSO C70A Type II life rafts in lieu of the Type I life rafts for the period requested.

SSI believes that EAM P/N R0103A121 life rafts, with incorporation of the modification described in Airworthiness Directive 92-14-02, when installed in the 747 Supertanker, will perform their intended function. SSI therefore does not believe that the installation of the EAM P/N R0103A121 life rafts on Model 747 series airplanes, operated as Supertankers, certificated in any category constitutes a safety issue.

This is supported by the fact that the FAA has not published a finding of an unsafe condition associated with the use of the T9 life raft.

Projected usage during the requested exemption period of 100 days represents very limited exposure on a fleet with an exceptional safety record. Usage shall be limited to the aircraft listed in Table 1.

**Economic Hardship:**

A cessation of extended overwater operation due to a Type II life raft restriction on the listed aircraft would have an immediate impact on both SSI and its customers. Flights may have to be cancelled, re-routed (at great expense and inconvenience to our customers) or operated with more expensive equipment (if available). SSI respectfully requests that an exemption be granted until October 1, 2010 by which time the new life rafts will be installed. SSI further requests that this exemption be approved on an expedited basis to minimize impact on currently planned flights.

**Public Comment:**

SSI requests that the FAA not post a Summary Notice of Petition Received on the Federal Register for public comment in the normal fashion as the request is virtually identical to Exemptions 9856, 9874, and 9976 granted for other airlines; and due to the fact that the normal comment period would have adverse effects on SSI should it be forced to cancel currently planned flights.

**Use Outside of the United States:**

SSI requests the petition for exemption be approved for use outside of the United States (US) as a portion of its flight activity may take place beyond US borders.

**Federal Register publication**

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication because this exemption, if granted, would not set a precedent, and recent, similar petitions have received no public comments.

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

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 raft may need to be occupied for longer periods of time than would be necessary for airplanes equipped with Type II rafts. For these reasons, the FAA requires liferafts meeting the standards of the Type I raft (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 small number of airplanes affected, the FAA considers that an exemption would not materially affect the level of safety provided by the regulations. Since both Type I and Type II rafts are readily available for the airplane industry to purchase, the FAA typically allows only a very short time to exchange the rafts. In this case, Supertanker Services, Inc., has made arrangements to purchase replacement Type I liferafts and is waiting for the liferafts to be manufactured and delivered. 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. Granting the exemption will enable the petitioner to fulfill its contractual obligations and avoid unnecessary disruptions of air commerce, which would be in the public interest.

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, Supertanker Services, Inc., is hereby granted an exemption from 14 CFR 25.1415(b). The petition is granted to the extent required to permit operation of the Boeing Model 747 airplane, listed in Table 1, with TSO C70a Type II liferafts. This exemption expires on October 1, 2010.

Issued in Renton, Washington, on **JUL 27 2010**



Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service