

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

In the matter of the petition of

Delta Air Lines, Inc.

for an exemption from § 121.309(f)(2) of
Title 14, Code of Federal Regulations

Regulatory Docket No. FAA-2016-4860

GRANT OF EXEMPTION

By letter dated February 25, 2016, Mr. Stephen M. Dickson, Senior Vice President Flight Operations, Delta Air Lines Inc. (Delta), 1030 Delta Boulevard, Atlanta, Georgia, 30354-1989, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of § 121.309(f)(2) of Title 14, Code of Federal Regulations (14 CFR). This exemption, if granted, would permit Delta to operate Boeing 747 airplanes with the aft megaphone located at door 4-left instead of at door 5-left.

The petitioner requests relief from the following regulation:

Section 121.309(f) states, in pertinent part, that each passenger-carrying airplane with a seating capacity of more than 99 passengers must have 2 portable battery-powered megaphones. One installed at the forward end and the other at the most rearward location where it would be readily accessible to a normal flight attendant seat.

The petitioner supports its request with the following information:

This section quotes the relevant information from the petitioner's request with minor edits for clarity. The complete petition is available at the Department of Transportation's Federal Docket Management System, on the Internet at <http://regulations.gov>, in Docket No. FAA-2016-4860.

Requested Relief

Currently, Delta is operating under the authority of Exemption No. 6140 which provides relief, under certain conditions and limitations, from the requirements of 14 CFR 121.309(f)(2) to the extent necessary to locate the aft megaphone at door 4-left on Boeing Model 747 airplanes.

As outlined in previous petitions on this matter, the Boeing Model 747 airplane (B-747) was certificated in accordance with 14 CFR part 25 with the aft megaphone located at door 4-left instead of door 5-left, the most rearward door on the B-747. The B-747 has been in worldwide airline operation and Delta has been operating the airplane for more than 30 years. The positioning of the aft megaphone at door 4-left has proven to be an advantageous location in emergency evacuations. Repositioning the aft megaphone from its current position at door 4-left to the most aft position, door 5-left, would not improve safety but would require Delta to expend resources unnecessarily.

Background

The FAA has previously determined that the justification for the issuance of Exemption No. 6140 is valid and in the public interest. The FAA Administrator has granted relief through exemption to Airlines for America from § 121.309(f)(2).

Delta has been successfully operating the B-747-451 under the relief authorized in Exemption 6140 for over 20 years.

The only change to the relief to which Delta requests is for an individual exemption to be issued as Delta is no longer a member of Airlines for America.

Request for Expedited Consideration

Delta is also requesting that, as a part of this petition for exemption, the public comment phase be waived per 14 CFR 11.87. It is the opinion of Delta that operations conducted under the previous relief granted by Exemption 6140 and the conditions and limitations of that exemption remain in place, there is no precedent being set with our request.

Furthermore, the issuance of this exemption is not a controversial issue. This petition does not seek to establish a precedent, but merely to continue an accepted and established practice. Accordingly, Delta requests that publication in the *Federal Register* be waived as unnecessary.

No Adverse Effect on Public Safety

The conditions and circumstances, in regard to public interest and equivalent levels of safety, which warranted the original grant of Exemption 6140, continue to exist. Exemption 6140 has been in use by Delta for over 20 years with no known compromise of safety.

Conclusion

Based on the information provided in this petition, granting Delta the same relief as permitted in Exemption 6140 will allow Delta to continue to provide the same level of service and safety without interruption.

Federal Register publication

The FAA has determined that good cause exists for waiving the requirement for *Federal Register* publication for public comment because the request is identical in all material respects to previously granted exemptions; the exemption, if granted, would not set a precedent; and any delay in acting on this petition would be detrimental to Delta Air Lines.

The FAA's Analysis

The FAA finds that operations that have been conducted as described by the petitioner have been done so in a safe manner.

Locating the megaphone at door 4-left provides a sufficiently centralized location in the aft section of the aircraft to control passenger evacuations. This location provides for broadcast coverage, including passengers seated aft as well as passengers seated forward of door 4-left. Thus, the FAA concludes that operation of Boeing Model 747 airplanes, as described, would provide a level of safety equivalent to the regulation.

The FAA also finds that it would not be in the public interest to require Delta Air Lines to expend resources to relocate the megaphone, since there would be no increased safety benefit. For many years, cabin and flightcrew members have been trained, and this knowledge is now well engrained, that the location of the megaphone on Boeing Model 747 airplanes is at door 4-left. To change this now would only add confusion and the current practice poses no safety problem.

The FAA's decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701 delegated to me by the Administrator, I grant Delta Air Lines, Inc., an exemption from 14 CFR 121.309(f)(2) to the extent necessary to allow Delta Air Lines, Inc., to locate the aft megaphone at door 4-left on their Boeing Model 747 airplanes.

Issued in Renton, Washington, on JUL 07 2016



Michael Kaszycki
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