

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056

Exemption No. 5288C

In the matter of the petition of

**Air Transport Association of
America**

Regulatory Docket No. 26400

for an exemption from §§ 121.314
and 135.169(d) of the Federal
Aviation Regulations

AMENDMENT TO PARTIAL GRANT OF EXEMPTION

By letters dated November 20, 1990, and February 7, 1991, Mr. Joseph D. Vreeman, Vice President, Engineering and Maintenance, Air Transport Association of America (ATA), petitioned for exemption from §§ 121.314 and 135.169(d) of the Federal Aviation Regulations (FAR) to permit up to a 36-month extension in the compliance time for the retrofit of Class C and D cargo compartment liners. The petition was on behalf of all affected operators. In response to this petition, Exemption No. 5288 was granted on March 18, 1991. That exemption permits the operation of airplanes that do not comply with §§ 121.314 and 135.169(d) after March 20, 1991, under a specified schedule, depending on the model. In addition, the exemption grants fleet wide relief for repairs. This relief is divided into two parts: (1) new repairs must comply with the regulations after September 20, 1991, and (2) all repairs must be in compliance after March 20, 1992. The exemption was subsequently amended by Exemption No. 5288A to allow relief for two operators from the "new repair" portion of the requirement by extending the compliance time by 30 days. The exemption was amended again by Exemption No. 5288B to extend the time for replacement of existing repairs with repairs that comply with the regulations, and to allow repair methods for detail parts to be developed and incorporated into the fleet.

By letter dated March 17, 1993, ATA petitioned the FAA to amend Exemption No. 5288. The petition requested that additional time be granted until June 18, 1993, to permit modification of the decompression panels in the aft cargo compartment on Airbus Industrie A300-600 and A310 airplanes.

ANM-93-026-E

Section of the FAR affected:

Section 121.314, as amended by Amendment 121-202, and § 135.169(d) as

amended by Amendment 135-31, require, in part, that after March 20, 1991, all Class C and D cargo compartments greater than 200 cubic feet in volume, used on airplanes in air carrier, air taxi and commercial service, have liners constructed of fiberglass or material satisfying the test requirements of § 25.855, as amended by Amendment 25-60, or, in the case of liners approved prior to March 20, 1989, aluminum.

Related Section of the FAR:

Section 25.855(a-1)(1), as amended by Amendment 25-60, incorporates a new flame penetration test using an oil burner. This test is required of liner materials in Class C and D cargo compartments on affected airplanes, regardless of whether or not the material is fiberglass. These test standards are contained in Appendix F, Part III of Part 25.

The petitioner's supportive information is as follows:

"In accordance with the provisions of FAR Part 11.25, the Air Transport Association (ATA) petitions on behalf of its affected member airlines (American Airlines, Delta Air Lines and Continental Airlines), for an extension of Exemption No. 5288 (Docket No. 26400). Exemption 5288, which was issued on March 18, 1991, extended the compliance period to March 20, 1993, for completion of the "Detail" modification on certain Airbus Industrie airplanes.

"Exemption No. 5288 provides temporary relief, under certain conditions and limitations from specific provisions of FAR 121.314, Amendment 121-202. The Exemption extended the compliance deadline for design details on Airbus Industrie A300, A300-600 and A310 airplanes. The compliance deadline extension was based on the need for the manufacturer to identify detail parts and to establish what modifications were necessary to bring the cargo liners into conformance with the new flame penetration test requirements.

"On March 11, 1993, Airbus Industrie first advised its customers that the aft cargo compartment decompression panels did not meet the requirements of FAR 121.314. Within the last week, ATA members have been in contact with Airbus to discuss recommended methods of compliance and to determine whether alternate methods were available to meet the compliance date. As a result of ATA member inquiries, Airbus Industrie yesterday issued documentation on approved methods of compliance.

"The aft cargo compartment decompression panels have a 7 millimeter by 107 millimeter slot in the centerline of the panel. Delta has approximately 14 of these slots per airplane, which require retrofit; American has 69 slots per airplane and Continental has 60 slots which require retrofit. Collectively, American, Delta, and Continental have 77 airplanes that would require retrofit repair. ATA members indicated that they would accomplish the repair at the next "B" check, or sooner.

"ATA is therefore requesting that Exemption 5288 be amended to extend the compliance deadline for design details on Airbus airplanes for an

additional 90 days.

"ATA regrets that this petition is submitted within a few days before the compliance deadline of Exemption 5288. However, operators were relying on the airframe manufacturer to classify the aircraft parts identified by FAR 121.314 as "Details" and to perform the applicable conformance testing for such materials. As a result, the affected operators were not provided sufficient time, after notification of nonconformance to complete the necessary retrofit repair.

"Granting this petition is in the public interest. The extended compliance date will allow our members to accomplish the retrofit within a scheduled maintenance hold. Denial of this petition would force our members to remove airplanes from service and cause considerable disruption of service to the traveling public.

"Granting this petition will not adversely affect safety for the reasons provided in our original request to grant Exemption 5288. Additionally, decompression panel slots represent an extremely small percentage of the total surface area of Cargo Compartment & Sidewall Liners now in compliance on Airbus airplanes. Our request to extend the compliance deadline for 90 days represents a limited time period in which the safety impact would be inconsequential.

"The renewal of this exemption is not precedent setting. Due to the inability of operators to effect repair by March 20, 1993, ATA requests that public comment be waived for this exemption."

The FAA finds, for good cause, that action on this petition should not be delayed by publication and comment procedures for the following reasons: (1) a grant of exemption would not set a precedent in that this matter involves circumstances of this industry's efforts to achieve compliance prior to the deadline established by the regulation, (2) delay in acting on the petition would be detrimental to the operators represented by the petitioner in that it could result in removal from service of aircraft, and (3) the reasons for this petition are identical to those for which Exemption No. 5288 was issued.

The Federal Aviation Administration's analysis/summary is as follows:

The petitioner has requested a 90 day extension from the terms of Exemption 5288 for the decompression panels in the aft cargo compartment on Airbus Industries A300, A300-600, and A310 airplanes due to a late identification of the non compliance parts by the manufacture of the airplane.

The operators and the ATA have worked closely with Airbus Industrie to develop a modification that can be quickly installed in the airplanes to correct the problem. The short time requested by the operators to correct the problem demonstrates a good faith effort to achieve compliance.

In granting this exemption, the FAA has determined that a short extension will not adversely affect safety. In addition, denial of the petition would impose a severe economic burden on operators, as a result of misinformation from the airframe manufactures. Nonetheless, there appears to be a tendency to treat this requirement casually, with lack of coordination between operators and manufacturers until compliance deadlines are imminent. The FAA considers that sufficient time has passed to identify non-compliant items and does not foresee granting further exemptions.

In consideration of the foregoing, I find that an amendment to Exemption No. 5288 is in the public interest and will not affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in §§ 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), the petition of the Air Transport Association of America to amend Exemption No. 5288 is hereby granted a temporary exemption, until June 18, 1993, for the decompression panels in the aft cargo compartment on Airbus Industries A300, A300-600, and A310 airplanes.

All other provisions of Exemption No. 5288, together with its conditions and limitations, remain the same and are applicable to this exemption. This amendment is part of, and shall be attached to, Exemption No. 5288.

Issued in Renton Washington, on

Ronald T. Wojnar, Manager,
Transport Airplane Directorate
Aircraft Certification Service, ANM-100

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