Exemption No. 10418

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

In the matter of the petition of **ST Aerospace Mobile, Inc.** for an exemption from §§ 25.783(c) and 25.783(d)(3)(i) of Title 14, Code of Federal Regulations	**Regulatory Docket No. FAA-2011-1405**

GRANT OF EXEMPTION

By letter dated December 15, 2011, Mr. Terence Tan, Engineering Director, ST Aerospace Mobile, Inc, 2100 9th Street, Brookley Complex, Mobile, AL 36615, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of §§ 25.783(c) and 25.783(d)(3)(i) of Title 14 Code of Federal Regulations (14 CFR) for Boeing Model 757-200 passenger airplanes converted to combination passenger/freighter (Combi) airplanes. The proposed petition, if granted, would allow for time-limited operation with the main deck cargo door (MDCD) in a condition that does not meet the current regulations, but provides an acceptable level of safety. This time-limited exemption would expire two years from the issue date of this exemption.

The petitioner requests relief from the following regulations:

Section 25.783(c), at Amendment 25-114, requires there must be a provision to prevent pressurization of the airplane to an unsafe level if any door subject to pressurization is not fully closed, latched, and locked.

Section 25.783(d)(3)(i), at Amendment 25-114, requires that the latching and locking mechanisms must be designed to have an individual lock for each latch.

The petitioner supports its request with the following information:

The following information summarizes the petition submitted by ST Aerospace Mobile, Inc. The complete petition is available on-line in the Federal Docket Management System at http://www.regulations.gov. The docket number is FAA-2011-1405.

ST Aerospace Mobile (STA Mobile) requests an exemption from § 25.783(c), at Amendment 25-114, and § 25.783(d)(3)(i), at Amendment 25-114, to allow the current main deck cargo door (MDCD), part number 65-25326-90710, which was approved under Supplemental Type Certificate (STC) ST03562AT for the STA Mobile 757-200SF conversion, to be used for the STA Mobile 757-200 Combi configuration. FAA approval for the 757-200 Combi configuration project will be granted under STC ST13005AT-T, which is expected to be issued at the end of 2011.

Description of Conversion

The STA Mobile 757-200 Combi configuration is derived from the STA Mobile 757-200SF Combi certificated under STC ST03562AT. The Combi modification of the 757-200 is similar to the 757-200SF, except the forward main deck cabin aft of the rigid cargo barrier will be converted to a Class C main deck cargo compartment (MDCC) and the main deck cabin aft of station 1119 approximate is retained with minor modifications to accommodated 80 passengers and up to 3 flight attendants separated from the MDCC by a smoke barrier. The MDCD used in the 757-200SF will be used as part of the MDCC for the 757-200 Combi project.

Description of the Issue

STA Mobile had intended to reuse the MDCD design approved under STC ST03562AT for the current 757-200 Combi project, ST13005AT-T. At the time STC ST03562AT was issued § 25.783 was at Amendment 25-88. However, because 14 CFR 21.101 requires that a "changed product complies with the airworthiness requirements applicable to the category of the product in effect on the date of the application for the change" the MDCD must now meet the requirements of § 25.783 at Amendement 25-114 instead of Amendment 25-88.

STA Mobile determined the MDCD does not meet the following requirements from § 25.783 at Amendment 25-114:

1. The MDCD has two vent pressure doors located on the lower half of the door and are hinged inward-opening. The vent pressure doors are open until the latches are fully closed. The hinge fittings of each pressure door have stop locks, which engage the latches to preclude closure of the pressure doors until all four pairs of latches are in fully latched position. Conversely, the latches cannot be rotated to the open position until the pressure doors are open. If they are not latched, the pressure doors cannot close. This will prevent pressurization of the airplane to an unsafe level of the MDCD is not fully closed, latched, and locked. However, the pressure doors can close as soon as the latches

are in their fully latched position. They do not monitor the latch and lock condition as required by § 25.783(c).

2. There is one latch lock per pair of latches on the MDCD, and not an individual lock for each latch as required by § 25.783(d)(3)(i).

3. The MDCD has view ports which only show that the MDCD is latched and do not provide an adequate view of the locks. The MDCD does not meet the requirements of § 25.783(f). This requirement is not part of this exemption request. STA Mobile will be requesting an exception to this requirement per § 21.101.

Boeing has produced several airplanes with the identical MDCD installed that STA Mobile will use for the 757-200 Combi project. The Boeing airplanes include 757-200 production freighters (79 airplanes), 757-200 special freighters (34 airplanes), and a Combi freighter (1 airplane). To date, these airplanes have accumulated more than 2,740,360 flight hours and 1,885,412 flight cycles without any significant service difficulties.

STA Mobile has re-delivered 47 757-200SF configured airplanes since STC ST03562AT was issued on April 2, 2008, and the MDCD has established a satisfactory service history.

Effect on Safety

The current MDCD design meets and exceeds the previous requirements so granting this exemption would not have an adverse effect on safety.

Additional Information Submitted by the Petitioner

From communications with the petitioner, the FAA understands the request for relief from these regulations for a period not to exceed 24 calendar months. The petitioner has assured the FAA that a design solution is in work, and that it will be incorporated into the airplane after delivery, but within this period.

The petitioner's statement of public interest:

Granting this petition is in the public interest because:

- It will allow the modified airplane to return to service. The airplane will be used in North Atlantic Treaty Organization (NATO) operations starting in January 2012.

- It will raise the safety level of the airline fleet because airlines will have to replace the Boeing 757-200s that are modified to Combis with new airplanes that meet newer 14 CFR part 25 amendments.

- It will help in the reduction of air pollution because Combi-configured airplanes will optimize the space usage in flights in cases where there is a low demand in passenger flights and a high demand in cargo transportation, thus reducing the number of flights.

Federal Register publication

The FAA has determined that good cause exists for waiving the requirement for *Federal Register* publication because any delay in acting on this petition would be detrimental to the NATO operations identified by the petitioner.

The FAA's analysis

The FAA has considered the information submitted by the petitioner and finds that granting the request is in the public interest for the following reasons: Although the MDCD design does not meet the two design requirements identified at the current amendment level, the design does meet the earlier requirements at the time the airplane was type certificated. This alone is not reason to grant relief, but there are several special circumstances that we understand should be taken into account. The FAA recognizes the MDCD has been previously approved to the current amendment level regulations. It has recently come to our attention that the original approval was made in error and the applicant is currently cooperating in a corrective action plan. This plan must be submitted to the FAA's Atlanta Aircraft Certification Office within 90 days from the issue date of this exemption. This plan must show how the petitioner intends to comply and retrofit the airplane within a 24 month period. Pertinent milestones must be included as part of the plan.

Also, because of the unique configuration and operations this airplane is intended for, any delay in allowing the NATO operations would have a significant negative impact on humanitarian operations worldwide.

In consideration of the above, the FAA concludes that granting this exemption will not adversely affect safety.

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, ST Aerospace Mobile, Inc. is hereby granted a time-limited exemption from 14 CFR 25.783(c), and 25.783(d)(3)(i), to the extent necessary to allow type certification of Boeing Model 757-200 series airplanes with the Combi modification installed as described above. The following limitations apply and must be documented in the limitations section of the airplane flight manual:

1. These airplanes are limited to NATO operations. Private use operations (not for hire, not for common carriage) are also acceptable.

2. This exemption is limited to a period of 24 calendar months from the issue date of this exemption.

3. The petitioner must submit an action plan to the FAA's Atlanta Aircraft Certification Office within 90 days from the issue date of this exemption. This plan must show how the petitioner intends to change the MDCD design to comply with §§ 25.783(c) and 25.783(d)(3)(i) and retrofit the aircraft within a 24 month period.

4. Boeing Model 757-200 airplanes delivered under this exemption cannot be operated after December 23, 2013, unless the design changes submitted in accordance with provision 3 (above) are incorporated by the owner or operator. The "Instructions for Continued Airworthiness" of the STC must also state this requirement.

Issued in Renton, Washington, on December 23, 2011.

John P. Piccola
Acting Manager, Transport Airplane Directorate
Aircraft Certification Service