



U.S. Department
of Transportation
**Federal Aviation
Administration**

Transport Airplane Directorate
1601 Lind Avenue, S.W.
Renton, Washington 98057-3356

October 30, 2015

Exemption No. 10767B
Regulatory Docket No. FAA-2012-1132

Mr. John Grover
Project Administrator
The Boeing Company
P. O. Box 3707, MC 03-56
Seattle, WA 98124-2207

Dear Mr. Grover:

This letter is to inform you that we have denied your request for an extension to time-limited exemption no. 10767A. It transmits our decision and explains its basis.

By letter dated September 24, 2015, Mr. John Grover, on behalf of The Boeing Company, petitioned the Federal Aviation Administration (FAA) for an extension to time-limited exemption no. 10767A, to change the conditions identified in the exemption. That exemption granted temporary relief from Title 14, Code of Federal Regulations (14 CFR) 25.901(c) and 25.981(a)(3) to allow The Boeing Company to complete design changes to the fuel quantity indication system (FQIS) and the fuel quantity processor unit (FQPU) on Boeing Model 767-200/-300/-300F/-400ER airplanes. The following are the conditions and dates in exemption no. 10767A:

1. Design changes for the center fuel-tank wire separation, wire shielding, and a 750-hour interval fault check of the center tank FQIS on all newly produced 767-300F airplanes must be accomplished within one year of the granting of the exemption.
2. Boeing must submit for FAA approval the service instructions for modifying the 767 FQIS as requested by the FAA in accordance with [14 CFR] 21.99 and [14 CFR] 183.69 by December 18, 2015. The exemption will expire on that date unless Boeing has submitted approvable service instructions.
3. The expiration date of May 17, 2016, established in the original exemption, continues to apply to 767-200/-300/-400ER airplanes, subject to condition 2.

4. The time-limited exemption for newly produced 767-300F airplanes expires on December 31, 2019, subject to condition 2.

The Boeing Company has requested that the FAA revise the deadline for condition 2 from December 18, 2015, to July 29, 2016. The reason cited for the extension request is the lack of availability of an in-service airplane on which to conduct service-instruction validation and compliance inspection. Boeing stated that the reason for the lack of an airplane was high usage of freighter airplanes during holiday seasons, prior to the year end.

Boeing also requested that the expiration of the exemption not be dependent on submittal of service instructions for modifying the 767 FQIS for the existing fleet. The justification provided for this request is that this condition imposes “excessive hardship for both production and retrofit.”

The Basis for Our Decision

Following years of discussion, Boeing agreed, on May 16, 2013, to provide to the FAA, by December 2015, service instructions for modifying 767 FQIS as reflected in condition 2. We have determined that the current lack of availability of an in-service airplane is not justification for a further extension to the requirements of condition 2. We determined that an agreement with an operator to complete the installation of the service instructions prior to the normal end-of-year heavy freighter schedule could have been accomplished. As an alternative, Boeing could have made arrangements to use an in-production airplane for service-instruction validation and compliance inspection.

Boeing has previously identified lack of in-service airplanes as justification for failure to comply with requirements to provide service instructions for retrofit of flammability-reduction systems on Boeing airplanes. We did not accept this justification in that instance, and our decision to deny this extension request is consistent with our previous decision regarding flammability-reduction systems.

Regarding Boeing’s request that the dependence between the exemption expiration and submission of service instructions be removed, the FAA’s objective in including this condition was to ensure that Boeing does finally comply with this requirement so that we may proceed with issuing an airworthiness directive to address this unsafe condition in the existing fleet. The FAA first identified the requirement to provide service instructions in 2002. As noted above, we repeatedly requested of Boeing the service instructions until 2013, when Boeing agreed to provide them by December 2015. Therefore, we find that it is not in the public interest to remove this aspect of the condition.

Our Decision

In consideration of the foregoing, I find that a grant of extended time-limited exemption is not in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, The Boeing Company is hereby denied an extension to exemption no. 10767A to permit more time for Boeing to achieve compliance for the Model 767-200/-300/-300F/-400ER airplanes.

All other conditions and limitations of exemption no. 10767A remain the same. This letter must be attached to, and is a part of, exemption no. 10767A.

Sincerely,

/s/

Jeffery E. Duven
Manager, Transport Airplane Directorate
Aircraft Certification Service