



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

Transport Airplane Directorate  
1601 Lind Ave, SW.  
Renton, Washington 98057-3356

September 15, 2009

Exemption No. 9936  
Regulatory Docket No. FAA-2009-0368

Mr. David J. Horn  
Lead Certification and Airworthiness Manager  
The Boeing Company  
P.O. Box 7730  
Wichita, KS 67277-7730

Dear Mr. Horn:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption.

### **The Basis for Our Decision**

By letters dated April 14, 2009, and May 27, 2009, you petitioned the Federal Aviation Administration (FAA) on behalf of The Boeing Company – Wichita Division for an exemption from § 26.11(c) of Title 14, Code of Federal Regulations (14 CFR) regarding the requirement for design approval holders (DAH) to develop instructions for continued airworthiness (ICA) applicable to an airplane's electrical wiring interconnection systems (EWIS) for design changes. Section 26.11(c) also requires DAHs to submit the EWIS ICA to the FAA Oversight Office for review and approval. You requested that the design changes documented in FAA Supplemental Type Certificates (STC) ST01429WI-D and ST3482WI-T be exempt from these requirements. Both of these STCs modify Boeing Model 767-200 airplanes configured to be aerial refueling tankers for the Japan Air Self-Defense Force and the Italian Air Force.

**Table 1. The Boeing Company – Wichita Division  
Affected STCs and Airplanes**

FAA Project Number	Airplane Model
ST3482WI-T	Boeing 767-200
ST01429WI-D	Boeing 767-200

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register* because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Boeing.

The FAA has issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 9811 (copy enclosed), the FAA found that all of the airplanes shown in Table II of that exemption were heavily modified either for U.S. Military use or for Head-of-State or military use by a foreign government, and that these airplanes are still operated under those uses. In Exemption No. 9811, the FAA used several methods to verify that the airplanes are not presently operated, nor in the future will be operated, in common carriage.

Having reviewed your reasons for requesting an exemption, I find that—

- they don't differ materially from those presented by the petitioner in the enclosed grant of exemption;
- the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present; and
- a grant of exemption is in the public interest.

**Our Decision**

Under the authority contained in 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I hereby grant The Boeing Company – Wichita Division an exemption from 14 CFR 26.11(c), subject to the conditions and limitations described below.

**Conditions and Limitations**

This exemption grants relief to The Boeing Company – Wichita Division from having to meet the requirements of § 26.11(c) for developing Electrical Wiring Interconnection Systems Instructions for Continued Airworthiness for the design changes documented in STC ST01429WI-D and STC ST3482WI-T. This exemption does not grant relief from the related operational requirements contained in §§ 121.1111 or 129.111. Should a person choose to operate under part 121 or part 129, any airplane modified in accordance with these STCs, beyond the operational compliance deadlines as stated in §§ 121.1111 and 129.111, that person will be required to comply with those operational requirements.

Sincerely,

*Signed by Ali Bahrami*

Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service

Enclosure