Exemption 3084C

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
SEATTLE, WASHINGTON 98168

In the matter of the petition of

LOCKHEED AERONAUTICAL SYSTEMS COMPANY
A DIVISION OF LOCKHEED CORPORATION **Regulatory Docket No. 20406**

for an exemption from §§ 25.1303(c)(1)
and 25.1581 of the Federal Aviation
Regulations.

GRANT OF EXEMPTION

Exemption No. 3084 was granted, on December 12, 1980, to Lockheed-California Company, a Division of Lockheed Corporation, P.O. Box 551, Burbank, California 91520, providing exemption from §§ 25.1303(c)(1) and 25.1581 of the Federal Aviation Regulations (FAR) to permit the amended type certification of Lockheed Model L-1011-385-1-15 airplanes, serial numbers 193U-1201 and 193U-1203, with: (1) an overspeed warning tolerance 6 knots greater than allowed by the FAR, and (2) a flight manual whose performance section is computed from British Civil Air Regulation (BCAR) criteria rather than FAR criteria. The two L-1011-385-1-15 airplanes, leased and operated by Gulf Air, are U.S. registered. Exemption No. 3084 was granted as a limited time exemption and was once extended. A termination date of December 31, 1984, was included as a qualifier for the latest extension.

By letter dated August 22, 1984, Lockheed-California Company petitioned the FAA to remove the termination date from this exemption. The request for granting the exemption without a time constraint was considered reasonable on the grounds that a fixed time exemption was not necessary, considering that the exemption will cease upon termination of the lease with Gulf Air, and there would be an economic benefit by not having to process future petitions for extension of this exemption. Exemption No. 3084B was granted, without time constraint, to Lockheed-California Company on December 13, 1984.

By letter dated March 14, 1990, Mr. M. Krupitsky, Chief Airworthiness Engineer, Lockheed Aeronautical Systems Company, A Division of Lockheed Corporation, P.O. Box 551, Burbank, CA 91520, petitioned the FAA to revise

Condition No. 2 of Exemption 3084B. The petitioner requests that the requirement for the operating limitations to be listed on the Type Certificates and Airworthiness Certificates be replaced with a requirement to carry a copy of this exemption onboard each aircraft with its Airworthiness Certificate.

Sections of the FAR affected:

Section 25.1303(c)(1) provides, in pertinent part, that the speed warning device for turbine-powered airplanes must give the pilots effective aural warning when the speed exceeds the maximum operating limit speed (V_{mo}) by 6 knots and that the production tolerance may not exceed the prescribed warning speed.

Section 25.1581 provides, in pertinent part, that an airplane flight manual must: (1) be furnished with each airplane, (2) contain information for safe operation, and (3) contain performance information computed under the applicable provisions of Part 25 of the FAR.

The petitioner's supportive information is as follows:

1. The Lockheed Model L-1011-385-1-15 is unique to Gulf Air, the airline of the Government of the Emirate of Abu Dhabi, the State of Bahrain, the Sultanate of Oman, and the State of Qatar. Four airplanes of the model are currently being operated by Gulf Air under Oman registry. Lockheed states that this exemption concerning overspeed warning and the flight manual is already incorporated into its four present airplanes which were certificated using both FAA and U.K. CAA requirements, with the CAA requirements being favored in the event of a conflict of requirements.

2. In the interests of safety, the two U.S.-registered Lockheed L-1011-385-1-15 airplanes leased to Gulf Air should have commonality with the remainder of the Gulf Air fleet. Such commonality permits both flightcrews and maintenance personnel to utilize their existing experience and expertise developed during the past L-1011 operation.

3. Gulf Air has successfully operated four Lockheed L-1011-385-1-15 airplanes on their route system since the beginning of 1976.

4. The V_{mo} for the existing Gulf Air L-1011 fleet is 375 knots, but the tolerance ranges from +3 to +12 knots in accordance with CAA requirements rather than the +6 knots of the FAR. The lower limit of +3 knots guards against nuisance warnings at V_{mo} or below which could otherwise degrade flightcrew confidence of the warning and lead to its being disregarded. This increase in tolerance would not be apparent between sea level and 8,000 feet because of the bird strike speed limitation of 313 knots.

5. Gulf Air has procured the two airplanes in question by a lease arrangement involving the LFC Credit Corporation, a subsidiary of the Lockheed Finance Corporation; therefore, continuance of the exemption covering the two airplanes provides a valuable contribution to the international balance of payments for the United States and is in the public interest.

6. Gulf Air has entered into a contract with Trans World Airlines (TWA) to operate an interchange of L-1011 equipment on flights from Bahrain to New York. Gulf Air operates the flights between Bahrain and London, and TWA operates the flights between London and New York, utilizing Gulf Air Company L-1011 aircraft.

7. TWA has been granted Exemption Nos. 4937A and 5113, providing exemption from the requirements of § 25.1303(c)(1), to permit their crews to operate Gulf Air L-1011 aircraft in accord with this interchange agreement. Those two exemptions require a copy of the exemptions to "...be carried onboard each airplane with the airworthiness certificate...."

8. The removal of the operating limitation from the Airworthiness Certificates of the two L-1011 aircraft would make future interchange agreements between Gulf Air and other airlines possible with less administrative burden to the airline and the FAA.

Because the petition for revision of Exemption No. 3084B is based on substantially similar considerations as those for which Exemptions Nos. 4937A and 5113 have been granted, also concerning exemption from § 25.1303(c)(1) for Gulf Air airplanes, and because those considerations also relate to the satisfaction of a foreign customer and the economic well-being of the United States, good and adquate cause exists for not publishing a summary of this petition in the Federal Register.

The FAA's analysis/summary is as follows:

The FAA is aware that the L-1011 airplanes have been operated by Gulf Air using a different overspeed warning tolerance and a different flight manual than that used by U.S. operators of L-1011 airplanes and agrees that the Gulf Air L-1011 airplanes have been operated by Gulf Air without any adverse effect on safety. Operation of the leased airplanes by flightcrews of Gulf Air with a different flight manual and overspeed warning tolerance could adversely affect the crew's performance. The FAA further acknowledges that lease arrangements of the type used by the petitioner benefit the U.S. balance of payments. The FAA therefore has determined that this action can be taken without compromising safety, and that it would be in the public interest to permit the issuance of an amended type certificate for the two LFC leased airplanes.

The FAA acknowledges that the wording of Condition No. 2 of Exemption No. 3084B, regarding the placement of an operating limitation on the Type Certificate and Airworthiness Certificates, limits the operation of the aircraft to Gulf Air only and conflicts with Exemption Nos. 4937A and 5113. The FAA also agrees that the removal of that operating limitation would lessen the administrative burden on the FAA for any future interchange agreements Gulf Air may enter into.

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), Lockheed Aeronautical Systems Company, a Division of Lockheed Corporation, is granted an exemption from §§ 25.1303(c)(1) and 25.1581 of the FAR to the extent necessary to permit operation of the specified Lockheed Model L-1011-385-1-15 airplanes with: (1) an overspeed warning tolerance 6 knots greater than allowed by the FAR, and (2) a flight manual whose performance section is computed from BCAR criteria rather than FAR criteria. This exemption is subject to the following conditions:

1. It is only valid for those airplanes with serial numbers 193U-1201 and 193U-1203.

2. A copy of this exemption must be carried onboard the affected airplanes with their airworthiness certificates. This exemption is only valid for airplanes being operated by Gulf Air with crews trained in the specific configuration.

This exemption will cease upon termination of the lease agreement between LFC and Gulf Air, unless sooner superseded or rescinded by the Federal Aviation Administration.

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