

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

In the matter of the petition of

ASTAR Air Cargo, Inc.

for an exemption from § 25.1415(b) of
Title 14, Code of Federal Regulations

Regulatory Docket No. FAA-2009-0508

GRANT OF EXEMPTION

By letter dated May 29, 2009, Mr. Nils A. Johnson, Sr. Manager Quality Control/Quality Assurance & Chief Inspector, ASTAR Air Cargo, Inc., 3336 SR 73, Bldg. 11, Suite 100, Wilmington, OH 45177, petitioned for a temporary exemption from the requirements of Title 14, Code of Federal Regulations (14 CFR) § 25.1415(b), as it relates to the limitations in Technical Standard Order (TSO) C70a, which limits Type II liferafts to non-transport category airplanes. ASTAR Air Cargo, Inc., has eight airplanes with these liferafts installed.

Related sections of the regulation:

Section 25.1415(b) requires that each liferaft for a transport-category airplane be approved.

Section 25.1301(a)(3) requires that each item of installed equipment be installed according to limitations specified for that equipment.

The petitioner's supportive information is as follows:

ASTAR Air Cargo, Inc., respectfully petitions for a temporary exemption from the provisions of Section 25.1415(b) for the airplanes listed in Table 1. Section 25.1415(b) requires that each liferaft for a transport-category airplane be approved. ASTAR Air Cargo, Inc., requests relief from these provisions of part 25 as it relates to the limitation in Technical Standard Order (TSO) C70a that limits Type II liferafts to non-transport-category airplanes.

Table 1 – Effective Aircraft

Tail Number	Serial Number	Line Number
N801DH	46033	431
N802DH	46076	451
N803DH	46123	508
N804DH	46124	511
N805DH	46125	515
N806DH	46002	394
N807DH	45990	375
N873SJ	46091	519

Supportive information is as follows:

ASTAR Air Cargo, Inc., respectfully petitions for an exemption to Section 25.1415(b) for the ASTAR Air Cargo, Inc., Douglas DC-8-73F aircraft as listed in Table 1 for a brief period of approximately 100 days. Within this request, ASTAR will show that by granting this petition, an equivalent level of safety is maintained. Failure to grant the exemption represents an economic hardship to ASTAR.

Background:

Recently, the Cincinnati Flight Standards District Office informed ASTAR that the installed TSO C70a Type II liferafts are not acceptable for certification on a transport-category aircraft, and ASTAR must discontinue overwater operations until receipt of an exemption or installation of TSO C70a Type I liferafts are installed. ASTAR is aggressively pursuing the acquisition of TSO C70a Type I liferafts, but is being quoted lead time in the 6-8 week range. ASTAR now finds itself in the predicament of waiting for the manufacture and subsequent installation of TSO C70a Type I liferafts.

ASTAR respectfully petitions for a temporary exemption, of 100 days, from 14 CFR 25.1415(b), by allowing the use of two each TSO C70a Type II liferafts with all required 121 provisions and 406 MHz emergency-locator transmitters (ELTs). This petition applies to a fleet of eight Douglas DC-8-73F airplanes listed in Table 1 for extended overwater operation to facilitate the procurement and installation of TSO C70a Type I liferafts on our fleet.

ASTAR will show that by granting this petition an equivalent level of safety is maintained. Failure to grant this exemption represents an economic hardship as well as a failure for ASTAR to meet our contractual obligation.

ASTAR believes that the level of safety will not be compromised if ASTAR is allowed to operate these eight aircraft, with TSO C70a Type II liferafts installed in lieu of Type I liferafts, for this finite period. ASTAR is confident that, given the extremely improbable circumstances a liferaft needs to be deployed, the TSO C70a Type II liferaft would fully

perform the intended function. The small number of supernumeraries (up to 4), along with 3 crew members, is far more representative of part 91 or part 135 occupancy than a part 121 commercial passenger loading. Additionally, the supernumeraries carried on board our aircraft are repositioning crew members, load masters, FAA personnel, or flight-deck-authorized employees traveling for business purposes. Additionally, more than 70% of ASTAR's DC-8 flights are conducted over the North American continent and are not subject to 14 CFR 121.339. ASTAR has a stellar safety record, as does the DC-8 fleet.

ATSAR requests a same-day, expedited approval of this exemption as ASTAR currently has an aircraft out of heavy check waiting to be repositioned back to the United States to return to revenue service. ASTAR also has a Department of Defense commitment scheduled for tomorrow morning.

The FAA has recently granted several temporary exemptions to Part 121 air carriers in quite similar circumstances.

Federal Register publication

The FAA finds, for good cause, that action on this petition should not be delayed by publication and comment procedures for the following reasons:

- this matter does not affect the flying public at large,
- this matter represents only a request for temporary exemption from the requirement, rather than permanent relief,
- delay in acting on the petition would be detrimental to the petitioner because publication and comment procedure could not be completed before the scheduled flights.

The FAA's analysis

The FAA notes that the petitioner has several reasons for requesting this temporary exemption. Underlying each of the arguments, however, is the relatively low risk associated with a temporary grant of exemption. While the FAA agrees that the occupants of a freighter airplane are more likely to be familiar with the airplane and its equipment, this is not relevant to the capability of the liferaft itself. The liferafts presently installed are TSO C70a approved, Type II liferafts. However, the TSO has a limitation such that the Type II liferafts are for use on non-transport-category airplanes only. The TSO states that Type I liferafts are for transport-category airplanes.

Type I liferafts are designed to be more robust and seaworthy than Type II liferafts, and are better suited to the extended overwater operation typical of transport-category airplanes. Under such conditions, the raft may need to be occupied for longer periods of time than would be necessary for airplanes equipped with Type II rafts. For these reasons, the FAA requires liferafts meeting the standards of the Type I raft (principally, multiple inflation chambers and redundant inflation systems) on this type of airplane. Nonetheless, given the relatively short time period of the requested exemption and small number of airplanes affected, the FAA considers that an exemption would be in the public interest and will not affect the level of safety provided by the

regulations. Granting the exemption will enable the petitioner to fulfill its contractual obligations and avoid unnecessary disruptions of air commerce.

Since both Type I and Type II rafts are readily available for the airplane industry to purchase, the FAA typically allows only a very short time to exchange the rafts. In this case, ASTAR Air Cargo, Inc., has made arrangements to purchase replacement Type I liferafts and is waiting for the 16 liferafts to be manufactured and delivered. After the liferafts have been delivered, ASTAR will install the liferafts on the subject airplanes. The FAA considers that additional time is warranted to allow for procurement and installation of the new liferafts on the subject airplanes, a timeframe which will not measurably degrade safety.

The FAA's decision

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 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, ASTAR Air Cargo, Inc., is hereby granted an exemption from 14 CFR 25.1415(b). The petition is granted to the extent required to permit operation of eight Douglas DC-8-73F airplanes, with TSO C70a Type II liferafts. This exemption expires on September 6, 2009.

Issued in Renton, Washington, on May 29, 2009.

/s/

Ali Bahrami
Manager, Transport Airplane Directorate
Aircraft Certification Service