



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

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

Exemption No. 8761B
Regulatory Docket No. FAA-2006-25156

June 26, 2009

Mr. David Bernstorf
Vice President, Airworthiness
Certification and Technical Engineering
Hawker Beechcraft Corporation
9709 E. Central
P. O. Box 85
Wichita, KS 67206

Dear Mr. Bernstorf:

This letter is to inform you that we have partially granted your petition for extension of Exemption No. 8761A. It explains the basis for our decision and describes its effect.

The Basis for Our Decision

Although Hawker Beechcraft Corporation (HBC) petitioned for an extension to Exemption No. 8761A by letter 940-2009-00716, dated February 10, 2009, and supplemented its position by letter 940-2009-01388, dated March 17, 2009, HBC contacted the Federal Aviation Administration (FAA) Transport Airplane Directorate on June 23, 2009, stating it is not able to meet the conditions of its proposal. The FAA has determined an extension of 90 days from July 1, 2009, the expiration date for Exemption No. 8761A, is necessary in order to review the information shared by HBC and investigate the matter.

One provision of Exemption No. 8761A would void Type Certificate T00013WI in the event HBC fails to meet the provisions of the exemption. Hawker Beechcraft Corporation had proposed to change this provision to a provision limiting design changes that may be made to the airplane. We believe that this proposal would not only affect HBC, but would impose unexpected consequences on operators and airplane modifiers because of the deviations from standard FAA design change and alteration procedures. Therefore, we have not included the proposed change in the provisions of this exemption. However, the FAA has determined that the provision that would void Type Certificate T00013WI represents too high a penalty to owners and operators of the airplane. If enacted, the provision would not only potentially ground the fleet of airplanes, but would also require a comprehensive re-certification program. Instead, the FAA has determined that prohibiting delivery of Hawker Beechcraft Model 4000 airplanes after October 1, 2009, is more appropriate in the event

HBC has not shown and the FAA has not found full compliance with the provisions of this exemption by that date.

It is our understanding that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to owners and operators of the Model 4000 airplane.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 8761A remains valid with respect to this extension and is in the public interest. Therefore, under the authority provided by 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I partially grant your petition for a time-limited extension to Exemption No. 8761A. I also change provision No. 7 to read as follows:

7. The FAA will not issue original airworthiness approvals for Hawker Beechcraft Model 4000 airplanes after October 1, 2009, unless HBC has shown full compliance with the provisions of the exemption by that date.

The Effect of Our Decision

Our decision extends Exemption No. 8761A by 90 days from the July 1, 2009, expiration date and amends provision No. 7. All other conditions and provisions of Exemption No. 8761A, remain the same. This letter must be attached to, and is a part of, Exemption No. 8761A.

Sincerely,

/s/ Ali Bahrami

Ali Bahrami
Manager, Transport Airplane Directorate
Aircraft Certification Service