Exemption No. 10618

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

In the matter of the petition of **Airbus** for an exemption from § 26.21 of Title 14, Code of Federal Regulations	**Regulatory Docket No. FAA-2012-0751**

GRANT OF EXEMPTION

By letter no. WB51M11024702_V2 dated July 10, 2012, Mr. Yves Regis, Head of Product Integrity, Airbus SAS, B22-265, BP D2202, 1 Rond-point Maurice Bellonte, 31707 Blagnac Cedex, France, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of Title 14, Code of Federal Regulations (14 CFR) 26.21 for Airbus Model A300B2-1A airplanes. Section 26.21 relates to the development of a limit of validity of the engineering data that supports the structural-maintenance program (LOV).

The petitioner requests relief from the following regulation:

Section 26.21 requires design-approval holders (DAH) to establish an LOV, develop associated maintenance actions, and incorporate the LOV into the Airworthiness Limitations section in the Instructions for Continued Airworthiness.

The petitioner supports its request with the following information:

The following quotes the petition, in pertinent part, with minor edits for clarity. The full petition is available for viewing at regulations.gov, docket no. FAA-2012-0751.

The extent of the sought relief and the reason for seeking this relief

Airbus wants to comply with Section 14 CFR 26.21. The evidence is the submittal to FAA of the Airbus certification plan reference WB51PL1101063v3. To satisfy the requirements of 14 CFR §26.21 Airbus has to publish Limits of Validity associated with the necessary maintenance instructions (LOV). Then, Airbus reviewed the remaining fleet in the U.S. and concluded that the burden to establish A300B2-1A LOV is unnecessary, as all A300B2-1A aircraft are out of service.

Hence, the exemption [request] which covers the complete 14 CFR 26.21 requirements for A300B2-1A is submitted to the FAA.

The reasons why granting the request would be in the public interest; that is how it would benefit the public as a whole

According to Airbus records and information, there is no A300B2-1A aircraft affected by Section 14 CFR 26.21 operated under Section 14 CFR 121 and 129 at the date at which operators must up-date their programs to reflect WFD requirements (i.e. July 14, 2013).

Airplane MSN	Airplane Model	1st Flight Date	Written off	End reason
5	B2-1C	15/04/1974	01/08/1997	Dismantled.
6	B2-1C	23/06/1974	15/11/1998	Dismantled by Channel Express, UK.
7	B2-1C	06/08/1974	15/11/1998	Dismantled by Channel Express, UK.
10	B2-1C	07/03/1975	30/06/1996	Dismantled by Aviation Sales, Miami
11	B2-1C	23/04/1975	30/06/1996	Dismantled by Aviation Sales, Miami
13	B2-1C	31/05/1975	15/11/1996	Dismantled by Aviation Sales, Miami

Notes:

- Table correct as of July 2012.
- In the column “Written off” is provided the date at which the Aircraft MSN was withdrawn from use.
- A/C model are designation at the date the MSN were withdrawn from use. These 6 MSN were produced as A300B2-1A, equipped with CF6-50A, and converted into A300B2-1C, equipped with CF6-50C. This conversion was performed in the 1970’s years.

Airbus therefore finds that granting this exemption is in the public interest as a whole since it will avoid the DAH and the FAA to expending efforts on developing WFD for the A300B2-1A aircraft that would have no actual safety benefit since no concerned aircraft would be operated under 14 CFR 121 or 129 at the time of the first WFD task due date of accomplishment. The saved efforts would benefit other safety initiatives with more tangible benefits for the public as a whole.

The reasons why granting the exemption would not adversely affect safety

Airbus considers that granting this exemption will not adversely affect safety for the same reason as detailed above, i.e. there will be no airplane affected by

Section 14 CFR 26.21 operated under Section 14 CFR 121 or 129 because all A300B2-1A are permanently withdrawn from service.

The reason to exercise the privileges of the requested exemption outside the United States if needed

Airbus has no intent to exercise the privileges of the requested exemption outside the United States.

Federal Register publication

A summary of the petition was published in the *Federal Register* on August 13, 2012 (77 FR 48202). No comments were received.

The FAA's analysis

The FAA has developed criteria to consider when deciding whether to grant or deny a design approval holder's (DAH) petition for exemption from part 26 requirements. These criteria were meant as a general guide to making decisions about such requests and were not developed for any specific request. The FAA uses these criteria as a starting point for making its decision. However, other factors may also be considered before a final decision is made on any particular exemption request.

The criteria are illustrated in the following table.

Table 1

Criteria for Considering Eligibility for Exemption from § 26.21

Item	If the airworthiness authority for the state of design is	And	And	And	Then
1	The FAA	No airplanes are operating under part 121 and it is unlikely that any will do so in the future[3]	No airplanes are operating under part 129 (N-registered) and it is unlikely that any will do so in the future[3]	No airplanes are being operated by a foreign air carrier and it is unlikely that any will do so in the future[3]	The DAH may be eligible for an exemption
2	The FAA	Airplanes are operating under part 121 but no airplanes will be operated under part 121 after the operational-rule compliance date[1] and it is unlikely that any will return to such service in the future[3]	Airplanes are operating under part 129 (N-registered) but no airplanes will be operated under part 129 (N-registered) after the operational-rule compliance date[1] and it is unlikely that any will return to such service in the future[3]	Airplanes are being operated by a foreign air carrier but no airplanes will be operated by a foreign air carrier after the operational-rule compliance date[1] and it is unlikely that any will return to such service in the future[3]	The DAH may be eligible for an exemption
3	Not the FAA	No airplanes are operating under part 121 and it is unlikely that any will do so in the future[3]	No airplanes are operating under part 129 (N-registered) and it is unlikely that any will do so in the future[3]		The DAH may be eligible for an exemption
4	Not the FAA	Airplanes are operating under part 121 but no airplanes will be operated under part 121 after the operational-rule compliance date[2] and it is unlikely that any will return to such service in the future[3]	Airplanes are operating under part 129 (N-registered) but no airplanes will be operated under part 129 (N-registered) after the operational-rule compliance date[2] and it is unlikely that any will return to such service in the future[3]		The DAH may be eligible for an exemption

[1] The design-approval holder must demonstrate that these airplanes will not be operating under part 121 or 129, or operated by a foreign air carrier, after the operational-rule compliance date by obtaining documentation of such from the current owners/operators of the airplanes.

[2] The design-approval holder must demonstrate that these airplanes will not be operating under part 121 or 129 after the operational-rule compliance date by obtaining documentation of such from the current owners/operators of the airplanes.

[3] Arguments for the likelihood of an airplane not entering into air-carrier service in the future should center on the airplane's age and/or current configuration.

The determination of whether an airplane is operating under 14 CFR part 121 or 129 is based on whether that particular airplane is listed on an air carrier's Operations Specifications.

The rationale behind the criteria contained in the table above is this: The rule requires DAHs to develop data for use by operators. If no operators for a particular airplane are required by the rules to use such data, it would be a poor use of resources for the DAH to develop it. Therefore, it benefits both the DAH and the public as a whole to spend resources on more important safety issues rather than on developing data that will not be used. In addition, granting such an exemption would not adversely affect safety because none of the airplanes would be required to incorporate the data, nor is it likely that there will be any in the future.

The FAA has reviewed Airbus' request and determined that granting this exemption would not have an adverse effect on public safety and would be in the public interest. Regarding the criteria in Table 1, the FAA is not the airworthiness authority for the state of design for Airbus Model A300B2-1A airplanes, and no Model A300B2-1A airplanes operate under parts 121 or 129 (U.S. registered only). The FAA also finds that it is unlikely that any Model A300B2-1A airplanes will enter into new operations under parts 121or 129 (U.S. registered only). Airbus Model A300B2-1A airplanes meet the baseline exemption criteria for 14 CFR part 26. No other factors require consideration regarding Airbus' petition for exemption.

Additional information

This exemption grants relief to Airbus from having to meet the requirements of § 26.21. This exemption does not grant relief from the related operational requirements contained in 14 CFR 121.1115 or 129.115. Should a person choose to operate an Airbus Model A300B2-1A airplane under part 121 or 129 beyond the operational compliance deadlines as stated in §§ 121.1115 or 129.115, that person will be required to comply with those operational requirements.

The FAA's decision

In consideration of the foregoing, I find that a grant of exemption to Airbus is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, Airbus is hereby granted an exemption from 14 CFR 26.21 for Model A300B2-1A airplanes.

Issued in Renton, Washington, on August 29, 2012.

/s/ John Piccola

John Piccola
Acting Manager, Transport Airplane Directorate
Aircraft Certification Service