



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

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

August 17, 2009

Exemption No. 9921
Regulatory Docket No. FAA-2009-0354

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 8, 2009; May 16, 2009; and June 1, 2009; you petitioned the Federal Aviation Administration (FAA) on behalf of The Boeing Company – Wichita Division for an exemption from § 26.47 of Title 14, Code of Federal Regulations (14 CFR) regarding the requirement for design approval holders (DAH) to develop damage tolerance data, submit that data to the FAA Oversight Office or its properly authorized designees for review and approval, and provide it to persons required to comply with §§ 121.1109 and 129.109. Development of the damage tolerance data is required for the airplanes associated with FAA Project ST3482WI-T.

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

FAA Project Number	Airplane Model
ST3482WI-T	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 26.47, 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 § 26.47 for developing damage tolerance data for repairs and alterations. 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 of the airplanes associated with FAA Project ST3482WI-T or any STC resulting from that project, 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,

/s/ Ali Bahrami

Ali Bahrami
Manager, Transport Airplane Directorate
Aircraft Certification Service

Enclosure