

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

In the matter of the petition of

American Airlines, Inc.

for an exemption from § 121.312(e) of
Title 14, Code of Federal Regulations

Regulatory Docket No. FAA-2006-24863

GRANT OF EXEMPTION

By letter dated April 25, 2006, Mr. Oliver Martins, Vice President, Engineering, Planning, and Q/A, American Airlines, Inc., 2000 Eagle Parkway MD 8947, Fort Worth, Texas 76177, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of § 121.312(e)(1) of Title 14, Code of Federal Regulations (14 CFR). These operating rules require that all insulation materials installed as replacements in the cabin of a transport category airplane after September 2, 2005, be compliant with 14 CFR 25.856, flammability standards.

The petitioner requests relief from the following regulations:

Section 121.312(e)(1): For airplanes manufactured before September 2, 2005, when thermal/acoustic insulation materials are installed in the fuselage as replacements after September 2, 2005, those materials must meet the flame propagation requirements of Sec. 25.856 of this chapter, effective September 2, 2003.

The petitioner's supportive information is as follows:

In accordance with the provisions of 14 CFR 11.25, American Airlines, Inc. petitioned for an exemption from a provision of § 121.312(e)(1). The exemption would permit American Airlines, Inc. to operate one Boeing Model 767 airplane, registration number N388AA, serial number 27448, until the aft pressure bulkhead-to-floor insulation blankets can be replaced with insulation material that meets the flame propagation requirements of § 25.856. That timeframe would be the next heavy maintenance visit when the aft galley complex is removed, or six years from January 2006, whichever occurs first.

American Airlines, Inc. is requesting this exemption because on January 11, 2006, a Boeing Model 767 airplane, registration number N388AA, was modified in accordance with American Airlines Engineering Change Order (ECO) C1966CA. That ECO incorporates Boeing Service Bulletin 767- 25A0300 and provides instructions for modifying the installation of the aft pressure bulkhead-to-floor insulation blankets. Airworthiness Directive (AD) 2003-13-03 specifies that the insulation blanket modification should be done in accordance with Boeing Service Bulletin 767- 25A0300, Revision 1, dated May 2, 2002. Airplane N388AA was the 66th airplane to be modified in American Airlines, Inc.'s fleet.

Prior to the September 2, 2005, date for compliance with § 121.312, American Airlines, Inc. conducted a comprehensive search of its inventory for non-compliant insulation, and purged all of the identified non-compliant material. The material for ECO C1966CA was in a kit stored under separate inventory, and was not identified during the search. Since the paperwork was identified as accomplishing AD 2003-13-03 the mechanics performing the work had no reason to suspect that the insulation was not compliant.

However, since the insulation was installed after September 2, 2005, it does not meet the flame propagation requirements of § 25.856, as required by § 121.312(e)1, therefore, the airplane is not compliant with the rule.

Immediate removal and replacement is not an option because no material is currently certified that meets the requirements of both § 121.312(e)(1) and AD 2003-13-03. The Boeing Company is pursuing an alternative method of compliance (AMOC) to provide compliant material, but the FAA has not yet granted an approval.

In this particular case, while the insulation is the same as 65 other aircraft, it is non-compliant because it was installed 132 days past September 2, 2005. This exemption would allow American Airlines, Inc. to operate airplane N388AA in revenue service until such time as the insulation can be replaced with compliant material.

The petitioner states that granting this exemption is in the public interest for the following reasons:

1. It provides immediate compliance with AD 2003-13-03 rather than waiting for Boeing to provide an AMOC to the AD.
2. It provides additional seats for the traveling public.
3. It will not adversely affect safety because the FAA has not required any of the identical insulation installed prior to September 2, 2005, to be removed from airplanes currently in service.

Federal Register Publication

A notice of the petitioner's request appeared in the Federal Register on June 1, 2006 (71 FR 31256). No comments were received in response to the notice.

The FAA's analysis/summary is as follows:

The FAA has reviewed the petitioner's request in light of the intent of the requirement. In this case, the petitioner was attempting to comply with an AD (unrelated to flammability) that mandated replacing insulation materials. In satisfying the AD, the petitioner inadvertently violated the requirements of § 121.312(e)(1). Since there was no material satisfying § 121.312(e)(1) that was approved as a method of compliance with the AD, this situation may have arisen, even if the petitioner had been aware of the problem. When the 'replacement' provisions in § 121.312(e)(1) were adopted, it was with the intent of upgrading materials that were used in service, through attrition, and production of future spare parts. In this case, because of the isolated location of the insulation, it is not often replaced, and was only replaced in this instance to comply with an AD. The insulation in question was not, therefore, of the type that was targeted by the regulation. Nonetheless, the regulation does apply and does require compliance whether or not this case was what was envisioned.

However, the FAA did consider the possibility that operators may not have full visibility of all affected parts, and mentioned this potential in Flight Standards Information Bulletin for Airworthiness (FSAW) 05-09. Essentially, the FSAW states that if an operator makes a good faith effort to comply with the replacement provision using affected parts listings provided by the manufacturer, the FAA does not intend to question that approach. That is essentially the situation here, except that the petitioner has discovered that the insulation in question does in fact not comply. At this point, requiring compliance would result in grounding of the airplane, and potentially taking the airplane out of compliance with an AD that it already complies with. Neither would be in the public interest. The petitioner proposes to upgrade the insulation during the next heavy maintenance check where access to that portion of the airplane is available. The FAA finds this acceptable.

The FAA's decision

In consideration of the foregoing, I find that a grant of exemption 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, American Airlines, Inc. is hereby granted an exemption from § 121.312(e)(1) to the extent necessary to allow American Airlines, Inc. to operate one Boeing Model 767 airplane, serial number 27448, with thermal/acoustic insulation that does not meet the flammability requirements of § 25.856(a). This grant of exemption is subject to the following provisions:

1. The insulation was installed prior to February 1, 2006.
2. That insulation will be replaced with insulation meeting § 25.856(a) by February 1, 2012.

Issued in Renton Washington on August 17, 2006.

Signed by Ali Bahrami

Ali Bahrami

Manager, Transport Airplane Directorate

Aircraft Certification Service