

PETITION FOR EXEMPTION

Subject: Petition for Exemption from Title 14 CFR §26.47 – Damage Tolerance Data for Aircraft Alterations and Repairs

Airplane: Boeing, 737-7DF MSN 30790 & -7DT MSN 30829 – Australian Commonwealth Head of State, Royal Australian Air Force (RAAF) operated, Executive Configuration

Reference: FAA STC No. ST09991SC

Introduction

Cotney Aerospace, Inc. (Cotney), as STC owner is petitioning for exemption from certain Title 14 Code of Federal Regulations (14 CFR) part 26 regulations. This exemption is being sought for only two airplanes – Boeing, 737-7DF MSN 30790 & -7DT MSN 30829, which were configured by STC ST09991ST with Head of State VIP executive interiors and are being operated for private use only, and not operated for hire, or for common carriage.

This petition requests that the FAA grant an exemption from 14 CFR part 26.47 for the above referenced aircraft similar to relief previously granted to other private not-for-hire airplanes. For reference, Cotney notes the following exemptions described in pertinent relief previously granted relative to requirements of FAR 26.47.

- Exemption No. 9811, Docket No. FAA-2008-0800, Partial Grant of Exemption from §26.47 & 26.49, for Boeing Models 767-27C, MSNs 27385, 27391, 28016, 28017; 737-2NI MSN 21167, 767-2FK MSNs 33844, 33958 aircraft.
- Exemption No. 9819, Docket No. FAA-2008-1137, Grant of Exemption from §26.47, for Boeing 747-47C MSNs 24730 and 24731 aircraft.

REQUEST

Cotney requests that the above referenced aircraft, when configured via STC ST09991SC, for private use and utilized under operating rules 14 CFR part 91 or equivalent, be exempted from the following requirements of Title 14 CFR part 26:

§26.47 – Damage Tolerance Data for Aircraft Repairs and Alterations.

Information to Support Grant of Exemption – General

Title 14 CFR part 25 and 26 governs design certification of transport category airplanes. The primary intent of these regulations, as written, is to assure that airplane manufacturers provide for the appropriate design features in their respective airplane to meet the standards necessary to protect the traveling public. Clearly, there is a requirement in the interest of safety to provide appropriately stringent regulatory standards for certification.

Transport category aircraft intended for private use, whether originally designed for private use or public, revenue-type operations and then utilized under 14 CFR part 91 or part 125, are used for personal (corporate), government, non-revenue operations, which represent significant operational differences from the typical revenue operation. The differences represented in these private operations can best be described as follows:

1. Operation is limited to the private use of an individual(s), corporation, or government and does not include public – for hire – operations. For the two aircraft modified by STC ST09991SC, it is noted on the STC description the executive interior is for the Royal Australian Airforce. A letter from the Commonwealth of Australia is attached as to the operation of the two aircraft.
2. Passenger capacity of the aircraft is significantly less than an equivalent aircraft in commercial operations.
3. Flight and cabin crews are typically highly trained, and far more familiar with the individual aircraft since they are operated as a Head of State aircraft in which they always perform their duties.
4. Security is extremely high in terms of access to the aircraft while on the ground and with respect to individuals boarding the aircraft.

The aircraft that are the subject of this petition are certificated by TCDS A16WE with exemptions 6820 and 6820A that restrict the aircraft to be “not for hire” operated. STC ST0991SC was certified with the assumption that the aircraft were to be FAR Part 91 operated or equivalent, i.e. “not for common carriage or for hire”.

Extensive and costly modifications to the STC would have to be accomplished in order for the aircraft to qualify for a FAR 121 or 129 operation level.

The FAA has previously granted exemptions, for transport category airplanes operated in private use, that are similar to those requested in this petition for exemption.

Evaluation of Public Interest

The approval of this Petition for Exemption would demonstrate the FAA’s willingness to deal with the issues involved with this Exemption, and would be in the public interest for the following reasons:

STC ST09991SC will never be installed on any other aircraft other than the two aircraft listed and effective by the STC.

These aircraft are registered and operated as head of state aircraft in a foreign country and are not and will not be operated or used in the U.S. as 14 CFR 121 or 14 CFR 129 common carriage aircraft.

Exemption will allow better management of FAA time and resources for compliance to FAR 26 to aircraft that are operated by 14 CFR 121 or 14 CFR 129.

Cotney Aerospace, Inc., respectfully requests the FAA's consideration of the foregoing petition.

Request for Waiver of Publication

Cotney believes that good cause exists, in accordance with 14 CFR §11.87, to waive the publication and comment requirements of 14 CFR part 11, §11.85. In particular, we feel that the intent of this petition, the reasons presented, and the relief requested is effectively identical to those of exemptions previously granted by the FAA. Therefore, this request will not set a precedent. Accordingly, Cotney requests a waiver for the publication and comment period.

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