Date: 04/08/2004
Exemption No.: 7897 from 14 CFR (FAR Section) - 91.409(e), 14 CFR (FAR Section) - 91.409(f), 14 CFR (FAR Section) - 91.501(a), 14 CFR (FAR Section) - 91.503 thru 91.535
will expire on 09/30/2004. If appropriate, please submit your request to extend this exemption **(including the docket number FAA-2002-12728) within 30 days of the date of this notice**. Otherwise, the FAA may not be able to process your request for extension before the expiration date. You may either submit your request electronically through the Internet using the Docket Management System web site at: **http://dms.dot.gov/** or mail your request to:

U.S. Department of Transportation
Docket Management System
400 7th Street, SW, Room PL-400
Washington, DC 20591-0001

Submission to other locations may delay processing. **Any request for extension must meet the requirements of 14 CFR part 11.** If you have already requested an extension for this exemption or no longer need this exemption, please ignore this notice.

U.S. Department
of Transportation
Federal Aviation
Administration
Washington, D.C. 20591

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April 14, 2004

U.S. Department of Transportation
Docket Management System
400 7th St., SW Room PL-400
Washington, DC 20591-0001

Subject: Exemption 7897 from 14 CFR (FAR Sections) – 91.409(e), 91.409(f), 91.501(a) and 91.503 thru 91.535

Doc. No. FAA-2002-12728

The National Business Aviation Association, Inc. (NBAA) hereby petitions for an extension of Exemption No. 7897, as amended by Exemption 7897, for a period of 24 months or until such time as the Federal Aviation Administration (FAA) industry regulatory action to amend 14 CFR Part 91, subpart F is completed. Originally, Exemption 1637 was granted on September 12, 1972 and was last amended by Exemption 7897 on September 30, 2002. Under Exemption No. 7897 the NBAA is granted an exemption from 14 CFR 91.409(a) and 91.501(a) to permit NBAA members to operate small civil airplanes and helicopters of U.S. registry under the operating rules of 14 CFR 91.503 through 91.535 and to select and use an inspection program described in 14 CFR 91.409(f). In addition, helicopter operations are not required to comply with the minimum safe altitude rules of 14 CFR 91.515(a), provided these operations comply with the minimum safe altitude requirements of 14 CFR 91.119.

The original justification for this exemption has been confirmed by 32 years of experience. Petitioner is not aware of any incidents or accidents attributable to faulty maintenance or inspection practices involving aircraft operated under this exemption. There is evidence that this exemption has contributed materially to the increased safety of small airplane and helicopter operations by permitting utilization of continuous inspection procedures.

Please contact me if I can assist you in the timely processing of this request.

Respectfully submitted,

Elias Cotti
Director, Technical Operations

Enclosure
Grant of Exemption

Exemption No. 7897

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

In the matter of the petition of NATIONAL BUSINESS AVIATION ASSOCIATION, INC. for an exemption from §§ 91.409(e) and 91.501 of Title 14, Code of Federal Regulations	Regulatory Docket No. FAA-2002-12728

GRANT OF EXEMPTION

By letter dated June 14, 2002, Mr. Elias Cotti, Director, Technical Operations, National Business Aviation Association, Inc. (NBAA), petitioned the Federal Aviation Administration (FAA) on behalf of NBAA for an extension of Exemption No. 1673, as amended. That exemption from §§ 91.409(e) and 91.501(a) of Title 14, Code of Federal Regulations (14CFR) permits NBAA members to operate small civil airplanes and helicopters of U.S. registry under the operating rules of §§ 91.503 through 91.535 and to select an inspection program as described in § 91.409(f).

The petitioner requests relief from the following regulations:

> Section 91.409(e) prescribes that no person may operate a large airplane, turbojet multiengine airplane, turbopropeller-powered multiengine airplane, or turbine-powered rotorcraft unless the replacement times for life-limited parts specified in the aircraft specifications, type data sheets, or other documents approved by the Administrator are complied with and the airplane or turbine-powered rotorcraft, including the airframe, engines, propellers, rotors, appliances, survival equipment, and emergency equipment, is inspected in accordance with an inspection program selected under the provisions of paragraph (f) of this section, except that, the owner or operator of a turbine-powered rotorcraft may elect to use the inspection provisions of § 91.409(a), (b), (c), or (d) in lieu of an inspection option of § 91.409(f).

> Section 91.501(a) prescribes, in pertinent part, that the operating rules in this subpart do not apply to those airplanes when they are required to be operated under 14 CFR parts 121, 125, 129, 135, and 137 of this chapter. (Section 91.409 prescribes an inspection program for large and for turbine-powered (turbojet and turboprop) multiengine airplanes of U.S. registry when they are operated under this part or 14 CFR part 129 or 137.)

The petitioner supports its request with the following information:

> The petitioner states that Exemption No. 1637 was granted on September 27, 1972, and was last amended on October 30, 2000, by Exemption No. 1637U. The petitioner indicates that the original justification for the exemption has remained the same for the past 30 years. The petitioner states that it is not aware of any incidents or accidents attributable to faulty maintenance or inspection practices involving aircraft operated under the exemption. Finally, the petitioner maintains that the exemption has contributed materially to the increased safety of small airplane and helicopter operations by permitting the use of continuous inspection procedures.

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication because the exemption, if granted, would not set a precedent, and any delay in acting on this petition would be detrimental to NBAA members.

The FAA's analysis/summary is as follows:

> The FAA has reviewed the petitioner's request for extended relief from §§ 91.409(e) and 91.501(a) and finds that a grant of exemption would be in the public interest. In Grant of Exemption No. 1637, the FAA determined that allowing NBAA members who operate small civil aircraft to operate under part 91 provisions specified for large and turbine-powered multiengine aircraft, and to select an inspection program for large and turbine-powered multiengine aircraft would provide a level of safety equivalent to or higher than that provided by the regulations.
>
> The FAA finds the original justification for issuing Exemption No. 1637 remains valid. The FAA notes, however, that Exemption No. 1637 has been amended 21 times since its issuance in 1972. To avoid confusion of the various amendments, the FAA finds it appropriate to grant NBAA relief under a new exemption number.

Further, we have assigned a new docket number to this project (Docket No. FAA–2002–12728; previously Docket No. 12227). In an effort to allow the public to participate in tracking our rulemaking activities, we have transitioned to the Department of Transportation's online Docket Management System (DMS) at http://dms.dot.gov. This new docket system enables interested persons to view requests on, submit requests to, and download requests from the DMS to comply with 14 CFR § 11.63. Please submit future requests through the DMS.

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, National Business Aviation Association, Inc., is granted an exemption from 14 CFR §§ 91.409(e) and 91.501(a) to the extent necessary to allow NBAA members to operate small civil airplanes and helicopters of U.S. registry under the operating rules of §§ 91.503 through 91.535 and to select an inspection program as described in § 91.409(f), subject to the following conditions and limitations:

1. Only those operations that are listed in § 91.501(b)(1) through (7) and (9) may be conducted under the authority of this exemption. Those operations must be conducted in compliance with the operating rules in §§ 91.503 through 91.535. However, helicopter operations are not required to comply with the flight altitude rules of § 91.515(a), provided the operations comply with the minimum safe altitude requirements in § 91.119. Aircraft operated under the authority of this exemption must use an inspection program listed in § 91.409(f).

2. No person may operate an aircraft under this exemption unless the appropriate Flight Standards District Office (FSDO) has been -

    a. Notified that the operation will be conducted under the terms of this exemption; and

    b. Provided with a copy of the time-sharing, interchange, or joint ownership agreement under which each aircraft is being operated, if appropriate. Each agreement must include the aircraft registration number of each aircraft involved.

3. No person may operate an aircraft under this exemption unless an entry is made in the aircraft logbook showing the provisions of part 91, subpart F, under which it is being operated.

4. No person may operate an aircraft under the authority of this exemption unless an inspection program has been submitted to and approved by the appropriate FSDO.

5. This exemption does not authorize the conduct of any operation required to be conducted under the rules of 14 CFR part 135.

This exemption terminates on September 30, 2004, unless sooner superseded or rescinded.

Issued in Washington, DC, on September 30, 2002.

/S/ Louis C. Cusimano
Acting Director, Flight Standards
Service

AFS-02-500-E (Docket No. FAA-2002-12728) Exemption No. 7897, 09/30/2002

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