



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

October 28, 2019

Exemption No. 17638A
Regulatory Docket No. FAA-2017-0725

Mr. Ashtyn Kupser
Sr. Manager, Operations Regulatory Compliance
Sun Country Airlines
2005 Cargo Road
Minneapolis, MN 55450

Dear Mr. Kupser:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 17638. It transmits the FAA's decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends, and lists the conditions and limitations.

The Basis for the FAA's Decision

By letter dated September 5, 2019, you petitioned the FAA on behalf Sun Country, Inc. d/b/a Sun Country Airlines (Sun Country) for an extension of Exemption No. 17638. That exemption from § 121.629(b) of Title 14, Code of Federal Regulations (14 CFR) allows Sun Country to take off an aircraft when frost, ice or snow is adhering to the wings; where the Original Equipment Manufacturer (OEM) of the B-737-700, -800 Next Generation (NG) airplanes has determined that a "safe" zone within which cold soaked fuel frost (CSFF) is permissible, has visibly marked the zone on the wing; and has placed an appropriate limitation in the Airplane Flight Manual (AFM) that the FAA has approved.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

AFS-19-130060-E

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Sun Country.

The FAA has determined that the justification for the issuance of Exemption No. 17638 remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I grant your petition to allow Sun Country, Inc. d/b/a Sun Country Airlines to take off an aircraft when frost, ice or snow is adhering to the wings; where the Original Equipment Manufacturer (OEM) of the B-737-700, -800 Next Generation (NG) airplanes has determined that a "safe" zone within which cold soaked fuel frost (CSFF) is permissible, has visibly marked the zone on the wing, and has placed an appropriate limitation in the Airplane Flight Manual (AFM) that the FAA has approved, subject to the following conditions and limitations described below.

Conditions and Limitations

1. The dispatch and takeoff with CSFF on upper wing surfaces only applies to Sun Country Boeing 737-700 and 737-800 NG aircraft as specified in the Boeing engineering and aeronautical analysis.
2. Sun Country will use and adhere to the revised Boeing AFM miscellaneous limitations for CSFF in all instances concerning CSFF.
3. This exemption does not relieve Sun Country from any other limitation or requirements with regard to deicing and anti-icing operations.
4. This exemption is provided and effective under the following conditions:
 - (a) The appropriate Sun Country operations manual contains the following limitations and conditions from the FAA approved B-737-700, 737-800 NG AFM:

Takeoff with cold soaked fuel frost on the wing tank upper surfaces is not permitted if any of the following conditions are present:

- (1) The ambient air temperature is below +4 degrees C, +39 degrees F.
- (2) The tank fuel temperature is below -16 degrees C, +3 degrees F.

- (3) There is cold soaked fuel frost on the wing tank upper surfaces that is beyond the lines defining the permissible cold soaked fuel frost area.
- (4) There is precipitation or visible moisture (rain, snow, drizzle, or fog with less than 1-mile visibility).
- (b) FAA has approved the Sun Country CSFF pilot training program and any assigned pilots must have been trained prior to applying CSFF exemption standards.
- (c) Sun Country must provide ground and operational training to all pilots and ground personnel to ensure each is able to clearly discern the applicability of the CSFF exemption requirements, to include identifying which Sun Country aircraft have the painted CSFF upper wing areas. The training must include recognition of those airplanes approved for CSFF exemption.
- (d) The pilot-in-command retains final authority for takeoff of a flight with CSFF.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2017-0725 (<http://www.regulations.gov>). In addition, you should submit your request no later than 120 days prior to the exemption's expiration date listed below.

If you require an amendment to this exemption, please submit your request no later than 120 days prior to the date you need the amendment using the process indicated above.

Any extension or amendment request must meet the requirements of §11.81 of 14 CFR.

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. 17638 to 17638A and extends the termination date to October 31, 2021, unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty
Deputy Executive Director,
Flight Standards Service