

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

In the matter of the petition of

L-3 Communications Integrated Systems

for an exemption from § 26.47 of Title 14,
Code of Federal Regulations

Regulatory Docket No. FAA-2008-1145

GRANT OF EXEMPTION

By a submission to the Department of Transportation's Federal Docket Management System (FDMS) dated October 23, 2008, Mr. Phillip T. Crawford, P.E., of L-3 Communications Integrated Systems, P.O. Box 154580, Waco, Texas 76715-4580, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of Title 14, Code of Federal Regulations (14 CFR) 26.47. This exemption is requested for one Supplemental Type Certificate (STC) installed on one airplane.

The petitioner requests relief from the following regulation: § 26.47 *Holders of and applicants for a supplemental type certificate – Alterations and repairs to alterations*, which requires developing damage tolerance data for aircraft alterations and repairs.

The petitioner supports its request with the following: The information below is quoted from Mr. Crawford's petition letter, dated October 22, 2008. An additional letter from Mr. Crawford is posted in FDMS and provides additional information on the future use of this airplane.

Justification and Safety Considerations

The justification for granting this petition is based upon fact that the STC utilizes Exemption 6881, which prohibits the airplane from being operated for hire or offered for common carriage, the foreign VIP Head-of-State use of this STC, and the fact that the granting of this petition will not adversely affect the safety of the U.S. public flying in common-carriage. The aircraft can not be placed in U.S. common-carriage operation unless the STC is removed and the aircraft is de-modified.

U.S. Public Interest

Granting this petition is clearly in the U.S. public interest because . . .

- The aircraft is registered in a foreign country and is not and will not be used in U.S. 14 CFR 121 or 14 CFR 129 common-carriage service beyond December 10, 2010 for AASFR and March 10, 2011 for EAPAS and;
- No U.S. public interest is affected since these aircraft are non-U.S. Registered aircraft and are in the service of the government of a foreign country

The STC identified in the petition is shown in Table 1:

Table 1. L-3 Communications Integrated Systems, Petitioned STC

| STC Number | Airplane Model | Serial Number |
|------------|----------------|---------------|
| ST9760SC-D | Boeing 777-200 | 29271 |

Federal Register publication

A summary of the petition was published in the *Federal Register* on January 13, 2009 (74 FR 1755). No comments were received regarding the exemption request.

The FAA's analysis

The FAA has developed criteria to consider when deciding whether to grant or deny a design approval holder's (DAH) petition for exemption from part 26 requirements. These criteria were meant as a general guide to making decisions about such requests and were not developed for any specific request. The FAA uses these criteria as a starting point for making its decision. However, other factors may also be considered before a final decision is made on any particular exemption request. The criteria are given in Table 2.

**Table 2. Criteria for Considering Eligibility for Exemption
from §§ 26.11, 26.43, 26.45, 26.47, or 26.49**

| | If the airworthiness authority for the state of design is | And | And | And | Then |
|---|--|--|--|---|--|
| 1 | The FAA | No airplanes are operating under part 121, and it is unlikely that any will do so in the future ³ | No airplanes are operating under part 129 (N-registered), and it is unlikely that any will do so in the future ³ | No airplanes are being operated by a foreign air carrier, and it is unlikely that any will do so in the future ³ | The DAH may be eligible for an exemption |
| 2 | The FAA | Airplanes are operating under part 121 but no airplanes will be operated under part 121 after the operational rule compliance date ¹ , and it is unlikely that any will return to such service in the future ³ | Airplanes are operating under part 129 (N-registered) but no airplanes will be operated under part 129 (N-registered) after the operational rule compliance date ¹ , and it is unlikely that any will return to such service in the future ³ | Airplanes are being operated by a foreign air carrier but no airplanes will be operated by a foreign air carrier after the operational rule compliance date ¹ , and it is unlikely that any will return to such service in the future ³ | The DAH may be eligible for an exemption |
| 3 | Not the FAA | No airplanes are operating under part 121, and it is unlikely that any will do so in the future ³ | No airplanes are operating under part 129 (N-registered), and it is unlikely that any will do so in the future ³ | | The DAH may be eligible for an exemption |
| 4 | Not the FAA | Airplanes are operating under part 121 but no airplanes will be operated under part 121 after the operational rule compliance date ² , and it is unlikely that any will return to such service in the future ³ | Airplanes are operating under part 129 (N-registered) but no airplanes will be operated under part 129 (N-registered) after the operational rule compliance date ² , and it is unlikely that any will return to such service in the future ³ | | The DAH may be eligible for an exemption |

¹ The DAH must demonstrate that these airplanes will not be operating under part 121 or part 129, or operated by a foreign air carrier, after the operational rule compliance date by obtaining documentation of such from the current owners/operators of the airplanes.

² The design approval holder must demonstrate that these airplanes will not be operating under part 121 or part 129 after the operational rule compliance date by obtaining documentation of such from the current owners/operators of the airplanes.

³ Arguments for the likelihood of an airplane not entering into air carrier service in the future should center on the airplane's age and/or current configuration.

The determination of whether an airplane is operating under part 121 or part 129 is based on whether that particular airplane is listed on an air carrier's Operations Specifications.

The rationale behind the criteria contained in Table 2 is this: The rule(s) require(s) DAHs to develop data for use by operators. If there are no operators for a particular airplane who are required by the rules to use such data, it would be a poor use of resources for the DAH to develop it. Therefore, it would benefit both the DAH and the public as a whole to spend resources on more important safety issues rather than on developing data that will not be used. In addition, granting such an exemption would not adversely affect safety because there are no airplanes that would be required to incorporate the data, nor is it likely that there will be any in the future.

The FAA has reviewed L-3 Communications Integrated Systems petition and has determined that granting this exemption would not have an adverse effect on public safety and would be in the public interest based on the following information:

The FAA notes that the airplane is heavily modified for Head-of-State VIP use by a foreign government. The foreign owner has verified the STC through an e-mail indicating that the airplane is not U.S. registered, and that it does not intend to operate the airplane under part 129 or part 121. (Refer to Docket ID FAA-2008-1145-0003.1 on FDMS at <http://www.regulations.gov>.) The airplane has not operated under, nor been maintained under, the oversight of any civil regulatory agency. Converting the airplane for common-carriage operation is impractical, considering the cost to de-modify, update all maintenance to the original equipment manufacturer's program, conform with all airworthiness directives, confirm conformity to type design, and equip for common-carriage. Therefore, the FAA finds that it is unlikely that this airplane will be used in service under part 121 or part 129 in the future.

As a result, the L-3 Communications Integrated Systems modified airplane meets the baseline exemption criteria for part 26. There are no other factors to be considered regarding the STC installed on the airplane identified in the petition for exemption.

Additional Information

This exemption grants relief to L-3 Communications Integrated Systems from having to meet the requirements of § 26.47 for the development of damage tolerance data for repairs and alterations. This exemption does not grant relief from the related operational requirements contained in § 121.1109 or § 129.109. Should a person choose to operate, under part 121 or part 129, the airplane identified in Table 1 for which exemption is hereby granted, beyond the operational compliance deadlines as stated in §§ 121.1109 and 129.109, that person will be required to comply with those operational requirements.

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, L-3 Communications Integrated Systems is hereby granted an exemption from § 26.47 for the STC installed on the airplane listed in Table 1.

Issued in Renton, Washington, on FEB 05 2009

A handwritten signature in black ink, appearing to read 'Ali Bahrami', written in a cursive style.

Ali Bahrami
Manager, Transport Airplane Directorate
Aircraft Certification Service