

**CORRECTED COPY**

**This is a correction to Grant of Exemption No. 9838, dated March 18, 2009. The changes were requested by Mr. Larry Jackson, on behalf of Mr. Phillip Crawford and Dr. Michael Hopper of L-3 Communications Integrated Systems. In Table 2 of the original signed Grant of Exemption, five Supplemental Type Certificate (STC) numbers were inadvertently omitted and a typographical error was made to another STC number. We have made these changes in our records as of March 23, 2009. Please file this with the original signed Grant of Exemption.**

**Exemption No. 9838**

**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-2008-0743**

**GRANT OF EXEMPTION**

By a submission to the Department of Transportation's Federal Docket Management System (FDMS) dated June 20, 2008, Dr. Michael E. Hopper of L-3 Communications Integrated Systems, P.O. Box 6056, Greenville, Texas 75403-6056, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of Title 14, Code of Federal Regulations (14 CFR) 26.47. Also by a submission to FDMS dated August 25, 2008, Mr. Phillip T. Crawford of L-3 Communications Integrated Systems, P.O. Box 154580, Waco, Texas 76715-4580, petitioned the FAA for an exemption from the requirements of § 26.47. These petitions have been combined into one exemption for 60 Supplemental Type Certificates (STCs) installed on 58 airplanes.

**The petitioners request 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 petitioners support their request with the following:** The information below is paraphrased from Dr. Hopper's petition letter, dated June 20, 2008. An additional letter from

Mr. Crawford is included herein. Seventeen more letters with additional information were also included. The complete petition letters may be found in the docket.

**JUSTIFICATION AND SAFETY CONSIDERATIONS:** This Petition for Exemption is consistent with the stated safety goals for Final Rule Docket No. FAA-2004-18379. Specifically, the intent of the Final Rule was to invoke the regulations of 14 CFR 26 on Air Carriers. The operators of the airplanes with the subject STCs are not now Air Carriers and are not reasonably expected to become so.

**U.S. PUBLIC INTEREST:** This Petition for Exemption is consistent with the stated public interest goals of Final Rule Docket No. FAA-2004-18379. In the absence of this Exemption, L-3 Communications is faced with the near certainty of producing costly data which will never be requested by or compensated for by our operators.

The 60 STCs installed in the 58 aircraft [that L-3 Communications requested exemption for] are not currently in commercial service under Part 121 or Part 129. All these aircraft are currently owned and operated by the U.S. Military and Foreign Head-of-State and Military operators. [Therefore, grant of this exemption would in turn reduce the burden on FAA resources and consequently public expenditure.]

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### **Federal Register publication**

A summary of the petitions 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 1.

**Table 1. Criteria for Considering Eligibility for Exemption  
from §§ 26.11, 26.43, 26.45, 26.47, or 26.49**

	<b>If the airworthiness authority for the state of design is</b>	<b>And</b>	<b>And</b>	<b>And</b>	<b>Then</b>
1	The FAA	No airplanes are operating under part 121, and it is unlikely that any will do so in the future <sup>3</sup>	No airplanes are operating under part 129 (N-registered), and it is unlikely that any will do so in the future <sup>3</sup>	No airplanes are being operated by a foreign air carrier, and it is unlikely that any will do so in the future <sup>3</sup>	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 <sup>1</sup> , and it is unlikely that any will return to such service in the future <sup>3</sup>	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 <sup>1</sup> , and it is unlikely that any will return to such service in the future <sup>3</sup>	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 <sup>1</sup> , and it is unlikely that any will return to such service in the future <sup>3</sup>	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 <sup>3</sup>	No airplanes are operating under part 129 (N-registered), and it is unlikely that any will do so in the future <sup>3</sup>		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 <sup>2</sup> , and it is unlikely that any will return to such service in the future <sup>3</sup>	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 <sup>2</sup> , and it is unlikely that any will return to such service in the future <sup>3</sup>		The DAH may be eligible for an exemption

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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 1 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 petitions 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 all of the airplanes shown in Table 2 have been heavily modified either for U.S. Military use or for Head-of-State or military use by a foreign government, and that these airplanes are still operated under those uses, except for two airplanes (with four STCs installed) that have been scrapped. For 16 of the 60 STCs installed on 4 airplanes, the owner has confirmed by letter that it "does not intend to ever operate the . . . Aircraft under 14CFR 121 or 14 CFR 129" usage. (Refer to Docket ID FAA-2008-0743 on FDMS at <http://www.regulations.gov>.) For forty of the STCs installed on 52 airplanes, the petitioner received no response from the owners, indicating their lack of interest in the maintenance data. For these airplanes, evidence of transmittal is also contained in FDMS. Also, we have reviewed the Operations Specifications database, and none of these airplanes are shown to be operating under part 121 or part 129.

As a result, L-3 Communications Integrated Systems modified airplanes meet the baseline exemption criteria for part 26. There are no other factors to be considered regarding the 60 STCs installed on the 58 airplanes identified in Table 2.

### **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, any of the airplanes identified in Table 2 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.

**Table 2. L-3 Communications Integrated Systems, Petitioned STCs**

STC Number	Airplane Model	Serial Number		
SA1931SW	747 E-4A 747 E-4B	20682 20683 20684 20949		
SA2703SW				
SA2951WE				
SA3577SW				
SA3684SW				
SA4642SW				
SA5749SW				
SA8433SW				
SA5005SW-D				
SA5022SW-D				
SA5024SW-D				
SA5026SW-D				
SA8084SW-D				
SA8090SW-D				
SA9166SC-D				
SA9174SC-D				
SA5012SW-D	747SP-27	21785		
SA5027SW-D	747SP-Z5	23610		
SA5014SW-D	747SP-3G1	23070		
SA8080SW-D				
SA5030SW-D	747SP-68	21652		
SA5046SW-D	747-2G4B	23824 23825		
SA8097SW-D			747SP-68	22750
SA8100SW-D				
SA9173SC-D				
SA9189SC-D				
SA9191SC-D				
SA9192SC-D				
SA9196SC-D				
SA9198SC-D				
SA9199SC-D				
SA9200SC-D				
SA9201SC-D				
SA9202SC-D				
ST9208SC-D				
ST9209SC-D				
ST9211SC-D				
ST9212SC-D				
ST9213SC-D				

STC Number	Airplane Model	Serial Number
SA4687SW	DC-9-32	47241, 47242, 47295, 47297, 47298, 47299, 47300, 47366, 47367, 47448, 47449, 47467, 47471, 47475, 47495, 47536, 47537, 47538, 47540, 47541, 47577, 47578, 47580, 47581, 47584, 47585, 47586, 47587, 47681, 47684, 47687, 47691, 47698, 47699, 47700, 48137, 48165, 48166, 47668, 47670, 47671
SA5033SW-D		
SA5035SW-D		
SA5036SW-D		
SA5037SW-D		
SA5044SW-D		
SA5045SW-D		
SA8079SW-D		
SA8096SW-D		
SA8099SW-D		
SA9168SC-D		
SA9186SC-D		
SA9197SC-D		
SA9203SC-D		
SA9207SC-D		
SA5013SW-D	727-2N6	22825
SA5047SW-D	727-30	18362
SA5032SW-D	727-35	18811
SA5047SW-D		
SA8081SW-D	727-35	18813
SA5032SW-D		
SA5047SW-D		
SA8081SW-D	727-35	18816
SA5032SW-D		
SA5047SW-D		
SA8081SW-D		
SA8089SW-D		
SA9187SC-D	727-35	18817
SA5032SW-D		
SA5047SW-D		
SA8081SW-D		
SA8089SW-D		
SA9187SC-D		

### **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 60 STCs installed on the 58 airplanes, as listed in Table 2.

Issued in Renton, Washington, on March 18, 2009.

/s/

Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service