

Exemption No. 7909  
Regulatory Docket No. FAA-2002-13283

Mr. Paulo C. Olenski  
Certification Manager  
Embraer Empresa Brasileira de Aeronáutica S.A. (Embraer)  
Av. Brigadeiro Faria Lima 2170  
12227-901 S. José dos Campos  
SP, Brazil

Dear Mr. Olenski:

This is in response to your June 3, 2003, letter (Ref.: GEC-2291/2003) petitioning the Federal Aviation Administration (FAA) on behalf of Embraer Empresa Brasileira de Aeronáutica S.A. (Embraer) for an extension of Exemption No. 7909. That exemption from § 25.979(b)(2) of Title 14, Code of Federal Regulations (14 CFR) permits Embraer to receive type certification approval of the Model EMB-135BJ and EMB-145XR series airplanes with a non-compliant type design for the refueling automatic shutoff means for a limited time.

In your petition, you explain that a vendor supplying a key component needed to meet the production line incorporation date specified in the exemption has been impacted by ongoing work required by SFAR 88. Therefore, Embraer requests an extension, to September 30, 2003, of the time limit for incorporation into production line requirements of a pressure refueling panel fully compliant with the requirements of § 25.979(b)(2). You indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

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 Embraer.

The FAA has determined that the justification for the issuance of Exemption No. 7909 remains valid with respect to this exemption.

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, Exemption No. 7909 is hereby amended by extending its June 30, 2003, termination date to September 30, 2003, unless sooner superseded or rescinded.

All other conditions and limitations of Exemption No. 7909 remain the same. This letter shall be attached to, and is a part of, Exemption No. 7909.

Sincerely,

/s/Ali Bahrami

\_\_\_\_\_  
Ali Bahrami

Acting Manager

Transport Airplane Directorate

Aircraft Certification Service

Project No.: ANM-03-477-E  
ANM-113 A.Kovite: EXT.DOC:Doc#7909  
ANM-112 :L. Pinkstaff  
Extension issued June 25, 2003