

Exemption No. 6910
Regulatory Docket No. 29596

June 30, 1999

Mr. Luiz Alberto Gomes de Figueiredo
EMBRAER - Empresa Brasileira de Aeronautica S.A.
Av. Brig, Faria Lima, 2170 - Putim
12227-901 - S. Jose dos Campos-SP
Brazil

Dear Mr. Gomes de Figueiredo:

By letters dated June 8 and 10, you petitioned the Federal Aviation Administration (FAA) on behalf of EMBRAER-Empresa Brasileira de Aeronautica S.A. (EMBRAER) for an exemption from Section C36.9(e)(1) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow for the 1-g stall speed used for the 14 CFR part 25 airworthiness certification to also be used for the 14 CFR part 36 noise certification for the approach reference and test limitations on the EMBRAER EMB-135 model airplane.

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 6900 (copy enclosed), the FAA agreed with the petitioner's request for an exemption from part 36 Section C36.9(e)(1), for the Dornier 328-300 model aircraft to allow for the 1-g stall speed that is used for the part 25 airworthiness certification to also be used for the part 36 noise certification. Under that exemption, the approach noise certification for the Dornier 328-300 airplane would be based on approach reference airspeed determined from the 1-g stall speed ($1.23(V_{sub\ SR}) + 10$ knots) in lieu of $1.3(V_{sub\ S}) + 10$ knots, as specified in Section C36.9(e)(1) of part 36.

The petitioner referenced NPRM 95-17, in which the FAA proposes to define the reference stall speed in part 25, Section 25.103, as a speed not less than the 1-g stall speed, rather than the minimum speed obtained in the stalling maneuver. The multiplying factor (1.23) for the 1-g stall speed proposed in NPRM 95-17 was selected so that minimum operational speeds equivalent to those under the existing part 25 requirement ($1.3(V_{sub\ S})$) would result. NPRM 95-17 also proposed to allow the 1-g stall speed to be used in demonstrating the part 36 approach noise certification level.

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present.

AEE-99-381-E

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. Sections 40113 and 44701, delegated to me by the Administrator (14 CFR Section 11.53), EMBRAER is granted an exemption from 14 CFR Section C36.9(e)(1) to the extent necessary to allow for the 1-g stall speed used for the 14 CFR part 25 airworthiness certification to also be used for the 14 CFR part 36 noise certification for the approach reference and test limitations on the EMBRAER EMB-135 model airplane, subject to the following conditions and limitations:

1. The exemption only effects the approach airspeed used in demonstrating compliance with part 36. Under this exemption, the Section C36.9(e)(1) compliance requirement for the EMBRAER EMB-135 is: a steady approach speed, that is either $1.23(V_{sub\ SR}) + 10$ knots or the speed used in establishing the approved landing distance under the airworthiness regulations constituting the type certification basis of the airplane, whichever speed is greatest, must be established and maintained over the approach measuring point. Compliance with all other part 36 provisions applicable to the EMBRAER EMB-135 airplane is required.
2. This exemption expires on the effective date of the final rule revising part 36 to incorporate the allowance for 1-g stall speed.

Sincerely,

/s/ Howard W. Nesbitt
Acting Director of Environment and Energy

Enclosure