



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Transport Airplane Directorate  
1601 Lind Avenue, S.W.  
Renton, Washington 98057-3356

October 6, 2011

Exemption No. 10180A  
Regulatory Docket No. FAA-2010-1265

Mr. Sergio Augusto Viana de Carvalho  
Certification Manager  
EMBRAER - Empresa Brasileira de Aeronautica S.A.  
Av. Brig. Faria Lima, 2170 PC 179  
12227-901 - Sao Jose Dos Campos - SP  
Brazil

Dear Mr. Carvalho:

This letter is to inform you that we have granted your petition to extend Exemption No. 10180. It explains the basis for our decision and describes its effect.

### **The Basis for Our Decision**

By Embraer letter GCF-1013/2011 dated September 2, 2011, you petitioned the Federal Aviation Administration (FAA) on behalf of Embraer S.A., for an extension of Exemption No. 10180 by amending the current deadlines. That exemption from § 25.981 (a)(3) of Title 14, Code of Federal Regulations, allows Embraer relief from the fuel tank ignition prevention requirements for its EMB-135BJ airplanes modified in accordance with Design Change Approval (DCA) 0145-000-00020 (most recent FAA approved revision) (Legacy 650). The amendment you request would extend each of the time limitations in the current exemption by one year.

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. However, you do state that you can not meet the current exemption time limitations for the following reasons:

- Some of the concepts used in the new design are new for the pump manufacturer and, to some extent, they are new to the industry, hence the activities for technical and conceptual proof took longer than expected. This also included various material evaluations and configurations.
- Suppliers to the pump manufacture had issues with their materials because of the tsunami in Japan. The tsunami affected the availability of the pump units for qualification tests and the production line.

- The qualification tests cannot be finished by the current exemption deadlines. This in turn has delayed the manufacturing of the units and the corresponding documentation.

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.

### **Our Decision**

The FAA has determined that the justification for the issuance of Exemption No. 10180 with a time limited extension of one year, remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I grant your petition provided Embraer complies with the following.

Embraer must develop a comprehensive compliance plan and schedule, supporting the deliverables identified in items 3 and 4 of **The FAA's Decision** section of the Exemption. The plan and schedule must be presented to the Agência Nacional de Aviação Civil (ANAC) of Brazil, as the authority for the State of Design, and the FAA by December 1, 2011. Thereafter, Embraer must submit a monthly status report to ANAC and the FAA identifying all actions completed to date as well as those that remain outstanding. The report must demonstrate Embraer's progressive performance and accomplishments indicating their projected success in meeting the schedule and conditions of the exemption.

### **The Effect of Our Decision**

Our decision extends the overall termination date of Exemption No. 10180, to September 30, 2013, unless sooner superseded or rescinded. The FAA will not issue original airworthiness approvals for Model EMB-135BJ (Legacy 650) airplanes after September 30, 2013, unless Embraer shows full compliance with the provisions of this exemption by that date.

In regards to item 2 of the Exemption, the "Airworthiness Limitation" section for those airplanes delivered prior to the issuance of this letter may be revised to reflect the extended time limit as granted by this letter.

All conditions and limitations of Exemption No. 10180 remain the same. Only the time limitations in items one through six of **The FAA's Decision** section have changed. Those time limits are identified below. This letter must be attached to, and is a part of, Exemption No. 10180.

Item Number.	Date (Time Limit)
1	September 20, 2012
2	September 30, 2013
3	September 30, 2012
4	March 30, 2013
5	September 30, 2012
6	September 30, 2013

Sincerely,

*Original signed by Ali Bahrami*

Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service