AGÊNCIA NACIONAL DE AVIAÇÃO CIVIL

PROPOSTA DE EMENDA 129 AO REGULAMENTO BRASILEIRO DA AVIAÇÃO CIVIL 25 RBAC 25 "REQUISITOS DE AERONAVEGABILIDADE: AVIÕES CATEGORIA TRANSPORTE" JUSTIFICATIVA

1. APRESENTAÇÃO

1.1. A presente Justificativa expõe as razões que motivam esta Agência Nacional de Aviação Civil-ANAC a propor a emissão da emenda 129 ao RBAC 25 em face do estabelecido na Lei nº 11.182, de 2005.

1.2. A proposta de edição da emenda 129 ao RBAC 25, apresentada por meio de Resolução, foi desenvolvida pela adoção da emenda 129 ao regulamento *14 CFR Part 25*, consoante o estabelecido no art. 3º da Resolução ANAC nº 30, de 2008, critério este que já vinha sendo aplicado para o RBHA 25.

1.3. A Lei nº 11.182, de 2005, requer que a ANAC estabeleça normas, observando os acordos, tratados e convenções internacionais de que seja parte a República Federativa do Brasil. A emenda 129 ao RBAC 25 ora proposta visa atender à uniformidade regulamentar prevista na Convenção sobre Aviação Civil Internacional, concluída em Chicago a 7 de dezembro de 1944 e desta forma aprimorar a segurança de voo.

2. EXPOSIÇÃO TÉCNICA

2.1. Fatos

2.1.1. A Lei nº 11.182, de 2005, definiu por meio do seu art. 5º, que a ANAC é autoridade da aviação civil, e como tal possui a competência para realizar estudos, estabeleça normas, promova a implementação das normas e recomendações internacionais de aviação, observados os acordos, tratados e convenções internacionais de que seja parte a República Federativa do Brasil, regulando os produtos aeronáuticos conforme estabelece, o art. 8º, incisos IV e X, respectivamente.

2.1.2. A Convenção sobre Aviação Civil Internacional da Organização da Aviação Civil Internacional – OACI, promulgada pelo Decreto nº 21.713, de 27 de agosto de 1946, prescreve que os Estados Contratantes comprometem-se a colaborar a fim de lograr a maior uniformidade possível em seus regulamentos.

2.1.3. O RBAC 25 vigente contém requisitos de aeronavegabilidade para a emissão de certificados de tipo e para mudanças a esses certificados, para aviões da categoria transporte tendo sido este regulamento editado por meio da adoção do 14 Code of Federal Regulations – CFR Part

25, “Airworthiness Standards: Transport Category Airplanes”, da autoridade de aviação civil, Federal Aviation Administration – FAA, do Department of Transportation dos Estados Unidos da América.

2.1.4. Em agosto de 2009, a FAA emitiu a emenda *129 ao 14 CFR Part 25* para complementar e/ou modificar alguns requisitos de aeronavegabilidade para aviões dessa categoria. Nenhuma das correções foi substancial, e a emenda não impôs nenhuma carga adicional a qualquer pessoa afetada pelo regulamento.

2.1.5. Para a emenda 129 ao RBAC 25, a ANAC mantém o critério de adoção do regulamento *14 CFR Part 25*, por meio de sua emenda 129, consoante o estabelecido no art. 3º da Resolução ANAC nº 30, de 2008, bem como ao estabelecido no parágrafo único do art. 4º da IN nº 15, de 2008.

2.1.6. A adoção da emenda 129 ao regulamento *14 CFR Part 25*, da FAA, é forma de atender a uniformidade prescrita no art. 37 da Convenção sobre Aviação Civil Internacional.

2.1.7. A decisão de adotar a emenda 129 ao regulamento *14 CFR Part 25* da FAA, para atender à uniformização preconizada pela OACI é baseada, fundamentalmente, no fato de que, não só em termos de importação e exportação de produto aeronáutico como também em termos das atividades da indústria de transporte aéreo, os Estados Unidos da América constituem o maior mercado aeronáutico do mundo. Desta forma, a uniformização contribui para facilitar o acesso das aeronaves nacionais ao comércio internacional.

2.1.8 A FAA incorporou esta emenda ao regulamento *14 CFR Part 25* como uma melhoria aos padrões de aeronavegabilidade para ser aplicável a projetos de aeronaves categoria transporte certificada para voo em condições de gelo. Essas melhorias resultam de informações recolhidas de análises de acidentes e incidentes para melhorar o nível de segurança em projetos de novas aeronaves. As modificações impostas por esta emenda requerem um meio de assegurar a ativação oportuna de um sistema de proteção contra gelo. O aumento de gelo formado nas superfícies da aeronave, antes que o sistema seja ativado pode levar a aeronave a condições críticas de vôo, comprometendo a segurança da mesma.

2.1.9 Adicionalmente, está sendo incorporado o SFAR 109 para propor a emissão de um critério alternativo de certificação de aeronaves pertencentes à categoria transporte que são operadas somente em caráter privado. Este critério estabelece requisitos de projeto de interiores, visando à segurança de cabine (“*Cabin Safety*”) e a proteção dos ocupantes enquanto submetidos ao impacto decorrente de um acidente (“*Crashworhiness*”).

2.1.10 Esta proposta prevê requisitos e características de projeto que podem não oferecer o mesmo nível de segurança de uma aeronave que cumpre literalmente com todos os requisitos contidos no RBAC 25. Todavia, os padrões propostos pela ANAC para este caso específico seguem os mesmos princípios adotados pelas demais Autoridades de Aviação Civil internacionais, que determinam o oferecimento de um nível de segurança considerado suficiente, tendo-se em conta as diferenças inerentes às operações de caráter privado e público, principalmente no que tange o ambiente operacional, o perfil do usuário, do transporte aéreo privado e o ônus regulatório da certificação.

2.1.11 Para a obtenção de um certificado de Tipo (CT), uma aeronave pertencente à categoria transporte necessita cumprir com os requisitos de projeto estabelecidos pelo RBAC 25. Tais requisitos definem diferenças em nível de exigência baseadas no número de passageiros, mas não estabelece distinção entre aeronaves operadas para transporte aéreo privado e para transporte público de passageiros, tal qual o realizado por companhias aéreas.

2.1.12 Para manter a uniformidade com o RBAC 25 que adotou, em língua inglesa, o *14 CFR Part 25, da FAA – Federal Aviation Administration*, dos Estados Unidos da América, propõe-se a adoção do texto da condição especial também em inglês, visto a harmonização que se busca obter com autoridades aeronáuticas estrangeiras.

2.1.13 As alterações propostas são as seguintes:

a) Emendar o RBAC 25.143(j), removendo as frases contidas no "RBAC 25.143(j)(1) and (2)", adicionado em seus lugares as frases contidas no "RBAC 25.143(j)(i) and (ii)" respectivamente;

b) Emendar o RBAC 25.207(b), removendo a frase "Except for the stall warning prescribed in paragraph (h)(2)(ii) of this section, the stall warning for flight in icing conditions prescribed in paragraph (e) of this section must be provided by the same means as the stall warning for flight in non-icing conditions", adicionado em seu lugar a frase "Except for showing compliance with the stall warning margin prescribed in paragraph (h)(3)(ii) of this section, stall warning for flight in icing conditions must be provided by the same means as stall warning for flight in non-icing conditions."; e complementado pelo RBAC 25.207(h).

c) Emendar o RBAC 25.1419, sendo modificado o primeiro parágrafo e complementado pelo RBAC 25.1419(e), (g) e (h).

d) Emendar o **Appendix** C25.1, Part II, modificando o parágrafo (e) através da remoção da frase " The ice accretion before the ice protection system has been activated and is performing its intended function is the critical ice accretion formed on the unprotected and normally protected surfaces before activation and effective operation of the ice protection system in continuous maximum atmospheric icing conditions. This ice accretion only applies in showing compliance to §§25.143(j) and 25.207(h)", adicionado em seu lugar a frase "The ice accretion before the ice protection system has been activated and is performing its intended function is the critical ice accretion formed on the unprotected and normally protected surfaces before activation and effective operation of the ice protection system in continuous maximum atmospheric icing conditions. This ice accretion only applies in showing compliance to Sec. Sec. 25.143(j) and 25.207(h), and 25.207(i)".

e) Emendar o RBAC 25.143(j), removendo as frases contidas no "RBAC 25.143(j)(1) e (2)", adicionado em seus lugares as frases contidas no "RBAC 25.143(j)(i) e (ii)" respectivamente;

f) Emendar o RBAC 25.207(b), removendo a frase "*Except for the stall warning prescribed in paragraph (h)(2)(ii) of this section, the stall warning for flight in icing conditions prescribed in paragraph (e) of this section must be provided by the same means as the stall warning for flight in non-icing conditions*", adicionado em seu lugar a frase "*Except for showing compliance with the stall warning margin prescribed in paragraph (h)(3)(ii) of this section,*

stall warning for flight in icing conditions must be provided by the same means as stall warning for flight in non-icing conditions."; e complementado pelo RBAC 25.207(h).

g) Emendar o RBAC 25.1419, sendo modificado o primeiro parágrafo e complementado pelo RBAC 25.1419(e), (g) e (h).

h) Emendar o **Appendix** C25.1, Part II, modificando o parágrafo (e) através da remoção da frase "*The ice accretion before the ice protection system has been activated and is performing its intended function is the critical ice accretion formed on the unprotected and normally protected surfaces before activation and effective operation of the ice protection system in continuous maximum atmospheric icing conditions. This ice accretion only applies in showing compliance to §§25.143(j) and 25.207(h)*", adicionado em seu lugar a frase "*The ice accretion before the ice protection system has been activated and is performing its intended function is the critical ice accretion formed on the unprotected and normally protected surfaces before activation and effective operation of the ice protection system in continuous maximum atmospheric icing conditions. This ice accretion only applies in showing compliance to Sec. Sec. 25.143(j) and 25.207(h), and 25.207(i)*".

i) Acrescentar o texto do SFAR No. 109 depois do SFAR No. 13 com a seguinte redação:
"1. Applicability.
Contrary provisions of 14 CFR part 21, 25, and 119 of this chapter notwithstanding, an applicant is entitled to an amended type certificate or supplemental type certificate in the transport category, if the applicant complies with all applicable provisions of this SFAR.

Operations

2. General.

(a) The passenger capacity may not exceed 60. If more than 60 passenger seats are installed, then:
(1) If the extra seats are not suitable for occupancy during taxi, takeoff and landing, each extra seat must be clearly marked (e.g., a placard on the top of an armrest, or a placard sewn into the top of the back cushion) that the seat is not to be occupied during taxi, takeoff and landing.
(2) If the extra seats are suitable for occupancy during taxi, takeoff and landing (i.e., meet all the strength and passenger injury criteria in part 25), then a note must be included in the Limitations Section of the Airplane Flight Manual that there are extra seats installed but that the number of passengers on the airplane must not exceed 60. Additionally, there must be a placard installed adjacent to each door that can be used as a passenger boarding door that states that the maximum passenger capacity is 60. The placard must be clearly legible to passengers entering the airplane.
(b) For airplanes outfitted with interior doors under paragraph 10 of this SFAR, the airplane flight manual (AFM) must include an appropriate limitation that the airplane must be staffed with at least the following number of flight attendants who meet the requirements of 14 CFR 91.533(b):
(1) The number of flight attendants required by §91.533(a)(1) and (2) of this chapter, and
(2) At least one flight attendant if the airplane model was originally certified for 75 passengers or more.

(c) The AFM must include appropriate limitation(s) to require a preflight passenger briefing describing the appropriate functions to be performed by the passengers and the relevant features of the airplane to ensure the safety of the passengers and crew.

(d) The airplane may not be offered for common carriage or operated for hire. The operating limitations section of the AFM must be revised to prohibit any operations involving the carriage of persons or property for compensation or hire. The operators may receive remuneration to the extent consistent with parts 125 and 91, subpart F, of this chapter.

(e) A placard stating that "Operations involving the carriage of persons or property for compensation or hire are prohibited," must be located in the area of the Airworthiness Certificate holder at the entrance to the flightdeck.

(f) For passenger capacities of 45 to 60 passengers, analysis must be submitted that demonstrates that the airplane can be evacuated in less than 90 seconds under the conditions specified in §25.803 and appendix J to part 25.

(g) In order for any airplane certified under this SFAR to be placed in part 135 or part 121 operations, the airplane must be brought back into full compliance with the applicable operational part.

Equipment and Design

3. General

Unless otherwise noted, compliance is required with the applicable certification basis for the airplane. Some provisions of this SFAR impose alternative requirements to certain airworthiness standards that do not apply to airplanes certificated to earlier standards. Those airplanes with an earlier certification basis are not required to comply with those alternative requirements.

4. Occupant Protection.

(a) Firm Handhold. In lieu of the requirements of §25.785(j), there must be means provided to enable persons to steady themselves in moderately rough air while occupying aisles that are along the cabin sidewall, or where practicable, bordered by seats (seat backs providing a 25-pound minimum breakaway force are an acceptable means of compliance).

(b) Injury criteria for multiple occupancy side-facing seats. The following requirements are only applicable to airplanes that are subject to §25.562.

(1) Existing Criteria. All injury protection criteria of §25.562(c)(1) through (c)(6) apply to the occupants of side-facing seating. The Head Injury Criterion (HIC) assessments are only required for head contact with the seat and/or adjacent structures.

(2) Body-to-Body Contact. Contact between the head, pelvis, torso or shoulder area of one Anthropomorphic Test Dummy (ATD) with the head, pelvis, torso or shoulder area of the ATD in the adjacent seat is not allowed during the tests conducted in accordance with §25.562(b)(1) and (b)(2). Contact during rebound is allowed.

(3) Thoracic Trauma. If the torso of an ATD at the forward-most seat place impacts the seat and/or adjacent structure during testing, compliance with the Thoracic Trauma Index (TTI) injury criterion must be substantiated by dynamic test or by rational analysis based on previous test(s) of a similar seat installation. TTI data must be acquired with a Side Impact Dummy (SID), as defined by 49 CFR part 572, subpart F, or an equivalent ATD or a more appropriate ATD and must be processed as defined in Federal Motor Vehicle Safety Standards (FMVSS) part 571.214, section S6.13.5 (49 CFR 571.214). The TTI must be less than 85, as defined in 49 CFR part 572, subpart F. Torso contact during rebound is acceptable and need not be measured.

(4) Pelvis. If the pelvis of an ATD at any seat place impacts seat and/or adjacent structure during testing, pelvic lateral acceleration injury criteria must be substantiated by dynamic test or by rational analysis based on previous test(s) of a similar seat installation. Pelvic lateral acceleration may not exceed 130g. Pelvic acceleration data must be processed as defined in FMVSS part 571.214, section S6.13.5 (49 CFR 571.214).
(5) Body-to-Wall/Furnishing Contact. If the seat is installed aft of a structure—such as an interior wall or furnishing that may contact the pelvis, upper arm, chest, or head of an occupant seated next to the structure—the structure or a conservative representation of the structure and its stiffness must be included in the tests. It is recommended, but not required, that the contact surface of the actual structure be covered with at least two inches of energy absorbing protective padding (foam or equivalent) such as Ensolite.
(6) Shoulder Strap Loads. Where upper torso straps (shoulder straps) are used for sofa occupants, the tension loads in individual straps may not exceed 1,750 pounds. If dual straps are used for restraining the upper torso, the total strap tension loads may not exceed 2,000 pounds.
(7) Occupant Retention. All side-facing seats require end closures or other means to prevent the ATD's pelvis from translating beyond the end of the seat at any time during testing.
(8) Test Parameters.
(i) All seat positions need to be occupied by ATDs for the longitudinal tests.
(ii) A minimum of one longitudinal test, conducted in accordance with the conditions specified in §25.562(b)(2), is required to assess the injury criteria as follows. Note that if a seat is installed aft of structure (such as an interior wall or furnishing) that does not have a homogeneous surface, an additional test or tests may be required to demonstrate that the injury criteria are met for the area which an occupant could contact. For example, different yaw angles could result in different injury considerations and may require separate tests to evaluate.
(A) For configurations without structure (such as a wall or bulkhead) installed directly forward of the forward seat place, Hybrid II ATDs or equivalent must be in all seat places.
(B) For configurations with structure (such as a wall or bulkhead) installed directly forward of the forward seat place, a side impact dummy or equivalent ATD or more appropriate ATD must be in the forward seat place and a Hybrid II ATD or equivalent must be in all other seat places.
(C) The test may be conducted with or without deformed floor.
(D) The test must be conducted with either no yaw or 10 degrees yaw for evaluating occupant injury. Deviating from the no yaw condition may not result in the critical area of contact not being evaluated. The upper torso restraint straps, where installed, must remain on the occupant's shoulder during the impact condition of §25.562(b)(2).
(c) For the vertical test, conducted in accordance with the conditions specified in §25.562(b)(1), Hybrid II ATDs or equivalent must be used in all seat positions.
5. Direct View.
In lieu of the requirements of §25.785(h)(2), to the extent practical without compromising proximity to a required floor level emergency exit, the majority of installed flight attendant seats must be located to face the cabin area for which the flight attendant is responsible.
6. Passenger Information Signs.
Compliance with §25.791 is required except that for §25.791(a), when smoking is to be prohibited, notification to the passengers may be provided by a single placard so stating, to be conspicuously located inside the passenger compartment, easily visible to all persons entering the cabin in the immediate vicinity of each passenger entry door.
7. Distance Between Exits.

For an airplane that is required to comply with §25.807(f)(4), in effect as of July 24, 1989, which has more than one passenger emergency exit on each side of the fuselage, no passenger emergency exit may be more than 60 feet from any adjacent passenger emergency exit on the same side of the same deck of the fuselage, as measured parallel to the airplane's longitudinal axis between the nearest exit edges, unless the following conditions are met:

(a) Each passenger seat must be located within 30 feet from the nearest exit on each side of the fuselage, as measured parallel to the airplane's longitudinal axis, between the nearest exit edge and the front of the seat bottom cushion.

(b) The number of passenger seats located between two adjacent pairs of emergency exits (commonly referred to as a passenger zone) or between a pair of exits and a bulkhead or a compartment door (commonly referred to as a "dead-end zone"), may not exceed the following:

(1) For zones between two pairs of exits, 50 percent of the combined rated capacity of the two pairs of emergency exits.

(2) For zones between one pair of exits and a bulkhead, 40 percent of the rated capacity of the pair of emergency exits.

(c) The total number of passenger seats in the airplane may not exceed 33 percent of the maximum seating capacity for the airplane model using the exit ratings listed in §25.807(g) for the original certified exits or the maximum allowable after modification when exits are deactivated, whichever is less.

(d) A distance of more than 60 feet between adjacent passenger emergency exits on the same side of the same deck of the fuselage, as measured parallel to the airplane's longitudinal axis between the nearest exit edges, is allowed only once on each side of the fuselage.

8. Emergency Exit Signs.

In lieu of the requirements of §25.811(d)(1) and (2) a single sign at each exit may be installed provided:

(a) The sign can be read from the aisle while directly facing the exit, and

(b) The sign can be read from the aisle adjacent to the passenger seat that is farthest from the exit and that does not have an intervening bulkhead/divider or exit.

9. Emergency Lighting.

(a) Exit Signs. In lieu of the requirements of §25.812(b)(1), for airplanes that have a passenger seating configuration, excluding pilot seats, of 19 seats or less, the emergency exit signs required by §25.811(d)(1), (2), and (3) must have red letters at least 1-inch high on a white background at least 2 inches high. These signs may be internally electrically illuminated, or self illuminated by other than electrical means, with an initial brightness of at least 160 microlamberts. The color may be reversed in the case of a sign that is self-illuminated by other than electrical means.

(b) Floor Proximity Escape Path Marking. In lieu of the requirements of §25.812(e)(1), for cabin seating compartments that do not have the main cabin aisle entering and exiting the compartment, the following are applicable:

(1) After a passenger leaves any passenger seat in the compartment, he/she must be able to exit the compartment to the main cabin aisle using only markings and visual features not more that 4 feet above the cabin floor, and

(2) Proceed to the exits using the marking system necessary to accomplish the actions in §25.812(e)(1) and (e)(2).

(c) Transverse Separation of the Fuselage. In the event of a transverse separation of the fuselage, compliance must be shown with §25.812(l) except as follows:

(1) For each airplane type originally type certificated with a maximum passenger seating capacity of 9 or less, not more than 50 percent of all electrically illuminated emergency lights

required by §25.812 may be rendered inoperative in addition to the lights that are directly damaged by the separation.
(2) For each airplane type originally type certificated with a maximum passenger seating capacity of 10 to 19, not more than 33 percent of all electrically illuminated emergency lights required by §25.812 may be rendered inoperative in addition to the lights that are directly damaged by the separation.
10. Interior doors.
In lieu of the requirements of §25.813(e), interior doors may be installed between passenger seats and exits, provided the following requirements are met.
(a) Each door between any passenger seat, occupiable for taxi, takeoff, and landing, and any emergency exit must have a means to signal to the flightcrew, at the flightdeck, that the door is in the open position for taxi, takeoff and landing.
(b) Appropriate procedures/limitations must be established to ensure that any such door is in the open configuration for takeoff and landing.
(c) Each door between any passenger seat and any exit must have dual means to retain it in the open position, each of which is capable of reacting the inertia loads specified in §25.561.
(d) Doors installed across a longitudinal aisle must translate laterally to open and close, e.g., pocket doors.
(e) Each door between any passenger seat and any exit must be frangible in either direction.
(f) Each door between any passenger seat and any exit must be operable from either side, and if a locking mechanism is installed, it must be capable of being unlocked from either side without the use of special tools.
11. Width of Aisle.
Compliance is required with §25.815, except that aisle width may be reduced to 0 inches between passenger seats during in-flight operations only, provided that the applicant demonstrates that all areas of the cabin are easily accessible by a crew member in the event of an emergency (e.g., in-flight fire, decompression). Additionally, instructions must be provided at each passenger seat for restoring the aisle width required by §25.815. Procedures must be established and documented in the AFM to ensure that the required aisle widths are provided during taxi, takeoff, and landing.
12. Materials for Compartment Interiors.
Compliance is required with the applicable provisions of §25.853, except that compliance with appendix F, parts IV and V, to part 25, need not be demonstrated if it can be shown by test or a combination of test and analysis that the maximum time for evacuation of all occupants does not exceed 45 seconds under the conditions specified in appendix J to part 25.
13. Fire Detection.
For airplanes with a type certificated passenger capacity of 20 or more, there must be means that meet the requirements of §25.858(a) through (d) to signal the flightcrew in the event of a fire in any isolated room not occupiable for taxi, takeoff and landing, which can be closed off from the rest of the cabin by a door. The indication must identify the compartment where the fire is located. This does not apply to lavatories, which continue to be governed by §25.854.
14. Cooktops.
Each cooktop must be designed and installed to minimize any potential threat to the airplane, passengers, and crew. Compliance with this requirement must be found in accordance with the following criteria:
(a) Means, such as conspicuous burner-on indicators, physical barriers, or handholds, must be installed to minimize the potential for inadvertent personnel contact with hot surfaces of both the cooktop and cookware. Conditions of turbulence must be considered.

(b) Sufficient design means must be included to restrain cookware while in place on the cooktop, as well as representative contents, e.g., soup, sauces, etc., from the effects of flight loads and turbulence. Restraints must be provided to preclude hazardous movement of cookware and contents. These restraints must accommodate any cookware that is identified for use with the cooktop. Restraints must be designed to be easily utilized and effective in service. The cookware restraint system should also be designed so that it will not be easily disabled, thus rendering it unusable. Placarding must be installed which prohibits the use of cookware that cannot be accommodated by the restraint system.
(c) Placarding must be installed which prohibits the use of cooktops (i.e., power on any burner) during taxi, takeoff, and landing.
(d) Means must be provided to address the possibility of a fire occurring on or in the immediate vicinity of the cooktop. Two acceptable means of complying with this requirement are as follows:
(1) Placarding must be installed that prohibits any burner from being powered when the cooktop is unattended. (Note: This would prohibit a single person from cooking on the cooktop and intermittently serving food to passengers while any burner is powered.) A fire detector must be installed in the vicinity of the cooktop which provides an audible warning in the passenger cabin, and a fire extinguisher of appropriate size and extinguishing agent must be installed in the immediate vicinity of the cooktop. Access to the extinguisher may not be blocked by a fire on or around the cooktop.
(2) An automatic, thermally activated fire suppression system must be installed to extinguish a fire at the cooktop and immediately adjacent surfaces. The agent used in the system must be an approved total flooding agent suitable for use in an occupied area. The fire suppression system must have a manual override. The automatic activation of the fire suppression system must also automatically shut off power to the cooktop.
(e) The surfaces of the galley surrounding the cooktop which would be exposed to a fire on the cooktop surface or in cookware on the cooktop must be constructed of materials that comply with the flammability requirements of part III of appendix F to part 25. This requirement is in addition to the flammability requirements typically required of the materials in these galley surfaces. During the selection of these materials, consideration must also be given to ensure that the flammability characteristics of the materials will not be adversely affected by the use of cleaning agents and utensils used to remove cooking stains.
(f) The cooktop must be ventilated with a system independent of the airplane cabin and cargo ventilation system. Procedures and time intervals must be established to inspect and clean or replace the ventilation system to prevent a fire hazard from the accumulation of flammable oils and be included in the instructions for continued airworthiness. The ventilation system ducting must be protected by a flame arrestor. [Note: The applicant may find additional useful information in Society of Automotive Engineers, Aerospace Recommended Practice 85, Rev. E, entitled "Air Conditioning Systems for Subsonic Airplanes," dated August 1, 1991.]
(g) Means must be provided to contain spilled foods or fluids in a manner that will prevent the creation of a slipping hazard to occupants and will not lead to the loss of structural strength due to airplane corrosion.
(h) Cooktop installations must provide adequate space for the user to immediately escape a hazardous cooktop condition.
(i) A means to shut off power to the cooktop must be provided at the galley containing the cooktop and in the cockpit. If additional switches are introduced in the cockpit, revisions to smoke or fire emergency procedures of the AFM will be required.
(j) If the cooktop is required to have a lid to enclose the cooktop there must be a means to automatically shut off power to the cooktop when the lid is closed.

15. Hand-Held Fire Extinguishers.
(a) For airplanes that were originally type certificated with more than 60 passengers, the number of hand-held fire extinguishers must be the greater of—
(1) That provided in accordance with the requirements of §25.851, or
(2) A number equal to the number of originally type certificated exit pairs, regardless of whether the exits are deactivated for the proposed configuration.
(b) Extinguishers must be evenly distributed throughout the cabin. These extinguishers are in addition to those required by paragraph 14 of this SFAR unless it can be shown that the cooktop was installed in the immediate vicinity of the original exits.
16. Security.
The requirements of §25.795 are not applicable to airplanes approved in accordance with this SFAR.
[Doc. No. FAA–2007–28250, 74 FR 21541, May 8, 2009]"

2.1.14 A proposta apresenta em seu Apêndice A-I (indicação está consoante ao art. 8º, XV da IN nº 15, de 2008) a republicação permitida do texto original do *regulamento Title 14 Code of Federal Regulations Part 25, Emenda 25-129, que entrada em vigor, em 14 de dezembro de 2009, da autoridade de aviação civil, Federal Aviation Administration – FAA, do Department of Transportation dos Estados Unidos da América, contido no sítio oficial de publicação do regulamento adotado em pauta: http://ecfr.gpoaccess.gov.*

2.2 Fundamentação

Os fundamentos legais, regulamentares e normativos que norteiam a proposta são os que se seguem:

a) Lei nº 11.182, de 2005, art. 5º, art. 8º, IV, X, e art. 47, I
b) Decreto nº 21.713, de 1946, art. 37 de seu anexo;
c) RBAC nº 11, de 2009, subpartes A, B e C;
d) Resolução nº 30, de 2008, art. 3º e art. 7º; e
e) IN nº 15, de 2008, títulos, I, II e III.

3. AUDIÊNCIA PÚBLICA

3.1 Convite

3.1.1 A quem possa interessar, está aberto o convite para participar deste processo de audiência pública, por meio da apresentação, à ANAC, por escrito, de comentários que incluam dados, sugestões e pontos de vista, com as respectivas argumentações. Os comentários referentes a impactos pertinentes que possam resultar da proposta contida nesta audiência pública serão bem-vindos.

3.1.2 Os interessados devem enviar os comentários identificando o assunto para os endereços informados no item 4.2, por via postal ou via eletrônica (e-mail), usando o formulário F-200-22, disponível no endereço eletrônico http:// www.anac.gov.br/transparencia/audiênciasPublicas.asp.

3.1.3 Todos os comentários recebidos dentro do prazo desta audiência pública serão analisados pela ANAC. O texto final da emenda 129 ao RBAC 25 poderá sofrer alterações em relação ao texto proposto em função da análise dos comentários recebidos. Caso necessário, será realizada uma nova audiência pública dada à relevância dos comentários recebidos.

3.2 Contato

Para informações adicionais a respeito desta audiência pública, favor contatar:

Agência Nacional de Aviação Civil – ANAC
Superintendência de Aeronavegabilidade – SAR
Gerência Técnica de Processo Normativo – GTPN
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