

281601

U.S. Department of Transportation
Docket Management System
400 7th Street SW
Room PL 401
Washington, DC 20591-0001

May 12, 2004

FAA-04-17910-1

Dear Sir/Madam,

In accordance with 14 Code of Federal Regulations 11.63, 11.71, and FAA Order 8110.4B, paragraph 2-10(h), I am requesting an exemption to 14 Code of Federal Regulations 36.1 (noise testing).

I am in process of modifying my Callair A-9 aircraft (S/N 1018) from "Restricted Agricultural" to "Restricted - Glider Towing" per FAA Project #ST7363AT-T. I am working with the Atlanta Aircraft Certification Office (ACO) to obtain an STC to do so. While working with the ACO, I was informed that I may have to accomplish noise testing in accordance with 14 Code of Federal Regulations 36.1. The ACO has worked with the Small Airplane Directorate and AIR-110, but I still do not have a final answer regarding my request to not accomplish noise testing.

Callair A-9 aircraft were certified to both "restricted agricultural" and "normal" category per FAA Type Certificate Data Sheet (TCDS) A-758. Per this TCDS, there are two possible maximum gross weights - 1,900 pounds and 3,000 pounds. Both weight versions operate the same engine. My aircraft is the 1,900 pound version. I currently have a "restricted agricultural" airworthiness certificate and several of the current limitations:

1. Aircraft shall not be operated in any manner which will endanger public life and property. The operator shall adjust the take-off weight to provide a safe margin of performance for the existing operating conditions, considering the take-off area altitude, temperature, and terrain.
2. Never exceed 135 mph.
3. Operations shall not be conducted over densely populated areas, in congested airspaces, or in the vicinity of busy airports where passenger transport operations are being conducted, unless the Administrator finds it in public interest to do so.
4. DAY operations only are authorized.

While operating my aircraft for "restricted - glider towing" I will maintain the above operating limitations. I am NOT requesting to change the above limitations.

By comparison, another owner may operate their Callair A-9, which weighs 3,000 pounds, WITHOUT restriction even though it has the same engine and flight regime. This aircraft could be operated over densely populated areas without ever having been noise tested. It should also be obvious that a 3,000 pound aircraft will have a slower climb-out if it operates the same engine making it noisier to the public.

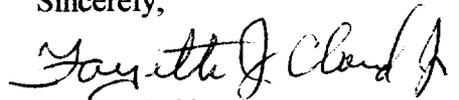
Since my aircraft will be operated with restrictions AND at a lower weight, I do not feel that I should have to show compliance with 36.1. There is no effect on the public since I will be operating in the same areas, at the same times, in the same flight regime.

I respectfully request that you review my request for an exemption to the noise requirements. This modification does not have an acoustical effect on the aircraft as there is no change to the engine, flight controls, or flying regime.

If you have any questions, please contact me at the following:

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Fayette J. Cloud Jr." in a cursive style.

Fayette J. Cloud Jr.

P. O. Box 387

Lilesville, N. C. 28091

704/848/8757

jcloud1@alltel.net