

Exemption No. 8786

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98057-3356**

In the matter of the petition of

PATS Aircraft, LLC

for an exemption from § 25.785(j) of
Title 14, Code of Federal Regulations

Regulatory Docket No. FAA-2006-25865

GRANT OF EXEMPTION

By letter dated March 25, 2006, received in our office September 13, 2006, William J. Ertle II, Manager – Aircraft Certification Programs, PATS Aircraft, LLC, 21652 Nanticoke Avenue, Georgetown, DE, 19947, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of § 25.785(j) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would provide relief from the firm handhold requirement for a Boeing Model 737-700IGW airplane, serial number 34683.

The petitioner requests relief from the following regulation:

Section 25.785(j) - Requires a “firm handhold” along each aisle.

The petitioner's supportive information is as follows:

Background

Boeing Business Jet Model 737-700IGW, serial number 34683, is intended to be an Executive 1 VIP aircraft; operated under U.S. registration. The airplane will be configured for private use and operated under part 91 and part 125. Because the cabin interior arrangement is typical for VIP private corporate business airplane it is difficult to provide firm handholds as required by § 25.785(j).

Customers are purchasing center-aisle air transport jet aircraft (larger than the typical corporate business jets) for personal transportation because they wish to create a spacious and impressive atmosphere. The requirement for firm handholds along aisles cannot be met for certain areas in the passenger cabin due to the wide cabin and the open spaces between individual seats. In fact, due to the special cabin layout, aisles are not readily identifiable in certain areas. Any design feature hanging down from the ceiling, for example a loop or hand hold, is not acceptable to the customers.

Part 25 does not consider private use cabin design and operation. The part 25 requirements are based on traditional commercial airline passenger operations carrying fare-paying passengers from the general public. The operation of this airplane is limited to private use by an individual, a company, or a government and does not include scheduled flights, fare-paying public passengers, or cargo-for-hire commercial service.

Request for Exemption

PATS Aircraft, LLC, requests an exemption from § 25.785(j) because the following areas of the interior do not comply with that regulation:

- Lounge Area
- Dining / Conference Area
- Guest Room
- Stateroom

Occupant Safety Considerations:

“The risk for occupants due to the lack of readily accessible firm handholds per 25.785(j) in certain areas is acceptable for the following reasons:

- 1 All furniture in the passenger cabin has rounded corners and edges to avoid serious injuries to occupants.
- 2 The seat and divans are heavily upholstered and would not cause serious injury when contacted by occupants.
- 3 Passageways and doorframes integrated into the cabin layout would provide means to occupants to stabilize themselves during turbulence.
- 4 In the Aft Lavatory, occupants can readily use the tall monument to steady themselves.
- 5 In the Stateroom, occupant can use the valance panels and dresser to steady themselves and the bed is heavily upholstered and will not cause injuries when contacted.
- 6 In the Dining/Conference Area, occupants can use seats backs, valance panels and divan arms to steady themselves in case of turbulent flight.
- 7 In the Lounge Area, seat backs, tables, bulkheads, divan arms and valance panels are readily within reach with one or two steps.

- 8 There will be instructions for occupants to remain seated with their seat belts fastened in case of turbulence during flight.
- 9 Occupants are intimately familiar with the interior arrangement.

Public Interest

The executive interior configuration with private rooms and a spacious environment would allow heads of state and executives to be comfortable while conducting their business efficiently. Granting the exemption would benefit international harmonization because some foreign authorities have already accepted private use configurations. The U.S. aircraft manufacturers would be able to compete more effectively with foreign aircraft manufacturers by selling large aircraft outside the U.S. aircraft market. A larger market would create more U.S. jobs and benefit the U.S. economy.

Request to Waive Publication and Comment Procedures

The petitioner requests that the publication and comment procedures be waived in accordance with 14 CFR 11.29 and 11.87 for the following reasons:

- This type of exemption has been granted before for Boeing Business Jets (737-7001GW & 737-800) and is routinely granted for "private, not for hire" aircraft with executive or head of state interiors.
- The issue is non controversial.
- Granting the petition would not set a precedent.

Conclusions

PATS Aircraft LLC states that the combination of the interior design of this airplane, which is specifically for private use; the operation of the airplane for private use; and the proposed occupant safety features should justify the grant of this exemption. PATS Aircraft LLC also notes that the proposed occupant safety features provide an acceptable level of safety for the intended use of this airplane.

Federal Register publication

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication. Any delay in acting on this petition would be detrimental to PATS Aircraft, LLC. This petition was filed in a timely manner as soon as the need for it became evident, and this still does not permit time for notice and comment.

The FAA’s analysis/summary is as follows:

The FAA considers that it is in the public interest to issue this exemption for the following reasons:

Executive interior configurations are in demand worldwide. Granting this exemption would benefit the US economy by allowing domestic airplane manufacturers and modifiers to be competitive with foreign manufacturers and suppliers that produce a similar executive interior.

Minimal effect on the flying public because this is a private use airplane, not operated for hire or common carriage.

The FAA has granted several “firm handhold” exemptions for airplanes with executive interiors.

As more transport category airplanes have been configured (or re-configured) for “private, not-for-hire” use, the FAA has given considerable attention to the issue of appropriate regulation of such airplanes. Some of the current regulations governing design certification of transport category airplanes are not compatible with private, not-for-hire use of such airplanes. Given this situation, the FAA has received a number of petitions for exemption from certain regulations. The FAA has granted such exemptions when it finds that to do so is in the public interest and does not adversely affect the level of safety provided by the regulations. In the future, the FAA intends to propose regulations governing transport category airplanes in private use, obviating the need for case-by-case review of individual petitions for exemption.

The FAA is giving considerable attention to the issue of transport category airplanes operated for private use. There are several regulatory requirements, including some identified by the petitioner, that lend themselves to exemption when considering the differences between commercial and private use operations. The FAA intends to summarize its views on these regulations and propose revisions to the requirements, where appropriate. The regulations that are the subject of this petition may be included in the proposed revisions.

Firm Handhold

The petitioner requests an exemption from the handhold requirements of § 25.785(j) for the Lounge Area, Dining/Conference Area, Guest Room and Stateroom.

The FAA has considered the requirement for firm handholds in the context of private use airplanes. For the Lounge Area, Dining/Conference Area, Guest Room and Stateroom, the requirement to have a firm handhold would be impractical for the proposed configuration. The arrangement for these areas that the petitioner has proposed provides an acceptable level of safety.

FAA's decision

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, PATS Aircraft, LLC is hereby granted an exemption from 14 CFR 25.785(j) for a Boeing Model 737-700IGW airplane, serial number 34683. Specifically, the exemption allows relief from the requirement to provide firm handholds in the aisle in the Lounge Area, Dining/Conference Area, Guest Room and Stateroom. This grant of exemption is subject to the following provision:

The airplane is not operated for hire or offered for common carriage. This provision does not preclude the operator from receiving remuneration to the extent consistent with 14 CFR part 91, subpart F, and 14 CFR part 125, as applicable.

Issued in Renton Washington, on September 29, 2006.

signed by
Kalene C. Yanamura
Acting Manager
Transport Airplane Directorate
Aircraft Certification Service