

**Exemption No. 9683**

**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-2008-0439**

**GRANT OF EXEMPTION**

By letter dated April 9, 2008, Mr. William J. Ertle II, Manager, DAS Operations, PATS Aircraft, LLC, 21652 Nanticoke Avenue, Georgetown, Delaware, 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 exemption, if granted, would permit relief from the requirement for firm handholds in the passenger compartment of a Boeing Model 737-700IGW airplane with serial number 36493 that has been designated as “private, not-for-hire.” The exemption is for the installation of an executive interior.

**The petitioner requests relief from the following regulations:**

**Section 25.785(j), Amendment 25-72** - Requires a “firm handhold” along each aisle.

**The petitioner's supporting information is as follows:**

**“General Background:**

“The Boeing Business Jet is intended to be a Executive / VIP aircraft; operated under U.S. registration and the STC certification is sought under DAS project DAS-GED-P049. PATS is contracted to install and certify an executive interior in the BBJ per customer specifications. The cabin interior layout has some areas where it would be difficult to provide firm handhold per FAR 25.785(j). The Interior arrangement is typical for VIP private corporate business airplane.

**“Exemption Requested:**

“That Boeing 737-700IGW, S/N 36493, when configured for private use and operated under FAR Parts 91, or Part 125 be exempted from FAR 25.785(j), which requires a firm handhold along each aisle. The areas of this interior that are non-compliant are:

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

**“Justification:**

“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 they are accustomed to. The requirement for firm handhold 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 construction hanging down from the ceiling would not be acceptable to the customers.

“The “firm handhold” situation was not addressed in the BBJ Exemption 7609 granted by the FAA to the Boeing Company for all Boeing Business Jets. Exemption 7609, however, established the justification for an exemption from FAR Part 25 based on the fact the FAR Part 25 does not currently cover or consider such design and operation for private use. FAR Part 25 requirements are predicated on airline common carrier - commercial passenger operations carrying fare-paying passengers from the general public.

“The operation of this aircraft 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.

**“Occupant Safety Considerations:**

“The risk for occupants due to the lack of readily accessible firm handhold 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, occupants 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:**

“Sales of center-aisle air transport jets, such as the Boeing Business Jets 737-700IGW and 737-800, would suffer without granting this exemption. The highly desirable executive interior configuration with private rooms and spacious environment could not be certified without this exemption. Granting this exemption would allow heads of state and executives to conduct their business and create more jobs for the public.

“Granting the exemption would also be in the interest of international harmonization because a number of foreign authorities have already accepted configurations as proposed in this petition for exemption.

“Granting this exemption would be in the public interest because US aircraft manufacturers could sell more large aircraft outside the airline market. The benefits are enormous to the US economy.

“We also respectfully request that the petition be processed and that the publication and the 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 (737-700IGW & 737-800) and is routinely granted for “Private, Not for Hire” aircraft with Executive or Head of State Interiors (ref. Petitions listed).
- The issue is non controversial
- Granting the petition would not set a precedent

**“Conclusions:**

“The Federal Aviation Regulations do not consider the situation of private use Transport Category airplane. *PATS* believes that the design of an airplane interior for private use, and the associated operation of the airplane in private use, should justify the exemption. In addition, *PATS* has proposed alternative features that provide the occupants an acceptable level of safety for the intended use of the airplane.”

## Public Comment

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication because the exemption, if granted, would not set a precedent, and any delay in acting on this petition would be detrimental to PATS Aircraft, LLC.

### **The FAA's analysis/summary is as follows:**

As more and more transport category airplanes have been configured (or re-configured) for private 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 use of such airplanes. Because of this, we have received a number of petitions for exemption from certain regulations. We have granted such exemptions when we find that to do so is in the public interest and that the exemption provides a level of safety acceptable for the intended use. We recently published a notice of proposed rulemaking, Notice No. 07-13, Special Requirements for Private Use Transport Category Airplanes (72 FR 38732, July 13, 2007), which, if promulgated, would significantly reduce the need for case-by-case review of individual petitions for exemption for private use airplanes.

We have considered the requirement for firm handholds in the context of private use airplanes and have determined that it would be impractical for this type of operation and interior configuration.

The FAA considers that granting the petition is in the public interest for the following reasons:

- It would result in no degradation of safety and therefore no detrimental impact to the public.
- It would enable U.S. manufacturers greater flexibility to compete in the expanding market for executive configurations of transport airplanes.
- Additional sales of such executive configured transport airplanes outside the traditional airline market will increase profitability of airplane manufacturers and give greater job stability to their workers.
- Greater stability of the workforce will help stabilize the U.S. economy.
- Stability and increased performance of U.S. airframe manufacturers will result in increased orders and stability in supporting manufacturing organizations.
- Increased sales of executive configured transport airplanes will result in some portion of those aircraft being completed at U.S.-owned or -operated aircraft completion facilities.
- Improved performance of U.S.-owned or -operated corporations will result in continued and improved tax revenues.
- Improved sales allow U.S. companies to continue to invest in research and development, thus allowing the U.S. to maintain or improve its competitive position in the world economy.
- Many of these sales can be predicted to be to overseas clients, thus improving the U.S. balance of trade.

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, I grant the petition of PATS Aircraft, LLC for an exemption from requirements of 14 CFR § 25.785(d) to the extent necessary to allow installation of an executive interior on a “private, not-for-hire” Boeing Model 737-700IGW airplane with serial number 36493. Specifically, the exemption allows relief from the requirement to provide firm handholds in the passenger compartment of this airplane. This exemption is subject to the following condition.

The airplane must not be 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 parts 125 and 91, subpart F, as applicable.

Issued in Renton Washington, on April 25, 2008.

/s/ Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service