

Exemption No. 9509

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

In the matter of the petition of

**Greenpoint Technologies, Inc.**

for an exemption from §§ 25.562(a),  
25.785(b) and 25.785(j) of Title 14, Code  
of Federal Regulations

**Regulatory Docket No. FAA-2007-28784**

**PARTIAL GRANT OF EXEMPTION**

By letter dated July 17, 2007, Greg Cummings, Sr. Director, Aircraft Certification, Greenpoint Technologies, Inc., 4600 Carillon Pt, Kirkland, WA 98033, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of §§ 25.562(a), 25.785(b) and 25.785(j) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would provide relief from the firm handhold and certain occupancy requirements for a Boeing Model 737-700IGW airplane, serial number 34477.

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

**Section 25.562(a), Amendment 25-64** - Requires that the seat and restraint system be designed to protect each occupant when (1) proper use is made of the seats, safety belts, and shoulder harnesses and (2) the occupant is exposed to loads resulting from the conditions prescribed in § 25.562(b).

**Section 25.562(b), Amendment 25-64** - Specifies the dynamic test conditions under which injury protection must be demonstrated.

**Section 25.785(b), Amendment 25-88** - Requires general occupant protection for occupants of multiple-place side-facing seats that are occupied during takeoff and landing.

**Section 25.785(j), Amendment 25-88** - Requires a “firm handhold” along each aisle.

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

Background

The petitioner is requesting an exemption from the specified regulations because this Boeing Business Jet (BBJ) will be a private use airplane operated under Bahamian registration. The airplane's operations will be limited to private use by an individual or a company and will not include scheduled flights, fare-paying public passengers, or cargo-for-hire commercial service.

Greenpoint Technologies is contracted to install and certify an executive interior in this BBJ per customer specifications. The interior arrangement is typical for a VIP private corporate business airplane; however, in order to meet the customers' requirements, it would be very difficult to provide firm handholds per § 25.785(j) and to comply with the occupancy requirements of §§ 25.562(a) and 25.785(b).

Justification for Exemption:

Regulations 14 CFR 25.562(a) and 25.785(b)

FAA policy memo ANM-03-115-30, *Side-facing seats on Transport Category Airplanes*, dated May 6, 2005, states the need for an exemption from the general injury requirements of §§ 25.562(a) and 25.785(b). The draft issue paper attached to the policy memo includes a list of occupant safety criteria. The petitioner stated that it will comply with the criteria that is applicable to the interior arrangement associated with this project (i.e. the forward divan seat will not be occupied.)

Regulation 14 CFR 25.785(j)

The petitioner stated that the requirement for firm handholds along aisles cannot be met for certain areas in the passenger cabin due to the wide cabin, the open spaces between individual seats, and the ability to recline the seats.

The petitioner stated that 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 seats and divans are heavily upholstered and will not cause serious injury when contacted by occupants.
- 3) Passageways and doorframes integrated into the cabin layout will provide means to occupants to stabilize themselves during turbulence.

- 4) In the Master Bedroom and Lavatory, occupants can readily use the tall monument to steady themselves.
- 5) There will be instructions for occupants to remain seated with their seat belts fastened in case of turbulence during flight.
- 6) Occupants are intimately familiar with the interior arrangement.
- 7) All other occupied areas comply with existing guidance for firm handholds.

Public Interest:

The petitioner stated several reasons why granting this exemption would be in the public interest. These reasons include:

- US aircraft manufacturers could sell more large aircraft outside of the domestic airline market.
- A larger market would create more US jobs and benefit the US economy.
- Sales of center-aisle air transport jets, including Boeing Business Jets, would suffer without granting this exemption.
- International harmonization would benefit because a number of foreign authorities have already approved interior configurations similar to the one proposed in this petition.
- The highly desirable executive interior configuration with private rooms and spacious environment could not be certified without this exemption.

Request to Waive Publication and Public Comment:

The petitioner requested that the publication and the comment procedures be waived in accordance with §§ 11.29 and 11.87 for the following reasons:

- This type of exemption is already recognized by the FAA, who proposed a draft issue paper for §§ 25.562(a) and 25.785(b). Exemptions for § 25.785(j) have been granted for this model with similar applications.
- The issue is non controversial.
- Granting the petition would not set a precedent.

Conclusions:

Greenpoint Technologies noted that the Code of Federal Regulations does not consider the situation of private use transport category airplanes and that the design of an airplane interior for private use, and the associated operation of the airplane in private use, should justify this exemption. In addition, the divan occupation has been limited such that the most dangerous conditions are no longer an issue.

The complete petition for exemption is available on the Department of Transportation's Docket Management Website located at <http://dms.dot.gov>. The docket number is

FAA-2007-28784. The petitioner's complete supportive information is contained in that petition.

### **Federal Register publication**

A summary of this petition was not published in the *Federal Register*. The nature of this exemption is effectively identical to those of previous petitions for which there were no public comments received.

### **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, we have 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, 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 does not adversely affect the level of safety provided by the regulations. 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 obviate the need for case-by-case review of individual petitions for exemption.

We are 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. We intend to summarize our 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.

Following is a discussion of each of the petitioner's requests in the order presented in the petition.

Side Facing Divans

The petitioner requests relief from certain of the occupant injury criteria of § 25.562(a) and 25.785(b).

Those criteria are not required by the certification basis of the Boeing Model 737-700IGW airplane. Therefore, an exemption from this section is not needed for this project.

Firm Handholds

The petitioner requests an exemption from the handhold requirements of § 25.785(j) for the Lounge Area, Master Bedroom and Master Lavatory.

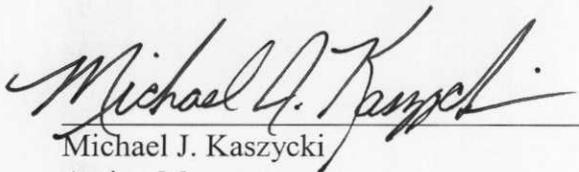
The FAA has considered the requirement for firm handholds in the context of private use airplanes. For the Lounge Area, Master Bedroom, and Master Lavatory, the requirement to have a firm handhold would be impractical for the proposed configuration. The petitioner's proposed arrangement for these areas provides an acceptable level of safety.

**FAA's decision**

In consideration of the foregoing, I find that a partial 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, Greenpoint Technologies, Inc. is hereby granted an exemption from 14 CFR 25.785(j) for a Boeing Model 737-700IGW series airplane, serial number 34477. Specifically, the exemption allows relief from the requirement to provide firm handholds in the aisle in the Lounge Area, Master Bedroom, and Master Lavatory. 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 **SEP 27 2007**



Michael J. Kaszycki  
Acting Manager  
Transport Airplane Directorate  
Aircraft Certification Service