

Exemption No. 9858

**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 §25.785(d), of Title
14, Code of Federal Regulations

Regulatory Docket No. FAA-2009-0091

GRANT OF EXEMPTION

By letter dated January 29, 2009, Mr. Greg Cummings, Sr. Director, Aircraft Certification, Greenpoint Technologies, Inc. (GTI), 4600 Carillon Pt., Kirkland, WA, 98033, petitioned the Federal Aviation Administration (FAA) for an exemption from Title 14, Code of Federal Regulations (14 CFR), section 25.785(d). The proposed exemption, if granted, would permit relief from the requirements for firm handholds in the distinguished-visitor-stateroom passenger compartment. The proposed exemption is specifically for the installation of an executive interior on Boeing Model 757-200 airplanes, serial numbers 29025, 29026, 29027 and 29028, each designated as private use, not for hire, not for common carriage.

The petitioner requests relief from the following regulations:

Section 25.785(d), Amendment 25-32 - Requires a firm handhold along each aisle.

The petitioner supports their request with the following information.

General Background

The Ref. 1 program is an application for an Amendment to the existing STC ST00129BO on a Boeing 757-200, U.S. Air Force designation C-32A. GTI is contracted to install and certify a replacement VIP seat, in two locations, in the Distinguished Visitor (DV) Stateroom. The DV Stateroom deck plan is such that it is not practical to install handrails or other handhold-assist devices to provide firm handholds per 14 CFR 25.785(d), Amendment 25-32. See Ref. 2 for full program details.

Exemption Requested

That Boeing 757-200, serial numbers 29025, 29026, 29027, and 29028, when configured for their intended use per Ref. 2 and operated under U.S. Air Force authority, be exempted from 14 CFR 25.785(d).

Section 25.785(d), Amendment 25-32, requires a handgrip or rail along each aisle to enable persons to steady themselves while using the aisles in moderately rough air if the seat backs do not provide a firm handhold. (Currently, this requirement is found in section 25.785(j), Amendment 25-88.)

Justification

Private parties and governments are purchasing and operating center-aisle, air-transport jet aircraft (larger than the typical corporate business jets) for personal transportation and government VIP transport because they wish to create a spacious and impressive atmosphere.

The operation of this aircraft is limited to government use by the U.S. Air Force and does not include scheduled flights, fare-paying public passengers, or cargo-for-hire commercial service.

Regulation 14 CFR 25.785(d)

The requirement for firm handholds along aisles cannot be met in the DV Stateroom due to the open spaces between individual seats, and the ability to track and recline the seats. Any construction hanging down from the ceiling would not be acceptable to the operator. The “firm handhold” situation was not addressed in Exemption 6820, granted by the FAA to the Boeing Company for all 737-700 Boeing Business Jets. Exemption 6820, however, established the justification for an exemption from 14 CFR Part 25 based on the fact [that] Part 25 does not currently cover or consider such design and operation for private or government use. 14 CFR Part 25 requirements are predicated on airline common carrier – commercial-passenger operations carrying fare-paying passengers from the general public.

Occupant Safety Considerations

The risk to occupants, due to the lack of readily accessible firm handholds per 14 CFR 25.785(d) in certain areas, is acceptable for the following reasons:

- All furniture in the DV Stateroom has rounded corners and edges to avoid serious injuries to occupants.
- The seats and divans are heavily upholstered and will not cause serious injury if contacted by occupants.

- Many of the same occupants travel and operate the C-32A routinely and are intimately familiar with the interior arrangement. Additionally, attendants are always present during operations.

Public Interest

Sales of center-aisle air transport jets, such as the Boeing Business Jets 737-700/800, 757-200, and other similar models, would suffer without granting this exemption. The highly desirable executive-interior configuration, with private rooms and spacious environment, may not be certified without this exemption. Granting this exemption will allow government officials, heads of state, and distinguished visitors to conduct their business travel in a more appropriate environment.

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.

GTI respectfully requests that the petition be processed and that the publication and comment procedures be waived in accordance with 14 CFR 11.29 and 11.87 for the following reasons:

- Exemptions for 14 CFR 25.785(d) (current rule) have been granted for similar aircraft models, i.e., Boeing 737-700 and 737-800.
- The issue is non-controversial
- Granting the [exemption] would not set a precedent

Conclusions

The Code of Federal Regulations does not currently consider the situation of private/government use of transport category airplanes. Therefore, a[n exemption] from the subject regulation is needed. GTI believes that the design of the subject airplane interior for government use and operation justifies the exemption for the reasons mentioned herein.

Federal Register publication

A summary of this petition was not published in the *Federal Register*. This exemption does not set a precedent and any delay in acting on this petition would be detrimental to Greenpoint Technologies, Inc.

The FAA's analysis

The FAA considers that granting this petition is in the public interest for the reasons stated by the petitioner, and because the FAA is directed to take into account the type of operation when establishing standards under Title 49 of the United States Code (49 U.S.C. 44701(d)).

As 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 various 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 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 issued, would significantly reduce the need for case-by-case review of individual petitions for exemption for private-use airplanes.

Our analysis of this petition considered the following design feature proposed by the petitioner:

Firm Handholds

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

The 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, I grant the petition of Greenpoint Technologies, Inc., for an exemption from 14 CFR 25.785(d) to the extent necessary to allow installation of an executive interior on Boeing Model 757-200 airplanes, serial numbers 29025, 29026, 29027, and 29028, each designated as private use, not for hire, not for common carriage. Specifically, the exemption allows relief from the requirements for firm handholds in the distinguished-visitor-stateroom passenger compartment. 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 10, 2009.

/s/

Stephen P. Boyd
Acting Manager, Transport Airplane Directorate
Aircraft Certification Service