

Exemption No. 9701

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

In the matter of the petition of

Jet Aviation Engineering Services L.P.

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

Regulatory Docket No. FAA-2008-0022

GRANT OF EXEMPTION

By letter dated January 4, 2008, Mr. Mark W. Creager, Director of Certification, Jet Aviation Engineering Services L.P., 116 Kestrel Drive, Spring Branch, Texas 78070, petitioned 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 permit relief from the requirement for firm handholds in the passenger compartment of a Boeing Model 747-400 airplane, serial number 28343, which is in private, not-for-hire, not-for-common-carriage use. The proposed exemption is specifically for the installation of an executive interior.

The petitioner requests relief from the following regulation:

Section 25.785(d), Amendment 25-51, which requires a “firm handhold” along each aisle.

The requirement that a “firm handhold” be provided along each aisle is found in § 25.785(j) of the current regulations, Amendment 25-88. However, the certification basis of the airplane being modified includes only Amendments 25-1 through 25-59, and for § 25.785, the appropriate amendment level is Amendment 25-51. At Amendment 25-51, the requirement for a firm handhold is found in § 25.785(d).

The petitioner's supporting information is summarized below:¹

The 14 CFR part 25 regulations govern design certification of transport category airplanes. Their primary intent is to protect the traveling public. There is a requirement in the public interest and in the interest of safety to provide regulatory guidelines for certification. But it is clear that these regulations are intended to regulate certification of “commercial” airplanes, which are “for hire” to the general public.

A few of these regulations are not appropriate for private use, head-of-state airplanes. These airplanes are operated under 14 CFR parts 91 and/or 125 as private use, not-for-hire, not-for-common-carriage. The FAA recognizes these differences, as evidenced by the issuance of many exemptions for private use airplanes.

Jet Aviation Engineering Services is currently working on a head-of-state interior installation for this airplane. The seating configuration has 137 takeoff and landing passenger seats and 15 cabin crew seats. It has only three pairs of Type A exits active on the main deck of the airplane (exit doors 1, 4, and 5 are active). This exit configuration has a maximum passenger seat capacity of 330.

Customers are buying twin-aisle transport jet aircraft (larger than the typical corporate business jets) for personal transportation because they want to create a spacious and impressive atmosphere. The requirement for firm handholds along aisles cannot be met for certain areas in a VIP passenger cabin because of the wide cabin and the open spaces between individual seats. In fact, because of the special cabin layout, aisles are not readily identifiable in certain areas. Any design feature hanging down from the ceiling (a loop or a handhold, for example) is not acceptable to the customers and may even create other unsafe conditions.

Public Interest

Jet Aviation states that granting its petition would be in the public interest because:

- 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.

¹ The complete petition submitted by Jet Aviation Engineering Services L.P. is available in the Federal Docket Management System on the Internet at <http://regulations.gov>. The docket number is FAA-2008-0022.

- 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.

Waiver of Notice and Public Procedure

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication and comment because the exemption, if granted, would not set a precedent and any delay in acting on this petition would be detrimental to Jet Aviation Engineering Services L.P.

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 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 significantly reduce the need for case-by-case review of individual petitions for exemption for private use airplanes.

The applicant petitioned for exemption from requirements that a "firm handhold" be provided along each aisle. This requirement is found in § 25.785(j) of the current regulations, Amendment 25-88. However, as noted elsewhere in this document, the certification basis of the airplane being modified includes only Amendments 25-1 through 25-59. For § 25.785, the appropriate amendment level is Amendment 25-51, and the requirement that a firm handhold be provided along each aisle is found in § 25.785(d) at Amendment 25-51.

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 petitioner, in its public interest statement, maintains that there would be no degradation of safety. While this grant of exemption cannot be said to provide the same level of safety as would be afforded by strict compliance with the regulations, the resultant level of safety is consistent with that in other private use airplanes. The level of safety that results from this exemption is specifically requested and desired by that segment of the public that will fly on these airplanes: the owners. The FAA considers that granting the petition is in the public interest for the reasons stated by the petitioner.

The Grant of Exemption

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not adversely affect the level of safety provided by the regulations. 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 Jet Aviation Engineering Services L.P., for an exemption from requirements of 14 CFR 25.785(d), at Amendment 25-51, to the extent necessary to allow installation of an executive interior on a “private, not-for-hire” Boeing Model 747-400 airplane, serial number 28343. 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, which must be documented as an operating limitation in the Limitations section of the Airplane Flight Manual (AFM).

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 May 29, 2008.

Ali Bahrami
Manager
Transport Airplane Directorate
Aircraft Certification Service