

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056

In the matter of the petition of

Israel Aircraft Industries, Ltd.

for an exemption from §§ 25.785(j),
25.857(e), and 25.1447(c)(1) of Title 14,
Code of Federal Regulations

Regulatory Docket No. FAA-2005-21288

PARTIAL GRANT OF EXEMPTION

By letter dated August 9, 2005, and received in our office October 11, 2005, Ms. A. Rogev, Engineering Director, Bedek Aviation Group, Israel Aircraft Industries (IAI) Ltd., Ben Gurion Airport, Israel 70100, petitioned for an amendment to Exemption No. 8587, issued on July 19, 2005. That exemption granted IAI certain relief from the requirements §§ 25.785(j), 25.857(e), and 25.1447(c)(1) of Title 14, Code of Federal Regulations (14 CFR), to allow carriage of eight non-crewmembers (commonly referred to as supernumeraries), located aft of the flightdeck, on Boeing Model 747-400 airplanes which have been converted from either an all passenger or a cargo combi configuration to a freighter configuration. The petitioner requests an amendment to Exemption No. 8587 to include a statement specifying that Limitations 6 and 7 are only applicable if the existing upper deck evacuation slides and associated lighting are removed from the airplane being modified.

The petitioner requests relief from the following regulations:

Section 25.785(j), at Amendment 25-88, requires, in pertinent part, that there be a firm handhold to enable occupants to steady themselves when moving through the aisles in moderately rough air.

Section 25.857(e), at Amendment 25-93, requires, in pertinent part, that when a Class E cargo compartment is installed on the airplane, the airplane is used for carriage of cargo only.

Section 25.1447(c)(1), at Amendment 25-116, requires, in pertinent part, that oxygen dispensing units must be automatically presented to the occupants before the cabin

altitude exceeds 15,000 feet. The total number of dispensing units and outlets must exceed the number of seats by at least 10 percent. The extra units must be as uniformly distributed throughout the cabin as practicable. There must be at least two oxygen dispensing units connected to oxygen terminals in each lavatory.

Related sections of the regulations:

Section 121.583(a) contains, in pertinent part, a listing of categories of persons who may be carried aboard an airplane in part 121 service without complying with all the requirements of part 121 pertaining to carriage of passengers.

The petitioner's supportive information for the amendment to Exemption No. 8587 is as follows:

“In the subject exemption [Exemption No. 8587] IAI has been granted a partial exemption from meeting certain requirements related to the carriage on a freighter airplane of eight non-crewmembers (persons not necessarily assigned some duty associated with the operation of the airplane, commonly referred to **supernumeraries**) in addition to the maximum existing flight deck occupancy.

“The exemption granted includes limitations that require the installation of eight descent devises (commonly known as inertia reels) (Limitation number 7) and the installation of emergency lights that would illuminate the ground where a person using the inertia reel would make first contact with the ground (Limitation number 6).

“IAI is requesting to reconsider these limitations on the following grounds:

“As presented in the FAA familiarization meeting 2005 and in the certification plan, the upper deck emergency exits that exist prior to the modification on the L.H. side and on the R.H. side of the upper deck are “**Un-changed areas**” and are retained as they are, including their slides and emergency lighting originally provided for these exits and slides.

“According to the TC [type certificate] data sheet A20WE the B747-400 aircraft is in compliance with CFR 25.803(a) up to amend. 59 – Emergency Evacuation, 25.809(f) up to amend. 45 – emergency Exit Arrangement and 25.812(g)(1) up to amend. 31 – Emergency Lighting.

“A requirement for providing inertia reels would be redundant to the existing slides and is not required in cases where the slides are retained, as the slides are already approved as meeting the requirements. IAI proposes to note in the exemption that conditions 6 and 7 apply only if the original existing upper deck passenger egress slides and their emergency lighting are **not** retained.”

Waiver of Federal Register publication

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

The FAA's analysis/summary is as follows:

The demand for shipment of goods by air cargo continues to grow worldwide. The modification of Boeing Model 747-400 all passenger and cargo combi configurations to freighter configurations is being done to support this increasing demand in a manner that is very economical to air cargo operators. The modified 747-400 configuration provides additional upper deck cabin seating for supernumeraries (who must meet the criteria defined in § 121.583(a)(1) through (a)(7)). Having necessary supernumeraries immediately available for cargo handling and management reduces operational costs by not having supernumeraries take separate commercial flights to the cargo destination, which also reduces the turn-around time for the cargo carrier. This services the overall public interest by virtue of the net cost savings for cargo shipment, resulting in lower costs for goods and material transported as air cargo, as ultimately reflected in lower consumer costs for goods transported as air cargo.

The FAA agrees that if the existing evacuation slides and associated lighting remain installed in the upper deck, Limitations 6 and 7 in Exemption No. 8587 are not needed. Those limitations were included in Exemption No. 8587 based on supplemental information received by the FAA that the petitioner intended to remove the evacuation slides as part of the modification. Since the petitioner is retaining the existing evacuation slides and associated lighting systems, there is no longer a need to impose Limitations 6 and 7 in Exemption No. 8587. However, those limitations will be retained to give the petitioner the flexibility to remove the evacuation slides at a later date. We have included an additional limitation in this amended exemption which specifies that Limitations 6 and 7 of Exemption No. 8587 apply only if upper deck passenger evacuation slides and associated emergency lighting are removed from the airplane being modified.

The FAA's decision

In consideration of the foregoing, I find that an amendment to Exemption No. 8587 is in the public interest and will not 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, Israel Aircraft Industries, Ltd. is hereby granted an amendment to Exemption No. 8587 from the requirements of 14 CFR 25.785(j), 25.857(e), and 25.1447(c)(1). The amendment is granted to the extent required to permit type certification of Boeing Model 747-400 series airplanes, which have been converted from either an all passenger or a cargo combi configuration to a freighter configuration, with provisions for the carriage of supernumeraries. All provisions of Exemption No. 8587, together with its conditions and limitations, apply to this amended exemption, with the addition of the following:

Limitations 6 and 7 of Exemption No. 8587 apply only if upper deck passenger evacuation slides and associated emergency lighting are removed from the airplane being modified.

This amendment is part of, and will remain attached to, Exemption No. 8587.

Issued in Renton, Washington, on November 3, 2005.

Signed by Ali Bahrami

Ali Bahrami

Manager, Transport Airplane Directorate

Aircraft Certification Service