

Exemption No. 9359

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

In the matter of the petition of

Lufthansa Technik AG

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

Regulatory Docket No. FAA-2007-27808

GRANT OF EXEMPTION

By letter dated April 3, 2007, Ms. Mailin Hayner, Certification Engineer, Lufthansa Technik AG, Postfach 60 03 00, D-22313, Hamburg, Germany, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of § 25.785(d) of Title 14, Code of Federal Regulations (14 CFR), part 25. The proposed exemption, if granted, would permit relief from the requirement for firm handholds in the lounge, guest area, and bedroom area in the passenger compartment. The proposed exemption is specifically for the installation of an executive interior on a Boeing Model 737-700IGW airplane, serial number 35959, that has been designated as “private, not-for-hire.”

The applicant petitioned for an exemption from the “firm handhold” requirement in § 25.785(d). However, in the certification basis for Boeing Model 737-700IGW airplanes, the firm handhold requirement is in § 25.785(j), not § 25.785(d).

The petitioner requests relief from the following regulation:

Section 25.785(j) - Requires a “firm handhold” along each aisle.

The petitioner's supportive information is as follows:

General Background

“Lufthansa Technik (LHT) has been selected by Dennis Vanguard Ltd. to complete a Boeing 737-700IGW, MSN 35959, that was purchased from Boeing with a high quality VIP style cabin interior. LHT has been doing this kind of completion for many years for

large head of state, VIP and executive aircraft operated in Germany as well as in many foreign countries in Europe and beyond

“The Vanguard 737-700IGW airplane is intended to be operated under Bermuda registration and certification is being sought in the form of an EASA STC for which validation by the FAA is sought under the ‘Implementation Procedures for Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance between Authorities’ in accordance with the Bilateral Aviation Safety Agreement between the U.S. and Germany (BASA IPA).”

Exemption Requested:

“That the Boeing 737-700, when operated under private use and not for hire, be exempted from that part of 14 CFR 25.785(d) [sic] which requires a firm handhold along each aisle.

Justification:

“This is a situation which was not addressed under the BBJ [Boeing Business Jet] exemption. In the 737-700 the issue arises because of its wide fuselage diameter as compared to the relatively narrow fuselage of common business jets. Customers are buying large airplanes because they wish to create a spacious and impressive atmosphere they are used to. The wider body of the 737 satisfies these requirements. On the other hand, the requirement for a firm handhold along aisle cannot be met for certain areas in the passenger cabin (Lounge, Guest Area and Bedroom) due to wide open spaces between individual seat backs, which typically provide an adequate handhold. Any construction hanging down from the ceiling would ruin the appearance of the high quality interior and is not acceptable to the customer, and may add additional safety concerns.

Occupant Safety Considerations:

“The risk for occupants due to the lack of direct handholds in certain areas of the passenger cabin is considered acceptable for the following reasons:

- All furniture in the passenger cabin has rounded corners and edges to avoid serious injury in case of turbulence.
- The installed seats, divans and the bed are heavily upholstered and will not cause injuries when contacted.
- Corridors and door frames integrated into the cabin layout are a means for the passengers to steady themselves.
- There are valance panels installed as part of the sidewall lining along the length of all non-compliant rooms and on both sides of the fuselage. The valance panels’ top edges qualify as firm handholds that can generally be reached from the aircraft

center line with a few steps. They are 1,390 mm [millimeters] outboard the aircraft center line at 1,590 mm height.

- Door frames between each two compartments can be used as handholds.
- The Lounge has two divans reachable with a few steps with back heights of 38 inches, meeting the acceptable height of 31 inches to qualify as a handhold, allowing a person to stabilize oneself during turbulence. The same is true for the Guest Area where all three divans are directly reachable from any point in any aisle, except that one divan has a backrest height that varies between 28 and 33 inches, but there is also a valance panel available above that one. The bedroom is similar to the Guest Area, except that there are one divan and one bed instead of three divans.
- The Lounge has four tables, though with height not meeting the 31 inches height to qualify as a handhold, they will still allow a person to stabilize oneself during turbulence.
- There is at least one path with continuous firm handholds (including the tables in the forward lounge) all along the cabin.
- Passengers on this type of aircraft are typically the same people on most of the trips. Familiarity with the aircraft layout and operation provided an additional benefit towards the level of safety.
- The aircraft will not be operated for hire or offered for common carriage.
- There will be a recommendation to passengers to remain seated with their seat belts fastened.

Public Interest

“Similar to the already established Exemptions No. 6820 and 6820A, granting this Exemption is in the public interest as it allows efficient and safe carriage of Heads of State and executives in an environment as comfortable as expected by this clientele.

“Passengers aboard these airplanes will not be paying airline customers, so there can be no degradation of airline passenger safety.

“Granting this exemption will support the sales opportunities for the Boeing 737-700 airplanes, bringing economic benefits to the USA in being better able to compete in the global market, increasing profitability of the manufacturing and support companies, providing stable employment, which in turn generates tax revenue, enabling investment in research and development. It will increase sales to foreign clients, thus improving the balance of trade.

“Granting the exemption is furthermore in the interest of international harmonization, because a number of Airworthiness Authorities throughout the world have already accepted configurations as proposed in this Petition for Exemption.”

Public Comment

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 the petitioner’s proposal to be in the public interest for the same reasons as those previously stated by the petitioner.

As more transport category airplanes have been configured (or re-configured) for “private, not-for-hire” 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, not-for-hire use of such airplanes. Given this situation, the FAA has received a number of petitions for exemption from certain regulations. The FAA has granted such exemptions when it finds that to do so is in the public interest and does not adversely affect the level of safety provided by the regulations. In the future, the FAA intends to propose regulations governing transport category airplanes in private use, obviating the need for case-by-case review of individual petitions for exemption.

The petitioner requests an exemption from the handhold requirements of § 25.785(d) for the lounge, guest area, and bedroom area. However, in the certification basis for Boeing Model 737-700IGW airplanes, the firm handhold requirement is in § 25.785(j), not § 25.785(d).

The FAA has considered the requirement for firm handholds in the context of private use airplanes. For the lounge, guest area, and bedroom area the requirement to have a firm handhold would be impractical, given the proposed configuration. The proposed arrangement provides an acceptable level of safety for a private use airplane.

The FAA has previously granted several exemptions from the handhold requirements of § 25.785(j) to Lufthansa Technik for executive interiors on “private, not-for-hire” Boeing Model 737-700IGW airplanes. We have reviewed those exemptions and found that the limitation associated with firm handholds is the same in each exemption. We have determined that expanding the applicability of this exemption from one airplane with a specific serial number to all “private, not-for-hire” Boeing Model 737-700IGW airplanes modified by Lufthansa Technik to install executive interiors is appropriate. Expanding the applicability would reduce the burden on the applicant and reduce the administrative burden for the FAA.

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, Lufthansa Technik is hereby granted an exemption from 14 CFR § 25.785(j), Amendment 25-72. The petition is granted to the extent necessary to allow Lufthansa Technik to install executive interiors on Boeing Model 737-700IGW airplanes that are designated as "private, not-for-hire". Specifically, the exemption allows relief from the requirement to provide firm handholds in the passenger compartments of these airplanes. The following limitation applies to this exemption and must be documented in the limitations section of the Airplane Flight Manual:

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 parts 125 and 91, subpart F, as applicable.

Issued in Renton Washington, on **JUN 27 2007**



Ali Bahrami
Manager, Transport Airplane Directorate
Aircraft Certification Service