

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

In the matter of the petition of

Lufthansa Technik

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

**Regulatory Docket
No. FAA-2001-8678**

GRANT OF EXEMPTION

By letter dated December 10, 2000, Mr. Bernhard Conrad, Senior Vice President Project and Development Engineering, Lufthansa Technik AG, Postfach 63 03 00, D-22313, Hamburg, Germany, petitioned the Federal Aviation Administration, for an exemption from § 25.785(j) of Title 14, Code of Federal Regulations (14 CFR). The requested exemption, if granted, would permit relief from “firm handholds” along each aisle in additional passenger areas on a Boeing Model 737-700 airplane.

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:

“Petition for Exemption under FAR 11.25 from the following 14 CFR requirements: 25.7850, ‘Firm handhold’ in the passenger cabin for the Boeing Model 737-7001GW, equipped with an Executive Interior as defined in the attached cabin layout and for “Private, not-for-hire use” and not offered for public conveyance.

“Reference is made to FAA Exemption No. 7317 granted upon Lufthansa Technik’s application for the Model 777 series airplane, addressing installation of an executive interior.

“In addition reference is made to the Petition for Exemption submitted by Boeing in connection with the Boeing Business Jet BBJ (B-T1 13-98-3206, dated May 22, 1999) and the resultant FAA Grant of Partial Exemption No. 6820 and 6820A, which also address a number of reasons, why certain exemptions from FAR 25 are considered to be reasonable for airplanes configured for private operation.

“General Background

“Lufthansa Technik (LHT) has been selected by Saudi Oger to complete a Boeing 737-7001GW, MSN 29972, they have purchased from Boeing. LHT has been doing this kind of installation for many years for large Head of State, VIP and Executive aircraft operated in Germany as well as in many foreign countries and is one of the completion centers recommended by Boeing for BBJ’s.

“The Saudi Oger 737-7001GW airplane is intended to be operated under US-registration and certification is processed in the form of a German Luftfahrt-Bundesamt (LBA) STC for which validation by the FAA is sought under the recently concluded “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).

“The initial familiarization meeting took place on August 23. and 24, 2000, in Hamburg, and the technical familiarization meeting on October 31 and Nov. 01 in New York.

“Exemption requested for the following provisions of FAR Part 25 taking into consideration the use of the aircraft in a private, not for hire operation. Granting of the exemption is requested by this petition.

“FAR 25.785 (a) ‘Firm handhold’ along each aisle

“Exemption Requested:

“That the Boeing Model 737-700, when configured for private use and utilized under operating rules FAR Part 91 or FAR Part 125, be exempted from that part of FAR 25.7850, which requires a firm handhold along each aisle.

“Justification:

“This is a situation which was not addressed under the BBJ 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 aisles cannot be met for certain areas in the passenger cabin due to wide open spaces between individual seat backs which typically provide an adequate handhold. In fact due to its spaciousness there is no readily identifiable ‘aisle’ in certain areas. Any construction hanging down from the ceiling would ruin the appearance of the high quality interior and is not acceptable to the customer.

“Occupant Safety Considerations:

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

- *“The passenger cabin contains two tables in the area of the forward lounge reachable with only one or two steps with an adjustable height range of 20 to 30”. In addition the partition between forward and aft lounge with a height between 30” and 32” is also located adjacent to the aisle. While not meeting a generally acceptable height to qualify as a hand hold, they still allow a person to stabilize itself during turbulence. They are designed to remain structurally intact in such a situation.*
- *“All furniture in the passenger cabin has rounded corners and edges to avoid serious injury in case of turbulence*
- *“The installed seats and divans are heavily upholstered and will not cause injuries when contacted*
- *“Corridors and door frames integrated into the cabin layout area means for the passengers to steady themselves.*
- *“There will be a recommendation to passengers to remain seated with their seat belts fastened*

“Public Interest:

“As in the case of the already established Exemptions No. 6820 and 6820A, granting this Petition for Exemption would be clearly in the public interest as it allows efficient and safe carriage of Heads of State and executives in the sought for environment which would otherwise not be possible.

“Without the granting of this exemption the sales opportunities for the Boeing 737-700 would suffer, because the typical and highly desirable VIP type configurations with private quarters and comfortable seating arrangements could no longer be realised. Granting the exemption furthermore would be in the interest of international harmonisation because a number of authorities worldwide has already accepted configurations as proposed in this petition for exemption.”

The FAA’s determination on providing notice and public procedure is as follows:

The petitioner submitted the petition in a timely manner in early December 2000, and indicated that the subject Model 737-700 airplane was scheduled for certification at the end of March 2001. Due to a processing error, the summary of the petition was not published in the Federal Register until March 12, 2001 (66 FR 14430). That published summary specified that the FAA would accept public comments on the petition through April 2, 2001. Consequently, if the FAA were to follow through with the public process, the scheduled certification date would be missed.

The FAA has reconsidered its previous decision, and has now determined that good cause exists for waiving the requirement for notice and public procedure for the following reasons:

- the substance of this petition has been subjected previously to the notice and comment period and no comments were submitted;
- the exemption, if granted, would not set a precedent; and

- any delay in acting on this petition would affect the certification of the airplane, which is imminent, and would be detrimental to Lufthansa Technik.

The Federal Aviation Administration’s analysis of the petition is as follows:

The FAA is giving great attention to the issue of transport category airplanes operated in private use. There are several regulatory requirements, including some of those identified by the petitioner, that lend themselves to consideration for modification when looking at the differences between commercial and private use operations. The FAA intends to summarize its views on these regulations and, ultimately, propose modifications to the requirements, where appropriate. It may be that the regulations that are the subject of this petition are included in the proposed modifications, and that additional design flexibility can be offered, when certain circumstances are met. This issue is not resolved at this time, however, and the particular airplane in question must be addressed on its own merits.

The FAA previously issued Exemption No. 7317a to Lufthansa Technik, which permitted an executive interior to be installed without providing “firm handholds” for “private, not-for-hire” use on a Boeing Model 777-200 airplane. Lufthansa Technik’s current petition is a similar request for a Boeing Model 737-700. As with the previous petition, the petitioner requests an exemption from the handhold requirements of § 25.785(j) for most of the passenger cabin.

The FAA has reviewed the interior arrangement drawing SAO.00.00-00-51 for this airplane and determined that the only area where sufficient handholds are not provided is the aft bedroom. The remainder of the cabin has seatbacks or other interior features available, consistent with other acceptable interior arrangements, that provide a firm handhold. The FAA has determined that to be effective, handholds should be approximately 33 inches in height minimum, and nominally no more than 65 inches apart from each other. The aft bedroom does not satisfy these criteria. In this case, the majority of the room is occupied by the bed itself, and the floor space around the bed is not an “aisle” in the traditional sense of the term from a certification standpoint. Thus, the expectation is that this area will not be one of high traffic, and the lack of a firm handhold will not be significant. As noted by the petitioner this issue has been previously addressed by the FAA and relief has been granted. Nonetheless, the main justification for relief is the limitation to private use for the airplane. The FAA agrees that the proposed arrangement provides an acceptable level of safety for a private, not-for-hire use airplane

The Grant of Exemption

In consideration of the foregoing, I find that a grant of exemption 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, Lufthansa Technik is hereby granted an exemption from the requirements of § 25.785(j). This exemption allows the installation of an interior arrangement that does not provide firm “handholds” in the aft bedroom for Boeing Model 737-700 airplane, serial number 29972, subject to the following condition and limitation:

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 125, and 14 CFR part 91, subpart F, as applicable.

Issued in Renton, Washington, on March 27, 2001.

Original signed by:

D. L. Riggin, Acting Manager
Transport Airplane Directorate
Aircraft Certification Service