

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
KANSAS CITY, MISSOURI 64106

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In the matter of the petition of *
*
BEECH AIRCRAFT CORPORATION *
* Regulatory Docket No.
for exemption from § 23.807(d)(1)(i) of * 127CE
Title 14, Code of Federal Regulations *
*
*

GRANT OF EXEMPTION

By letter dated August 2, 1995, Mr. A. C. Jackson, Beech Aircraft Corporation, Post Office Box 85, Wichita, Kansas 67201-0085 petitioned for an exemption from § 23.807(d)(1)(i), Title 14 Code of Federal Regulations, to permit type certification of the Beech Model B300 and B300C airplanes with one emergency exit in the cabin opposite the main entrance door, which will not comply with § 23.807(d)(1)(i). The Beech Model B300 and B300C are twin turbopropeller engine, fifteen passenger airplanes, certificated in the commuter category.

The petitioner requires relief from the following regulation(s):

Section 23.807(d)(1)(i) requires two emergency exits for commuter category airplanes having a total passenger seating capacity of 15 or fewer, one on each side of the cabin, in addition to the passenger entrance door.

The petitioner supports its request with the following information:

The Model B300's design, development, and certification was completed in late 1989. At the time of certification, the Model B300 was in compliance with § 23.807(d)(1)(i) by providing an emergency exit on each side of the fuselage in addition to the cabin door. The Model B300 and B300C were certificated for up to fifteen passengers. If this petition is granted, the Model B300 and B300C will be restricted to nine passengers when only one emergency exit is available.

In 1987, the FAA granted an exemption, Exemption 4827, from § 23.807(d)(1)(i) for the Beech Model 2000. The Model 2000 certification basis regulatory amendment level is the same as the Model B300 and both are commuter category aircraft. In granting Exemption 4827, the FAA stated "that previous policy has been issued indicating that two emergency exits, in addition to the main entry door, are not required for SFAR 41 airplanes having nine passenger seats or less." This policy was, inadvertently, not incorporated in Amendment 23-34.

The FAA also stated, in Exemption 4827, "The FAA intends to propose a rule change to § 23.807(d)(1)(i) of Part 23 Amendment 23-34 to require a single emergency exit, in addition to the main entry door, for commuter category airplanes having nine passenger seats or less."

The petition continues to state that, based on the previously cited information, granting the exemption for the Model B300 and B300C would not result in reduction in public safety. The public interest would be served in granting the petition by allowing more flexibility in locating equipment inside the cabin for special mission aircraft. There is a large demand for aircraft used for special missions such as photographic survey, airway checking, and maritime patrol. Granting this petition

would provide a more productive aircraft to the customer.

Comments on published petition summary:

A summary of this petition was published in the FEDERAL REGISTER for public comment on December 5, 1995. The comment period closed December 26, 1995. No comments were received.

The Federal Aviation Administration's (FAA) analysis is as follows:

To obtain the exemption, the petitioner must show, as required by § 11.25(b)(5) of Title 14 of the Code of Federal Regulations (14 CFR), that: (1) granting the request is in the public interest, and (2) if appropriate, why the grant of exemption would not adversely affect safety or that a level of safety will be provided that is equal to that provided by the rule from which the exemption is sought.

The FAA has carefully reviewed all of the information contained in the petitioner's request for exemption. The FAA's analysis/summary is as follows:

As stated previously by the FAA in the Grant of Exemption No. 4827 and in the scope of the Notice of Proposed Rulemaking, NPRM No. 87-3, which resulted in Amendment No. 23-34, "The scope of this NPRM is limited to the proposals which are considered appropriate as airworthiness and noise standards and operating rules for commuter category propeller-driven, multiengine airplanes.

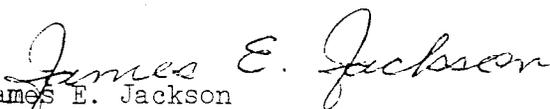
"Existing airworthiness standards of Part 23, SFAR No. 41, as supplemented by those airworthiness standards necessary to comply with the requirements developed by the International Civil Aviation Organization (ICAO) and appropriate sections of Appendix A of Part 135, are the foundation for the proposals.

"The FAA proposes to integrate into Part 23 those additional airworthiness standards of SFAR No. 41 and the appropriate sections of Appendix A of Part 135 not previously adopted in Part 23. It is not intended to propose substantive changes to existing Part 23 airworthiness standards or to the airworthiness standards being integrated in Part 23 by this rulemaking except as discussed in this notice."

The FAA integrated paragraph (5)(e)(g)(1) of SFAR 41 into § 23.807(d)(1)(i), but in so doing neglected to include previous policy that had been issued for SFAR 41 airplanes with nine passenger seats or fewer. This policy indicated that two emergency exits, in addition to the main entrance door, were not required for SFAR 41 airplanes having nine passenger seats or fewer. The FAA recognizes that this interpretation was not carried forward into Amendment 23-34, and that such an interpretation is appropriate.

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not adversely affect safety. Therefore, pursuant to the authority contained in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator (14 CFR 11.53), Beech Aircraft Corporation is granted an exemption from 14 CFR § 23.807(d)(1)(i) to the extent necessary to allow type certification of the Beech Model B300 and B300C airplanes in the commuter category with one emergency exit installed in the cabin opposite the main entrance door, provided the Beech Model B300 and B300C are limited to nine passenger seats.

Issued in Kansas City, Missouri on March 5, 1996.


James E. Jackson
Acting Manager
Small Airplane Directorate