

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

In the matter of the petition of

Gore Design Completions, ltd.

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

Regulatory Docket No. FAA-2005-22909

GRANT OF EXEMPTION

By letter dated October 19, 2005, Mr. Andrew Gfrerer, Gore Design Completions, ltd., 10100 Reunion Place, Suite Eight-Fifty, San Antonio, Texas 78216, 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). The proposed exemption, if granted, would permit relief from the requirement for firm handholds along each aisle and additional passenger areas. The proposed exemption is specifically for the installation of an executive interior on a Boeing Model 767-200 airplane, serial number 23896, that has been designated as not operated for hire or offered for common carriage (commonly referred to as "private use").

The petitioner requests relief from the following regulations:

Section 25.785(d), Amendment 25-32 - Requires a "firm handhold" along each aisle.

The petitioner's supportive information is as follows:

"BACKGROUND

"Gore Design Completion, ltd. has been contracted for the completion of an executive business interior in a Boeing Model 767-200 airplane. The airplane is registered in the United States as N772WD. The FAA has accepted our STC application and assigned Project Number ST8184SC-T for this project.

“The initial familiarization meeting took place on June 2, 2005, and a technical meeting took place on August 10, 2005.

“The certification basis for the Boeing Model 767-200 is Part 25, Amendment 25-1 through 25-45 with portions of Amendment 25-46 plus Exemption Number 4725 and numerous Equivalent Safety Findings. There are good technical arguments to support special consideration for private use airplanes: the airplanes are not for public hire and they are configured to carry a fraction of the passengers carried in airline service. For these reasons, Gore Design Completion, Ltd. has prepared a petition for exemption to the following regulation:

“14 CFR 25.785(d) “If the seat backs do not have a firm handhold, there must be a grip or rail along each aisle to enable occupants to steady themselves while moving about the aisle in moderately rough air.”

“DISCUSSION:

“14 CFR Part 25 governs design certification of transport category airplanes. The primary intent of these regulations, as written, are to be certain that airplane manufacturers provide the appropriate design features to meet the standards necessary to protect the traveling public. Clearly, there is a requirement “in the public interest” and in the interest of safety to provide regulatory guidelines for certification. However, it is also very clear these regulations are intended to regulate the certification of “commercial” airplanes, which are “for hire” to the general public.

“While the greatest majority of these regulations represent a common sense inclusion for any aircraft regardless of it’s intended use, a few are obviously intended to regulate situations that are specific to an airline, or for hire operation. When a transport category airplane is operated under 14 CFR Part 91 or Part 125, some of the Part 25 rules have acceptance criteria that are inappropriate, or are not compatible with the type of operation and the intended use of this airplane.

“The FAA clearly recognizes these differences as evidenced by the issuance of Exemption numbers 6820 and 6820A which eliminate many of the more onerous regulations when applied to “private use, not-for-hire” operations under 14 CFR Part 91 and Part 125. In addition, there have been numerous exceptions granted specifically for 14 CFR 25.785(d) on large executive type airplanes.

“BASIS FOR EXEMPTION:

“The airplane that is the subject of this petition is a Boeing Model 767-200. It is privately owned and will be operated under Part 125 regulations.

“The interior configuration being installed in this airplane will provide seating for forty two (42) passengers. The maximum certified passenger count for this airplane is 255.

The passenger count of the subject airplane represents just 16% of the capacity allowed for this airplane.

“Customers are buying airplanes because they wish to create a spacious and impressive atmosphere they are used to. The very wide body of the 767 satisfies these requirements. On the other hand, the requirement for firm hand hold along the aisles cannot be met for certain areas in the passenger cabin due to the wide open spaces, specifically, the fwd and aft lounges. On a typical “commercial” flight this requirement is met by the individual seat backs which typically provide an adequate hand hold for a passenger to stabilize themselves in the aisle during turbulence. In fact due to the spaciousness of the interior there is no readily identifiable “aisle” in the forward lounge area and the front portion of the aft lounge. Any construction hanging from the ceiling would ruin the appearance of the high quality interior, is not acceptable to the customer, and may add additional safety concerns.

“It has been acknowledged by the FAA, that the passengers on this type of airplane are typically the same people on most of the trips. Familiarity with the airplane layout and operation provides an addition benefit towards the level of safety.

“OCCUPANT SAFETY CONSIDERATIONS:

“The risk for occupants due to the non availability of direct hand holds in certain areas of the airplane should be 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 seat and divans are heavily upholstered and will not cause injuries when contacted,
- “The forward lounge has three (3) tables reachable with only one or two steps with adjustable heights from 17.5 inches to 26.5 inches. While not meeting the acceptable height of 31 inches to qualify as a hand hold, they still allow a person to stabilize oneself during turbulence. They are designed to remain structurally intact in such a situation,
- “There will be a recommendation to passengers to remain seated with their belts fastened, especially when turbulence is expected,
- “The airplane will be operated under 14 CFR Part 125 and will not be operated for hire or offered for common carriage.

“PUBLIC INTEREST:

"As in the cases of numerous already established Exemptions, granting this petition for exemption would be clearly in the public interest for the following reasons:

- “It allows efficient and safe carriage of Head of State and executives in the sought for environment that would otherwise not be possible,
- “There is no degradation of safety involved with this request and therefore no detrimental impact to the public at large,
- “Given the proliferation of executive configured transport category airplanes currently taking place, and anticipated in the future, this type of exemption will enable US manufacturers of transport category airplanes greater flexibility to effectively complete in this expanding market,
- “Additional sales of US manufactured transport airplanes outside the traditional airline market can only serve to increase profitability of US airframe manufacturers, given greater stability to the workers employed by those manufacturers,
- “Greater stability of a work force as significant as the US aircraft manufacturers represent can only result in additional fuel to stabilize the economy of the US due to the normal house hold activity associated with stable workers,
- “Stability and improved financial performance of the US airframe manufacturer translates into increased orders and stability in numerous supporting manufacturing organizations,
- “Increased sales of these executive configured transport airplanes will ultimately result in some portion of those airplanes being completed at US owned or operated aircraft completion facilities, providing improved financial performance and work force stability for those organizations as well,
- “Improved financial performance of US owned or operated corporations, and increased work force stability translates into continued and improved tax revenue for all governmental organization involved,
- “Improved financial performance allows US corporations to continue to invest in new R & D research which will allow the US to maintain or improve it’s competitive position in the world economy,
- “A large number of these types of sales can be predicted to be to “offshore” clients, improving the US balance of trade deficit.

“PUBLIC COMMENT:

“In accordance with 14 CFR 11.87, Gore Design Completions, Ltd., requests that the period for public comment be waived because the numerous similar exemptions that have previously been granted.”

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 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. 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 forward and aft lounges. The FAA has considered the requirement for firm handholds in the context of private use airplanes. For the forward and aft lounges 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.

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, Gore Design Completions Ltd., is hereby granted an exemption from 14 CFR 25.785(d), Amendment 25-32. The petition is granted to the extent necessary to allow Gore Design Completions Ltd., to install an executive interior on a private use Boeing Model 767-200 airplane, serial number 23896. Specifically, the exemption allows relief from the requirement to provide firm handholds in the aisle in the forward and aft lounges. This exemption is subject to the following condition:

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 January 31, 2006.

/s/

Ali Bahrami
Manager, Transport Airplane Directorate
Aircraft Certification Service