

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

In the matter of the petition of

**Jamco America, Inc.**

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

**Regulatory Docket No. FAA-2008-0679**

**PARTIAL GRANT OF EXEMPTION**

By letter dated April 11, 2008, David A. Crotty, Certification Regulatory Group Manager, Jamco America, Inc., 1018 80<sup>th</sup> Street SW, Everett, WA 98203, petitioned for an exemption from the requirements of §§ 25.758(d) and 25.853(d) of Title 14, Code of Federal Regulations (14 CFR). The requested exemption, if granted, would permit relief from the requirement for firm handholds in the passenger compartment of a Boeing Model 747-400 airplane having serial number 25074 and would permit certification of interior materials that do not comply with certain requirements for interior materials in compartments occupied by the crew or passengers. The affected airplane is in private, not-for-hire, not-for-common-carriage use, and the requested exemption would permit installation of an executive interior.

**The petitioner requests relief from the following regulations:**

**Section 25.785(d), Amendment 25-51**, which requires a “firm handhold” along each aisle.

**Section 25.853(d)**, which requires that specified interior components of airplanes must meet certain test requirements, pertaining to heat release, smoke emissions, and flammability.

Having reviewed the certification basis and the applicable operational regulations (i.e., 14 CFR parts 91 and 125) for this airplane, the FAA has determined that § 25.853(d) is not in the certification basis. Therefore, no exemption from this requirement is needed.

**The petitioner's supporting information is summarized below:<sup>1</sup>**

Jamco America, Inc., requests that the Boeing 747-400, when operated under private use and not for hire, be exempted from that part of § 25.785(d) which requires a firm handhold along each aisle.

Customers are buying these types of airplanes to accommodate multiple personal uses. However, to accommodate these uses, it is not always practical to provide a firm handhold along the aisles. In certain areas of the passenger cabin, the requirement cannot be met due to the open spaces required to accommodate multiple uses.

For this interior configuration, these spaces specifically include the VIP seating area in Zone A, the business class seating areas in Zone B, and the upper deck. On a typical commercial flight, the requirement to have firm handholds is met by the individual seat backs which typically provide an adequate handhold for a passenger to stabilize himself or herself in the aisle during turbulence. In fact, due to the spaciousness of the interior in Zone A, there is no well defined "aisle," and any construction hanging from the ceiling would ruin the appearance of the interior and may add additional safety concerns.

The petitioner states that a grant of its petition is in the public interest for the following reasons, among others:

1. Passengers aboard these airplanes will not be paying airline customers, so there can be no degradation of airline passenger safety for the public as a whole.
2. Given the proliferation of transport category airplanes configured for executive use which is taking place and is anticipated in the future, this type of exemption will enable U.S. manufacturers of those airplanes greater flexibility to compete effectively in this expanding market.
3. Additional sales of transport category airplanes manufactured in the U.S. will provide greater stability to the workers employed by those manufacturers.
4. A large number of these types of sales will be to foreign clients and thus will improve the U.S. balance of trade deficit.

**Federal Register publication**

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

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<sup>1</sup> The complete petition submitted by Jamco America, Inc., is available in the Federal Docket Management System on the Internet at <http://regulations.gov>. The docket number is FAA-2008-0679.

### **The FAA's analysis**

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. Because of this, we have received a number of petitions for exemption from certain regulations. We have granted such exemptions when we find that to do so is in the public interest and does not adversely affect the level of safety provided by the regulations. We recently published a notice of proposed rulemaking, Notice No. 07-13, Special Requirements for Private Use Transport Category Airplanes (72 FR 38732, July 13, 2007), which, if promulgated, would in most cases obviate the need for case-by-case review of individual petitions for exemption for private use airplanes.

The applicant petitioned for exemption from requirements that a "firm handhold" be provided along each aisle. We have considered the requirement for firm handholds in the context of private use airplanes and have determined that it would be impractical for this type of operation and interior configuration.

The petitioner, in its public interest statement, maintains that there would be no degradation of safety. While this grant of exemption cannot be said to provide the same level of safety as would be afforded by strict compliance with the regulations, the resultant level of safety is consistent with that in other private use airplanes. The FAA considers that granting the petition is in the public interest for the reasons stated by the petitioner.

### **The FAA's decision**

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not adversely 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, I grant the petition of Jamco America, Inc., for an exemption from requirements of 14 CFR 25.785(d) to the extent necessary to allow installation of an executive interior on a "private, not-for-hire" Boeing Model 747-400 airplane, serial number 25074. Specifically, the exemption allows relief from the requirement to provide firm handholds in zone A, zone B, and on the upper deck passenger compartment of this airplane. This exemption is subject to the following condition.

The airplane must not be 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 August 8, 2008.

*Signed by Ali Bahrami*

Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service