

**Exemption No. 9457**

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

In the matter of the petition of

**Embraer**

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

**Regulatory Docket No. FAA-2007-27902**

**GRANT OF EXEMPTION**

By letter dated April 3, 2007, Mr. Sergio Augusto Viana de Carvalho, Certification Manager, Embraer, 12227-901, Sao Jose dos Campos, Brazil, petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of § 25.785(j) of Title 14 Code of Federal Regulations (14 CFR). If granted, the exemption would permit relief from the requirement for firm handholds in the passenger compartment of Embraer ERJ 190-100 ECJ airplanes that have been designated as “private, not-for-hire.”

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

**Section 25.785(j), Amendment 25-72** - Requires a “firm handhold” along each aisle.

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

The Embraer Model ERJ 190-100 ECJ will be configured for private use and operated under part 91 and part 125. The interior cabins will be arranged for corporate business use. These specialized cabin arrangements may or may not have discrete aisles and may have wider space between seats than airplanes transporting paying customers. With such arrangements, it is impractical to provide firm handholds, as required by § 25.785(j). Any design feature hanging down from the ceiling, such as a loop or handhold, is not acceptable to customers and may even create a hazard.

---

<sup>1</sup> The complete petition submitted by Embraer is available in the Docket Management System on the Department of Transportation's website at <http://dms.dot.gov>. The docket number is FAA-2007-27902.

The requirements of part 25 are based on traditional, commercial airline operations carrying fare-paying passengers from the general public. Part 25 does not differentiate between commercial and private use of airplanes. The Embraer ERJ 190-100 ECJ airplanes will be operated only for private use by an individual, a company, or a government. There will be no scheduled flights, carriage of fare-paying public passengers, or cargo-for-hire commercial service.

Embraer lists the following factors which mitigate risk associated with the absence of readily accessible, firm handholds:

1. All furniture in the passenger cabin will have rounded corners and edges to avoid serious injuries to occupants;
2. The seat and divans will be heavily upholstered and would not cause injury when contacted by occupants;
3. Passageways and doorframes integrated into the cabin layout would provide means for occupants to stabilize themselves during turbulence;
4. Although it is considered a wide body airplane, the ERJ 190-100 ECJ has a cross-section which is much narrower than that of other wide body airplanes which have been granted this exemption previously;
5. The aircraft cross-section positions the valance panels, sidewalls, seatbacks and other monuments to be readily within reach with no more than one step and those can be support for the occupants to steady themselves;
6. The interior cabin configuration does not encourage passengers to be standing in rooms and clearly suggests that they remain seated;
7. There will be instructions for occupants to remain seated with their seat belts fastened in case of turbulence during flight;
8. Occupants are normally very familiar with the interior arrangement of the airplane.

The petitioner indicates that a grant of exemption would be in the public interest because it would allow Embraer to provide the customized interior arrangements which owners or operators of business jets expect, while providing an adequate level of passenger protection in the event of turbulence. Conversely, denial of the petition would be counter the public interest in that it would negatively affect American manufacturers involved in the production of the ERJ 190-100 ECJ. While this airplane is not manufactured in its entirety in the United States, a significant portion of it—including the engines, avionics, and interiors—is manufactured by American companies. Denial of this petition would result in the loss of revenue for the American suppliers and have an adverse effect on the American balance of trade.

## **Public Comment**

The petitioner requested that the FAA waive the requirement that we publish a summary of the petition for public comment. Because this exemption is effectively identical to previous petitions for which no public comments were received, we have not published a summary in the Federal Register.

### **The FAA's analysis/summary is as follows:**

As more and more transport category airplanes have been configured (or re-configured) as "private, not for-common-carriage" 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 such use. 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. 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 requirements of § 25.785(j) pertaining to handholds in the passenger cabin. The FAA has considered the requirement for firm handholds in the context of airplanes in private use. To require firm handholds in such airplanes would be impractical, given the interior configuration of the cabin. The petitioner lists factors which provide an acceptable level of safety to occupants of the airplane.

The FAA considers that granting the petition is in the public interest for the reasons stated by the petitioner.

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, Embraer is hereby granted an exemption from 14 CFR § 25.785(j), Amendment 25-72. The petition is granted to the extent necessary to allow Embraer to install an executive interior in Embraer ERJ 190-100 ECJ airplanes in "private, not for-common-carriage" use. Specifically, the exemption allows relief from the requirement to provide firm handholds in the passenger compartment of these airplanes.

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 August 2, 2007.

s/s Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service