

**Exemption No. 9464**

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

In the matter of the petition of

**PATS Aircraft**

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

**Regulatory Docket No. FAA-2007-28621**

**GRANT OF EXEMPTION**

By letter dated June 26, 2007, Mr. William J. Ertle II, DAS-955292-NE, Assistant Administrator, PATS Aircraft, 21652 Nanticoke Avenue, Georgetown, DE 19947, 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 the Boeing Model 737-700IGW airplane, serial number 36106, which has 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 supports its request with the following information:<sup>1</sup>**

The Boeing Model 737-700IGW, serial number 36106, will be configured for private use and operated under 14 CFR parts 91 and 125. The interior cabin will be arranged with a Head of State VIP interior. The specialized cabin arrangement may have wide cabins, with or without discrete aisles, and wider space between seats than on airplanes transporting paying customers. With such arrangement, it is impractical to provide firm handholds as required by § 25.785(j). Any design feature hanging down from the ceiling,

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<sup>1</sup> The complete petition submitted by PATS Aircraft is available in the Docket Management System on the Department of Transportation’s website at <http://dms.dot.gov>. The docket number is FAA-2007-26821.

such as a loop or handhold, is not acceptable to customers and may even create an unsafe condition.

The requirements of part 25 are based on traditional commercial airline operations carrying fare-paying passengers from the general public. Part 25 does not consider design and operation of airplanes for private use. The Boeing Model 737-700IGW, serial number 36106, 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.

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

1. All furniture in the passenger cabin has rounded corners and edges to avoid serious injuries to occupants;
2. The seat and divans are heavily upholstered and would not cause injury when contacted by occupants;
3. Passageways and doorframes integrated into the cabin layout would provide means to occupants to stabilize themselves during turbulence;
4. In the Aft Lavatory, occupants can readily use the tall monument to steady themselves;
5. In the Stateroom, occupants can use the valance panels and dresser to steady themselves and the bed is heavily upholstered and will not cause injuries when contacted;
6. In the Dining/Conference Area, occupants can use seat backs, valances panels and divan arms to steady themselves in case of turbulent flight;
7. In the Lounge Area, seat backs, tables, bulkheads, divan arms and valance panels are readily within reach with one or two steps;
8. There will be instructions for occupants to remain seated with their seat belts fastened in case of turbulence during flight;
9. Occupants are intimately familiar with the interior arrangement.

The petitioner indicates that sales of center-aisle air transport jets, such as the Boeing Model 737-700IGW and Model 737-800, would suffer without granting this exemption. The highly desirable Head of State and Executive interior configuration with private rooms and spacious environment could not be certified without this exemption. Granting this exemption would allow Heads of State and Executives to conduct their business and create more jobs for the public. Granting the exemption would also be in the interest of international harmonization because a number of foreign authorities have already

accepted configurations as proposed in the petition for exemption. Granting this exemption would be in the public interest because US aircraft manufacturers could sell more large aircraft outside the airline market. The benefits are enormous to the US economy.

### **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 determined that good cause exists for not publishing a summary in the Federal Register.

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

As more and more transport category airplanes have been configured (or re-configured) for "private, not-for-hire" 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, not-for-hire use of 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. 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 obviate 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 private use airplanes. To require firm handholds in airplanes in private use 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.

### **The FAA's Decision:**

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, PATS Aircraft is hereby granted an exemption from 14 CFR 25.785(j), Amendment 25-72. The petition is granted to the extent necessary to allow PATS Aircraft to install an executive interior on "private, not-for-hire" Boeing Model 737-700IGW airplane, serial number 36106. Specifically, the exemption allows relief from the requirement to provide firm handholds in the passenger compartment of this airplane.

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 20, 2007.

/s/

Daniel I. Cheney  
Acting Manager, Transport Airplane Directorate  
Aircraft Certification Service