Exemption No. 9724

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

In the matter of the petition of **Wagner Aeronautical, Inc.** for an exemption from §§ 21.183(f), 25.2(b), 25.785(d), and 25.813(e) of Title 14, Code of Federal Regulations	**Regulatory Docket No.** FAA-2008-0317

GRANT OF EXEMPTION

By letter RB08007, dated March 13, 2008, Mr. Randy Brinneman, Director of Certification, petitioned on behalf of Wagner Aeronautical, Inc., 613 West Valley Parkway, Suite 220, Escondido, CA., 92025, for an exemption from the requirements of §§ 25.785(d), 25.807(c)(7), and 25.813(e) 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,
- a distance greater than sixty feet between passenger exits, and
- installation of interior doors between passenger compartments

in the executive interior of a Boeing 757-200 airplane, serial number 29306, in "private use," i.e., not-for-hire, not-for-common-carriage.

The petitioner requests relief from the following regulations:

Section 25.785(d), Amendment 25-32—which requires a firm handhold along each aisle.

Section 25.807(c)(7), Amendment 25-67—which limits the distance between passenger emergency exits to sixty feet.

Section 25.813(e), Amendment 25-32—which prohibits installation of interior doors between passenger compartments.

The petitioner's supportive information is as follows: This information is quoted from Mr. Randy Brinneman's petition letter RB08007.

"Title 14 CFR part 25 governs design certification of transport category airplanes. The primary intent of these regulations, as written, is to assure that airplane manufacturers provide for the appropriate design features in their respective airplane to meet the standards necessary to protect the traveling public. Clearly, there is a requirement in the interest of safety to provide appropriately stringent regulatory standards for certification. However, it is also clear that these regulations are intended to regulate the certification of "commercial" airplanes, which are "for hire" to the general public.

While the majority of these regulations represent a common sense inclusion for any airplane regardless of its 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 14 CFR part 25 rules have acceptance criteria that are inappropriate, or are not compatible, with this type of operation and the intended use of the airplane.

Transport category aircraft intended for private use, whether originally designed for private use or public, revenue-type operations and then utilized under 14 CFR part 91 or part 125, are used for personal (corporate) non-revenue operations, which represent significant operational differences from the typical revenue operation. The differences represented in these private operations can best be described as follows:

1. Operation is limited to the private use of an individual(s), corporation, or government and does not include public – for hire – operations.
2. Passenger capacity of the aircraft is significantly less than an equivalent aircraft in commercial operations. Typically, the capacity is less than 30% of that found in an airline configuration.
3. Flight and cabin crews are typically highly trained, and far more familiar with the individual aircraft they are operating, since it is normally the primary aircraft on which they always perform their duties.
4. Security is extremely high in terms of access to the aircraft while on the ground and with respect to individuals boarding the aircraft.
5. Passengers on these aircraft are typically repeat passengers, and represent corporate employees or individual owners and family members. As a result, the passengers are far more familiar with the layout of the individual aircraft and the associated emergency equipment and exits.

6. Custom interior layouts, furnishings, fixtures, furniture, cabinets, galleys, etc. are more representative of "board room" type furnishings, than airline style interiors. Seat pitch and aisle widths are typically substantially more spacious than an airline interior.

The airplane that is the subject of this petition is a privately owned and operated airplane being completed with a VIP executive interior. The FAA has previously granted exemptions, for transport category airplanes operated in private use, that are similar to those requested in this petition for exemption.

The seating configuration being installed in the subject airplane will provide seating for maximum 39 passengers. The certified passenger capacity for this airplane is 224. The passenger count of the subject airplane therefore represents less than 20% of the capacity allowed for this airplane.

Information to Support Grant of Exemption – Firm Handhold

Customers are purchasing large airplanes (larger than the typical corporate business jet) for personal transportation because they wish to create the spacious and impressive atmosphere they are accustomed to. The requirement for a firm handhold along aisles cannot be met for certain areas in the passenger cabin due to the wide cabin and the open spaces between individual seats, which typically provide an adequate handhold. In fact, due to the special cabin layout, aisles are not readily identifiable in certain areas. Any construction hanging down from the ceiling would ruin the appearance of the high quality interior and would not be acceptable to the customer.

The passenger cabin layout is typical for a private airplane configured with a VIP executive interior. Certain areas do not provide a firm handhold as required by 14 CFR part 25. Specifically, handholds are not as readily available in the Forward Lounge, Master Bedroom and Aft Lounge as they would be on a commercial airline.

The risk for occupants due to the lack of readily accessible firm handholds in certain areas is acceptable for the following reasons:

1. All furniture in the passenger cabin has rounded corners and edges to avoid serious injuries to occupants.
2. The seats, divans, and bed are heavily upholstered and will not cause serious injury when contacted by occupants.
3. Passageways and doorframes integrated into the cabin layout will provide means for occupants to stabilize themselves during turbulence.
4. In the Master Bedroom, occupants can readily use the tall monument to steady themselves.

5. In the Forward Lounge and Aft Lounge, seat backs, tables, bulkheads, divan arms and décor ribs are readily within reach with one or two steps.
6. There will be instructions for occupants to remain seated with their seat belts fastened in case of turbulence during flight.
7. Occupants are intimately familiar with the interior arrangement.
8. All other occupied areas comply with existing guidance for firm handholds.

This exemption would eliminate the need to add handholds for the "open" areas.

Information to Support Grant of Exemption – Distance Between Exits

The general purpose of this airplane is as a private transport for use by the owner and the owner's associates. In support of the owner/operator's requirements, the interior arrangement of this airplane includes fixed furnishings mounted against the sidewall of the airplane, which covers and makes inaccessible the right-hand side overwing emergency exits. It is noted that the forward left-hand entry door (L1 door) is also covered and made inaccessible as a result of the interior arrangement, but deactivation of the L1 door does not affect compliance with this requirement. All other entry and emergency exit doors remain operational and accessible.

This petition is required due to the deactivation of the right-hand Type III overwing exits at body station (BS) 972 and BS 1008. This results in a distance between emergency exits on the right-hand side of the airplane of 76.9 feet between the No. 2 Type I passenger door and the No. 4 Type I passenger door. The exits on the left side of the fuselage are within the 60-feet limitation.

The available passenger emergency exits include one pair of Type I floor level exits in the forward cabin (door 2, left and right) and a second pair of Type I floor level exits in the aft cabin (door 4, left and right). The left-hand Type III overwing exits and the forward right-hand Type I service door (R1 door) are also available. The number and type of passenger exits required for each side of the fuselage for 20 through 39 passenger seating configuration is 1 Type II and 1 Type III. The available passenger emergency exits therefore exceed the number and type required by the airplane's certification basis.

Exemption Number 6820A grants relief from the requirement for distance between exits for the Boeing 737-700 when the airplane is not operated for hire, or offered for common carriage. Similarly, Exemption Number 6710B grants relief for the Boeing 757-200. Part of the rationale provided in the FAA analysis/summary is that the FAA has previously approved interior arrangements for mixed cargo/passenger airplanes incorporating a single pair of Type I exits for up to 34 passengers. The proposed interior configuration of the 757-200 airplane will provide seating for maximum 39 passengers and will provide the emergency

exits as discussed above. The FAA analysis/summary goes on to explain that the FAA has determined for private use airplanes (non-compliant with the 60-foot requirement) that the level of safety can be maintained provided certain limitations are applied. These limitations in effect maintain reasonable proximity of passengers to exits and limit the density of seating near the exits. WAI notes for the proposed interior configuration of the 757-200 airplane, which deactivates the Type III overwing exits on the right-hand side of the fuselage, all of the passenger seats are within 30 feet of an exit on the left side of the airplane, and no more than 40 feet on the right side, even with the exits deactivated.

In consideration of the following, there should be no degradation in the passenger safety as a result of this requested exemption:

- The small number of occupants in the private airplane, less than 20% of the capacity allowed for this airplane;
- The familiarity of the flight and cabin crews with the specific airplane, its passengers and its interior arrangement; and
- The number of available emergency exits, [which] exceeds the minimum number required, and their relatively close proximity to passenger seats.

This exemption would allow for deactivation of the two right-hand overwing emergency exits.

Information to Support Grant of Exemption – Interior Doors

Private areas, such as bedrooms and conference rooms, are essential to the owner/operator of private, not-for-hire airplanes. For such arrangements, privacy can only be provided by means of doors, and, therefore, an exemption is needed to allow full use of airplane capabilities without compromising safety for those onboard. All passengers are equally important, wherever they are located.

The proposed interior configuration installs interior doors between passenger compartments at the following locations:

- Staff Area – Opening located between approximately BS 346.6 and BS 386. This is a "pocket" type door that translates longitudinally to open and close.
- Between Crew Passage and Forward Lounge – Opening located at approximately BS 418. This is a "pocket" type door across the main cabin longitudinal aisle that translates laterally to open and close.
- Guest Room 1 – Opening located between approximately BS 1083.5 and BS 1115.5. This is a "pocket" type door that translates longitudinally to open and close.

- Guest Room 2 – Opening located between approximately BS 1195.5 and BS 1227.5. This is a "pocket" type door that translates longitudinally to open and close.

The risk for occupants due to the installation of interior doors between passenger compartments should be considered acceptable for the following reasons:

- Each door between passenger compartments will be frangible.
- Each door between passenger compartments will provide remote indication of door position to the flight crew. Appropriate procedures and limitations will be provided to ensure that the doors are in the proper position for takeoff and landing.
- Each door between passenger compartments will have dual means to retain it in the open position for taxi, takeoff and landing, each of which will be capable of withstanding the inertia loads specified in 14 CFR 25.561.
- Any door installed across a longitudinal aisle will translate laterally to open and close.
- The airplane will be operated under 14 CFR part 91 or part 125 and will not be operated for hire or offered for common carriage.

This exemption would allow for the installation of several interior doors between passenger compartments as shown on the attached floor plan.

Evaluation of Public Interest

The approval of this Petition for Exemption would demonstrate the FAA's willingness to deal with the issues involved with this Exemption, and would be in the public interest for the following reasons:

- Given the proliferation of executive configured transport category airplanes currently taking place, and anticipated in the near future, this type of exemption will enable US manufacturers of transport category airplanes greater flexibility to effectively compete in this expanding market.
- Additional sales of US manufactured airplanes outside of the traditional airline market, and completion of many of them at US owned and operated aircraft completion centers, will serve to increase the profitability of these manufacturers and their supplying/supporting companies.
- Stability and improved financial performance of these US companies gives greater job stability to the workers employed by the companies, causing a stabilizing influence to the greater US economy, due to the consumer spending activities associated with stable workers.

- Improved financial performance of US owned and operated corporations, and increased workforce stability, translates into continued and improved local, state, and federal tax revenues, which in turn adds to the stability of the total US economy.
- Improved financial performance allows US corporations to continue to invest in research and development allowing the US to maintain or improve its competitive position in the world economy.
- A large number of these types of airplanes will probably be sold to "offshore" clients, improving the US balance of trade.
- There is no degradation of safety involved with this request and therefore no detrimental impact to the public at large."

Federal Register publication

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

The FAA's analysis/summary 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 use" of such airplanes. Given this situation, the FAA has 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.

The applicant's request for exemption includes § 25.807(c)(7) at Amendment 25-67. This regulation is not part of the certification basis of the aircraft. Therefore an exemption from this section is not required. However, we consider that related requirements in §§ 25.2 and 21.183(f) are within the intent of this petition and are therefore addressed below.

Firm handhold

The applicant has petitioned for exemption from the requirement that a "firm handhold" be provided "along each aisle." This requirement is found in § 25.785(d) at Amendment 25-32.

We have considered the requirement for firm handholds in the context of private use airplanes. For the forward lounge, master bedroom, and aft lounge, 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.

Distance between exits

As noted above, the petitioner requested relief from § 25.807(c)(7), but that requirement is not in the type certification basis of the airplane. However, § 25.2(b) states: "Irrespective of the date of application, each applicant for a supplemental type certificate (or an amendment to a type certificate) for an airplane manufactured after October 16, 1987, must show that the airplane meets the requirements of Section 25.807(c)(7) in effect on July 24, 1989." Therefore this requirement would be applicable to this airplane. In addition, § 21.183(f) states the following:

> *Passenger emergency exit requirements.* Notwithstanding all other provisions of this section, each applicant for issuance of a standard airworthiness certificate for a transport category airplane manufactured after October 16, 1987, must show that the airplane meets the requirements of § 25.807(c)(7) in effect on July 24, 1989. For the purposes of this paragraph, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data.

Relief from this requirement is likely necessary for the petitioner to achieve the desired effect.

Therefore, while an exemption from § 25.807(c)(7), Amendment 25-67, is not required for the airplane in question, exemptions from §§ 25.2 and 21.183(f), which have the effect of requiring compliance with that section, are required in order for the proposed interior to be installed on this airplane. The following discusses the issue of distance between seats in terms of § 25.807(c), Amendment 25-67, since that requirement is the one that contains the airworthiness requirements.

To properly address the issue of distance between exits, the FAA has been reviewing the background of the regulation and its relevance to private use operations. We are considering this requirement as part of a larger effort concerning private use operations, with the ultimate objective of amending the airworthiness standards for transport category airplanes by adding new cabin interior criteria for operators of private use airplanes. The notice of proposed rulemaking (NPRM) associated with these amended airworthiness standards, entitled "Special Requirements for Private Use Transport

Category Airplanes," was published in the *Federal Register* (Ref. Docket No. FAA-2007-28250, Notice No. 07-13) on July 3, 2007. The FAA is currently addressing the comments received in response to the NPRM. However, for this airplane, appropriate standards can be stated.

Amendment 25-67 was adopted in order to establish quantitative limits on the distance that could exist between passenger exits, and to address what appeared to be a trend of increasing distance between exits.

In this case, the exit-to-exit distance greater than 60 feet is created by deactivation of the pair of right-hand, Type III overwing exits.

There are two main differences between this airplane and a typical Boeing Model 757. First, the airplane in question is not to be operated in commercial service. It is intended for private use, and not for hire or offered for common carriage. Second, the passenger capacity permitted by the available exits exceeds the actual number of seats on the airplane. The FAA does however note that with the deactivation of the exits, the maximum capacity is no longer 224 but is 90, absent further discussion. This does, however, exceed the proposed 39 passenger capacity.

For the first difference, the FAA acknowledges that persons flying on the airplane will not be fare-paying passengers, and therefore might not expect an equivalent level of safety to that afforded in commercial operation. Nonetheless, such passengers must be afforded an adequate level of safety, so the status of the passengers is not entirely relevant for determining whether an exemption should be granted. In addition, because the Boeing Model 757 is typically used in commercial operation, some passengers *may* expect that the level of safety is the same.

Regarding the second difference, the number of passengers is not the paramount concern when addressing distance between exits, although it is relevant in determining the type and number of exits required. It is this point that the FAA has considered further in making its determination.

The FAA has previously approved interior arrangements for mixed cargo/passenger airplanes incorporating a single pair of Type I exits for up to 34 passengers. These approvals were made via an exemption, since the regulations did not address that specific exit arrangement. As a result of that history, it is reasonable to assume that this airplane would be eligible for approval of 34 passengers with only the aft pair of exits active. Such an approval might restrict the location of seats to the aft portion of the airplane, but that would likely be acceptable. The remaining exit pairs could be deactivated. In this case, the airplane arrangement incorporates provisions for 39 passengers. The majority of these passengers are seated in the rear half of the airplane. Since the right-hand Type III overwing exits are deactivated, the only fully qualified exit pairs are at the number 2 and 4 doors. In addition, the forward right-hand Type I and left-hand overwing Type III exits are also available.

When viewed from this perspective, the petitioner is requesting 5 additional passengers over what could be approved for a single pair of Type I exits, and providing 3 additional Type I exits (door 1 right hand, and door 2 right hand and left hand) and 2 Type III overwing exits (left side). While this is not necessarily a direct substitute for limiting the distance between exits, the FAA has considered the overall impact on safety if the petitioner were to reduce the passenger capacity by 7, and deactivate 5 additional exits. This would not be a desirable outcome, and we have determined that, in this case, the overall level of safety is improved by retaining the exit configuration proposed, at the passenger capacity proposed. Therefore, with limitations as noted, the FAA is granting the exemption as requested.

In order to maintain reasonable proximity of passengers to exits, each passenger seat should be longitudinally within 30 feet of an emergency exit, on each side of the fuselage, when all of the overwing exits are deactivated. When only one set of overwing exits is deactivated (both the left-hand or both the right-hand), each passenger seat should be within 30 feet of an exit on one side of the fuselage, and within 60 feet on the side opposite. Generally, the FAA has determined that limitations on the absolute passenger capacity are appropriate where distance to exits exceeds 60 feet. However, because of other limitations in this exemption, those limitations would be redundant. Since the remaining exits could be greater than 60 feet apart, and since the seating arrangements will not be typical of commercial operation, it is also considered necessary to limit the density of seating near the exits. In this case, and in keeping with other approvals, no more than 34 passenger seats should be located with 30 feet of the aft pair of floor level exits, when all overwing exits are deactivated. This will prevent overloading the aft pair of exits. When only one set (both the left-hand or both the right-hand) of overwing exits is deactivated, no restrictions on seating density are applied.

Note that in granting the exemption, the FAA is not making a judgment about the validity of the requirement for distance between exits in general but, rather, has determined that the particular arrangement described herein warrants an exemption. In this case, the arrangement could be modified to deactivate even more exits and, with a small reduction in passenger capacity, be approvable. The FAA does not consider that these additional deactiviations would be in the interest of safety. Granting the exemption is a more appropriate method to protect passenger safety.

The applicant's proposed seating arrangement meets the criteria listed above. All of the passenger seats are within 30 feet of an exit on the left-hand side of the airplane, and no more than 40 feet on the right-hand side, even with both of the right-hand Type III exits deactivated. It should be noted that, while the regulations specify exit-to-exit distance, they do not limit the distance between passenger seats and exits. As discussed above, the total passenger capacity is quite low relative to the number of available exits, so there are compensating factors in that regard. The FAA considers that passenger capacity and location of passenger seats should be limited when the exit-to-exit distances required in the rule are exceeded. In this case, the interior arrangement provides adequate limitation. An amendment to this exemption may be required if the distribution of passenger seats changes.

Interior doors

When the regulations pertaining to interior doors were adopted, they considered two possible types of interior doors in a passenger compartment: An interior door between passenger compartments and an interior door between the passenger compartment and an exit.

Until recently, only the first type of door (between passenger compartments) was prohibited (see § 25.813(e)). However, part 25, as amended by Amendment 25-116, now also prohibits interior doors between an exit and the passenger compartment. In addition, Amendment 121-306 prohibits these doors in airplanes operated under 14 CFR part 121 that were manufactured after November 27, 2006. Amendments 25-116 and 121-306, titled "Miscellaneous Cabin Safety Changes," were published in the Federal Register on October 27, 2004 (69 FR 62778).

In airplanes configured for private use, there are four different categories of doors in the passenger cabins. For all four categories, the room may be occupied during takeoff and landing.

> **Category 1**. A door in a room that is less than the full width of the airplane. There will be an aisle on the outside of the room. Only the occupants of the room must use the door to reach an exit.
>
> **Category 2.** A door in a room less than the full width of the airplane and the same as a Category 1 door, except there is a single emergency exit or pair of emergency exits within the room.
>
> **Category 3.** A door or doors in a room that is the full width of the airplane. There are passengers seated on both sides of the door(s), and the main aisle leads out of or passes through the room. The room does not have any emergency exits.
>
> **Category 4.** A door in a room the full width of the airplane and the same as a Category 3 door, except there is a pair of emergency exits at one end of the room.

Because not all interior doors between passenger compartments are equivalent, the FAA has determined that the following requirements will produce an adequate level of safety:

a. In order to maintain an acceptable level of safety, doors in Categories 2, 3, or 4 installed across the main cabin aisle must open and close in a transverse direction. The direction of motion of the door must be at a right angle to the longitudinal axis of the airplane. This arrangement will tend to minimize the chance that the inertia forces of an accident could force the door closed. A "pocket door" is one example of such a design.

b. Redundant means are necessary to latch doors open for takeoff and landing. Each latching means must be capable of retaining the door in the takeoff and landing position under the inertia forces of § 25.561.

c. Each interior door must be frangible, in case it is jammed in the closed position in flight or during taxi, takeoff, or landing. Frangibility is intended to ensure that if a door is jammed closed, occupants can break it open and escape in either direction and emergency equipment can be moved. Frangibility may be demonstrated in either of the following ways:

- A 5th percentile female can break through the door, creating a large enough opening that a 95th percentile (or larger) male can pass through. (See Advisory Circular 25-17, "Transport Airplane Cabin Interiors Crashworthiness Handbook," paragraph 43b(2)).

- A 5th percentile female can break a hinge on the door or a hinge on a smaller door within the door so that the door can swing enough to allow a 95th (or larger) percentile male to pass through the opening with the door swung open. This evaluation must be made with any cabin furnishing or equipment that could limit the swing arc of the door installed and then placed in the most adverse position. In using this approach, one must consider the possibility that the door is physically jammed in the closed position by distortion of the fuselage or furnishings. This possibility must be considered even if the door normally translates into the open and closed positions.

d. Doors which fall into Category 1 must be in the open position during taxi, takeoff, and landing only when the room is occupied**.**

e. Doors which fall into Categories 2, 3, or 4 must be in the open position during taxi, takeoff, and landing, regardless of occupancy.

f. The FAA has determined that a higher level of awareness is required to ensure that no door remains closed when it should not be. Because the cabin interior is relatively complex, inspection by flight attendants before takeoff and landing is not sufficient to verify that interior doors are in the proper position. Some type of remote indication is considered necessary. The petitioner's proposal to provide remote indication to the flightcrew is considered adequate.

Public interest

For the reasons stated by the petitioner, the FAA agrees that the granting of this petition is in the public interest.

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, Wagner Aeronautical, Inc. is hereby granted an exemption from the requirements of 14 CFR 21.183(f), Amendment 21-88, 25.2(b), Amendment 25-99, 25.785(d), Amendment 25-32, and 25.813(e), Amendment 25-32 for a Boeing Model 757-200 airplane, serial number 29306. Specifically, this exemption allows relief from the requirement to provide firm handholds, it permits an exit-to-exit distance of greater than sixty feet, and it allows installation of interior doors between passenger compartments. This exemption is subject to the following conditions:

1) 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. The maximum passenger capacity is 39.

2) A majority of flight attendant seats must be oriented to face the passenger cabin.

3) Each door between passenger compartments must be frangible.

4) Doors that fall into Category 1 must be in the open position during taxi, takeoff, and landing only when the room is occupied or when passengers must pass through the room to reach an emergency exit.

5) Doors that fall into Categories 2, 3, or 4 must be in the open position during taxi, takeoff and landing, regardless of occupancy.

6) Each door between passenger compartments must have a means to signal to the flightcrew when the door is closed. Appropriate procedures/limitations must be established to ensure that takeoff and landing is prohibited when such compartments are occupied and the door is closed.

7) Doors between passenger compartments must have dual means to retain them in the open position and each means must be capable of withstanding the inertia loads specified in § 25.561.

8) Doors in Categories 2, 3, or 4 which are installed across a longitudinal aisle must translate laterally to open and close.

9) When all overwing exits are deactivated, each passenger seat shall be located within 30 feet of an emergency exit, on each side of the airplane and no more than 34 seats shall be located within 30 feet of the aft pair of Type I emergency exits.

10) When only one set (both the left-hand or both the right-hand) of overwing exits is deactivated, each passenger seat shall be located within 30 feet of an exit on one side of the fuselage and within 60 feet on the side opposite. No restrictions on seating density are applied.

Issued in Renton, Washington, on July 14, 2008.

/s/Michael J. Kaszycki
Michael J. Kaszycki
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