

**Exemption No. 8836**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98057-3566**

In the matter of the petition of

**MAV Aircraft Services**

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

**Regulatory Docket No. FAA-2006-26318**

**GRANT OF EXEMPTION**

By letter dated October 23, 2006, Mr. Rocky Howard, Agent for MAV Aircraft Services, 4601 North Main Street, Hanger 39 North, Fort Worth, Texas 76106, 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 23402, that has been designated as “private, not-for-hire.”

**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

Title 14 CFR part 25 governs design certification of transport category airplanes. The primary intent of these regulations is to be certain that airplane manufacturers provide the appropriate design features to meet the standards necessary to protect the traveling public. However, these regulations are intended to regulate the certification of commercial airplanes, which are for hire to the general public. When a transport category airplane is operated under 14 CFR part 91 or part 125, and not operated for hire or offered for common carriage, a portion of the part 25 rules have acceptance criteria that are not compatible with the type of operations and the intended use of this airplane.

The FAA recognizes these differences by the issuance of Exemption numbers 6820 and 6820A that apply to “private use, not-for-hire” operations under 14 CFR part 91 and part 125. In addition, there have been previous exemptions granted specifically for 14 CFR 25.785(d) on large executive type airplanes (reference Exemption No. 8682 for Boeing 767-200, serial number 23896).

#### Basis for Exemption

This Boeing Model 767-200 is privately owned and will be operated under part 125 regulations. The interior configuration will provide seating for 33 passengers, which represents just 13 percent of the capacity allowed for this airplane.

The requirement for firm handholds along the aisle cannot be met for certain areas in the passenger cabin due to the open areas, specifically the Guest Room and the Lounge. 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 provided an additional benefit towards the level of safety.

#### Occupant Safety Considerations

The risk for occupants due to the non-availability of direct handholds 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 Lounge area has several divans reachable with a few steps with back heights of 37 inches, meeting the acceptable height of 31 inches to qualify as a handhold, allowing a person to stabilize oneself during turbulence;
- The Guest Room has three (3) tables, though with height not meeting the 31 inches height to qualify as a handhold, they will 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 seatbelts 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

In its list of reasons why this petition is in the public interest, MAV cited the economic benefits to the country in being better able to compete in the global market, increasing profitability of the manufacturing and supporting companies, providing stable employment, which in turn generates tax revenue, enabling investment in research and development, efficiently and safely carry of Head of State, and increasing sales to foreign clients, thus improving the balance of trade. MAV also said that since the passengers aboard these airplanes will not be paying customers of the airlines, there can be no degradation of airline passenger safety. It suggests that granting this petition will allow the FAA to expend resources on this subject only once, not for each interior arrangement.

MAV Aviation Services' complete petition for exemption is available on the Department of Transportation's docket website. Go to <http://dms.dot.gov>. The docket number is FAA-2006-26318. The petitioner's complete supportive information is contained in its petition.

## **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, 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 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 Guest Room and the 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.

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, MAV Aircraft Services is hereby granted an exemption from 14 CFR §§ 25.785(d), Amendment 25-32. The petition is granted to the extent necessary to allow MAV Aircraft Services to install an executive interior on a “private, not-for-hire” Boeing Model 767-200 airplane, serial number 23402. Specifically, the exemption allows relief from the requirement to provide firm handholds in the aisle in the Guest Room and the Lounge. 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. This provision must be documented as an operating limitation in the limitations section of the Airplane Flight Manual.

Issued in Renton Washington, on February 7, 2007.

/s/

Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service