

Nondiscrimination on the Basis of Disability in Air Travel

**APPLICATION OF KOREAN AIR LINES CO., LTD.
FOR AN AMENDED EQUIVALENT ALTERNATIVE DETERMINATION**

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July 26, 2023

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

**Nondiscrimination on the Basis of
Disability in Air Travel**

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DOT-OST-2008-0273

**APPLICATION OF KOREAN AIR LINES CO., LTD.
FOR AN AMENDED EQUIVALENT ALTERNATIVE DETERMINATION**

Pursuant to 14 CFR § 382.10, Korean Air Lines Co., Ltd. (“Korean Air” or the “Company”) respectfully applies for an amended equivalent alternative determination (“EAD”) of the Departments’ moveable aisle armrest requirement in 14 C.F.R. § 382.61. Korean Air seeks this determination for business class seat designs for the Company’s new Boeing 787-10 and existing 777-300ER aircraft.

In support of this Application, Korean Air states as follows:

1. The Company expects to receive from Boeing 20 new Boeing 787-10, with a new business class suite seat design installed. The first delivery is scheduled for October 2023, with entry into service expected on November 1, 2023. The Company also expects to retrofit its existing Boeing 777-300ER business class seats with the same new suite design. The seat model is [REDACTED]

[REDACTED].¹ The Company holds a current Equivalent Alternative Determination

¹ Information related to the seat, seat design, seat dimensions, and other plans related to the installation of these new seats is proprietary, sensitive commercial information. Korean Air is filing a contemporaneous Motion for Confidential Treatment regarding this information.

for its Boeing 777-300ER business and first-class seats,² and through this application seeks to amend that determination.

2. Pursuant to Section 382.61(e), aircraft delivered after May 13, 2010 must have movable aisle armrests installed in at least half of the aisle seats in which persons with mobility impairments are permitted to sit, proportionately throughout the cabin. The [REDACTED], however, are integrated suite designs which cannot incorporate a moveable aisle armrest into their design. See Exhibit KE-1 and KE-2.

3. As illustrated in Exhibit KE-1, the relevant dimensions of the suite are identical for both the 787-10 and 777-300ER aircraft. Exhibit KE-3 illustrates the cabin layouts and aisle widths for the 787-10 and the 777-300ER.³

5. Section 382.61(a) requires that Korean Air equip “at least one-half of the aisle seats in rows in which passengers with mobility impairments are permitted to sit under FAA or applicable foreign government safety rules” with moveable aisle armrests. As illustrated in the Exhibits and the video of example transfers provided directly to the Department, all of the Company’s [REDACTED] will be accessible to persons with mobility impairments.

6. Korean Air is filing directly with the Department videos of assisted and unassisted transfers using the on-board wheelchair.⁴ The video depicts unassisted and assisted transfers with an aisle width equivalent to the Boeing 787-10 aisle width, which

² See Letter of Livaughn Chapman, Jr. to William H. Callaway (November 25, 2013).

³ Continuing this comparison, the only material difference between the configuration on the two aircraft is that aisle width in the 787-10 is slightly narrower than the aisle width of the 777-300ER [REDACTED].

⁴ Exhibit KE- 2 also depicts the dimensions of the on-board wheelchair (manufactured by Miki Korea) for both the Boeing 787-10 and the Boeing 777-300ER.

is the narrower of the two aircraft. As demonstrated in these videos, transfers to and from the [REDACTED] are conducted safely and comfortably and in a dignified manner. As such, Korean Air respectfully submits that a new video demonstration to accompany this application for the Boeing 777-300ER is unnecessary in these circumstances and, moreover, unduly burdensome.⁵

7. The Department has stated that a foreign air carrier may seek an equivalent alternative determination “if the seats in a given class of service . . . can be accessed by a wheelchair user without a movable aisle armrest being provided.” Final Rule, Nondiscrimination on the Basis of Disability in Air Travel, 73 Fed. Reg. 27614, 27652 (May 13, 2008). The information set forth in the exhibits discussed above demonstrates that Korean Air’s [REDACTED] meet the criteria for the grant of an equivalent alternative determination, namely that “persons with mobility impairments using aisle and boarding wheelchairs can transfer horizontally into a given seat without being lifted over an armrest or other obstacle.” Id.

8. Grant of the requested equivalent alternative determination is in the public interest. First, Korean Air’s proposed accommodation meets the criteria set forth in Part 382 and “provides substantially equivalent accessibility” to mobility impaired passengers. 14 C.F.R. § 382.10(c)(2). As the Department stated in its Final Rule, “[i]n order to be viewed as an equivalent alternative, a[n] . . . accommodation, or piece of equipment must really provide substantially equivalent accessibility to passengers with disabilities than compliance with a provision of the rule.” 73 Fed. Reg. at 27647

⁵ Korean Air crewmembers will be trained to assist passengers into and out of the [REDACTED] using the same methods that are used to perform transfers in other seats for which the Company currently holds Equivalent Alternative Determinations.

(discussing Section 382.10). The Department has previously granted Equivalent Alternative Determinations to the Company authorizing it to utilize similar seats in other new aircraft (see fn. 1, supra). Second, Korean Air believes that these suite designs will provide its passengers with greater comfort, convenience, and privacy than “traditional” seating systems equipped with movable aisle armrests.

9. Korean Air will provide additional data and information to the Department upon request.

WHEREFORE, for the reasons set forth above, Korean Air Lines Co., Ltd. respectfully requests the Department promptly grant it an equivalent alternative determination concerning compliance with 14 C.F.R. § 382.61 as more fully discussed above.

Respectfully submitted,



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Exhibit KE-1

**Application of Korean Air Lines Co. Ltd.
For an Amended Equivalent Alternative Determination**

Seat Designs for the [REDACTED]
(Confidential Treatment Requested under 14 C.F.R. § 302.12)

Exhibit KE-2

**Application of Korean Air Lines Co. Ltd.
For an Amended Equivalent Alternative Determination**

Dimensions of the 

And Dimensions of the On-board Wheelchair

(Confidential Treatment Requested under 14 C.F.R. § 302.12)

Exhibit KE-3

**Application of Korean Air Lines Co. Ltd.
For an Amended Equivalent Alternative Determination**

LOPA for B787-10 and B777-300ER
(Confidential Treatment Requested under 14 C.F.R. § 302.12)

Certificate of Service

I hereby certify that on this the 26th day of July, 2023, I caused a copy of the unredacted Application of Korean Air Lines Co., Ltd. to be served via electronic mail on the individuals named below:

Blane Workie, U.S. DOT (blane.workie@dot.gov)

Liv Vaughn Chapman, U.S. DOT (liv Vaughn.chapman@dot.gov)

Robert Gorman, U.S. DOT (robert.gorman@dot.gov)

A handwritten signature in blue ink, appearing to read "Barb Marrin", written in a cursive style.

Barbara M. Marrin