

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.549

National Policy

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5/28/20

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5/28/21

SUBJ: Conformity Review of Transport Category Airplanes Operating Under
Part 135 to Determine Compliance with § 25.813(e)

1. Purpose of This Notice. This notice announces a required conformity review of transport category airplanes authorized for operations under Title 14 of the Code of Federal Regulations (14 CFR) part 135 to determine their compliance with 14 CFR part 25, § 25.813(e).

2. Audience. The primary audience for this notice includes Federal Aviation Administration (FAA) Principal Maintenance Inspectors (PMI)/Principal Avionics Inspectors (PAI) assigned to part 135 certificate holders (Safety Assurance System (SAS) Peer Groups B, C, and D only). The secondary audience includes FAA Flight Standards Service (FS) personnel who approve and/or review certificate holder operations specification (OpSpec) authorizations.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <https://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <https://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background.

a. Section 25.813(e) is a safety regulation pertaining to emergency exit access for aircraft passengers. In 2004, Amendment 25-116, titled "Miscellaneous Cabin Safety Changes," was published, revising § 25.813(e) to read, "No door may be installed between any passenger seat that is occupiable for takeoff and landing and any passenger emergency exit, such that the door crosses any egress path (including aisles, crossaisles and passageways)." The revision restricted the installation of any interior door between a passenger seat and any emergency exit. This replaced the previous requirement that no door could be installed between passenger compartments.

b. For many years, the FAA has granted exemptions to § 25.813(e) to allow the installation of doors between passenger compartments for transport category airplanes operated under 14 CFR part 91. These exemptions typically include specific conditions, such as not operating an aircraft for hire or for common carriage under part 135.

c. To reduce the need for an exemption, in 2009, the FAA implemented Special Federal Aviation Regulation (SFAR) 109, Special Requirements for Private Use Transport Category Airplanes. The SFAR permits design holders to utilize certain features, including the installation of interior doors, when the airplane is used in private use passenger operations. In order for an operator to switch from private use to part 135 operation, limitations are specified, in each particular exemption, that identify necessary changes to meet the additional part 135 requirements. For example, doors that may be closed for private use are required to be disabled and secured open for part 135 operations.

d. In 2017, the FAA notified the industry of its intent to consider exemptions to § 25.813(e) for airplanes operated under part 135. Recently, the FAA began issuing exemptions prescribing performance-based conditions and limitations that allow the aircraft to be used in for-hire common carriage operations under part 135 with a passenger compartment interior door installed. If an exemption is utilized, then each aircraft interior must be evaluated against the exemption to ensure compliance.

5. Discussion.

a. **Conformity Review.** The Air Transportation Division has become aware that there may be aircraft operating under part 135 that are not in compliance with § 25.813(e) or an authorized exemption. A conformity review of each transport category airplane currently authorized for use in part 135 operations is necessary to determine that each aircraft's interior is properly configured for operations under part 135. Information for Operators (InFO) 18006, Exemption from Title 14 of the Code of Federal Regulations (14 CFR) Part 25, § 25.813(e), was published on June 25, 2018, to raise operator awareness of the situation.

b. **Exemptions to § 25.813(e).** Due to policy variations over time, different scenarios could be encountered during the review.

(1) Airplanes that have a § 25.813(e) exemption for part 91 operations may operate under part 135 with interior doors installed, authorized by an approved configuration, with the door deactivated. In this case, a door that is deactivated in the open position is no longer a door between a passenger seat and an emergency exit. Therefore, the configuration complies with § 25.813(e) and the exemption is not being utilized.

(2) Recently, the FAA began granting exemptions that allow the installation and use of interior doors on transport category airplanes operated in part 135 on-demand service and in common carriage. These airplanes may conduct part 135 operations, without deactivation or removal of the door, subject to the limitations and conditions of the exemption. Since each exemption may have different requirements, each aircraft interior must be evaluated against the applicable exemption to ensure compliance. Exemptions may describe different interior configurations with limitations specific to each configuration.

c. **Airworthiness Certificates.** The Airworthiness Certificate should not be used to determine if the airplane is subject to an exemption to § 25.813(e).

(1) Prior to the publication of FAA Order 8130.2J, Airworthiness Certification of Aircraft, dated July 21, 2017, some Airworthiness Certificates were issued with exemptions held

by the manufacturer, and listed in block 5 of the Airworthiness Certificate. Exemptions may also have been listed on the aircraft Type Certificate Data Sheet (TCDS). Although the exemptions were available for the applicable aircraft, the aircraft may not have been actually configured with an interior door between a passenger seat and any emergency exit. Therefore, the Standard Airworthiness Certificate may reflect an exemption that is not applicable to the aircraft it is issued for.

(2) Many aircraft interior configurations are approved by a Supplemental Type Certificate (STC). Exemptions approved within an STC are not listed on the STC cover page but are typically embedded in the STC installation instructions. An Airworthiness Certificate may not reflect an exemption approved within an STC.

(3) The Standard Airworthiness Certificate includes space in block 5 for listing any exceptions to International Civil Aviation Organization (ICAO) Annex 8, Airworthiness of Aircraft. An exemption to § 25.813(e) is not an exception to ICAO Annex 8, so it is not necessary to be listed on the Airworthiness Certificate.

6. Action.

a. Determine Compliance. PMIs and PAIs must conduct a conformity review of each transport category airplane operating under part 135 (SAS Peer Groups B, C, and D only) to determine compliance with § 25.813(e). The principal inspectors (PI) must determine whether each aircraft is configured with internal passenger compartment doors across aisle ways, and if so, whether the aircraft is eligible for operation under part 135. This review must be performed and documented by the end of the first quarter of Fiscal Year 2021 (Q1FY21).

b. Procedures:

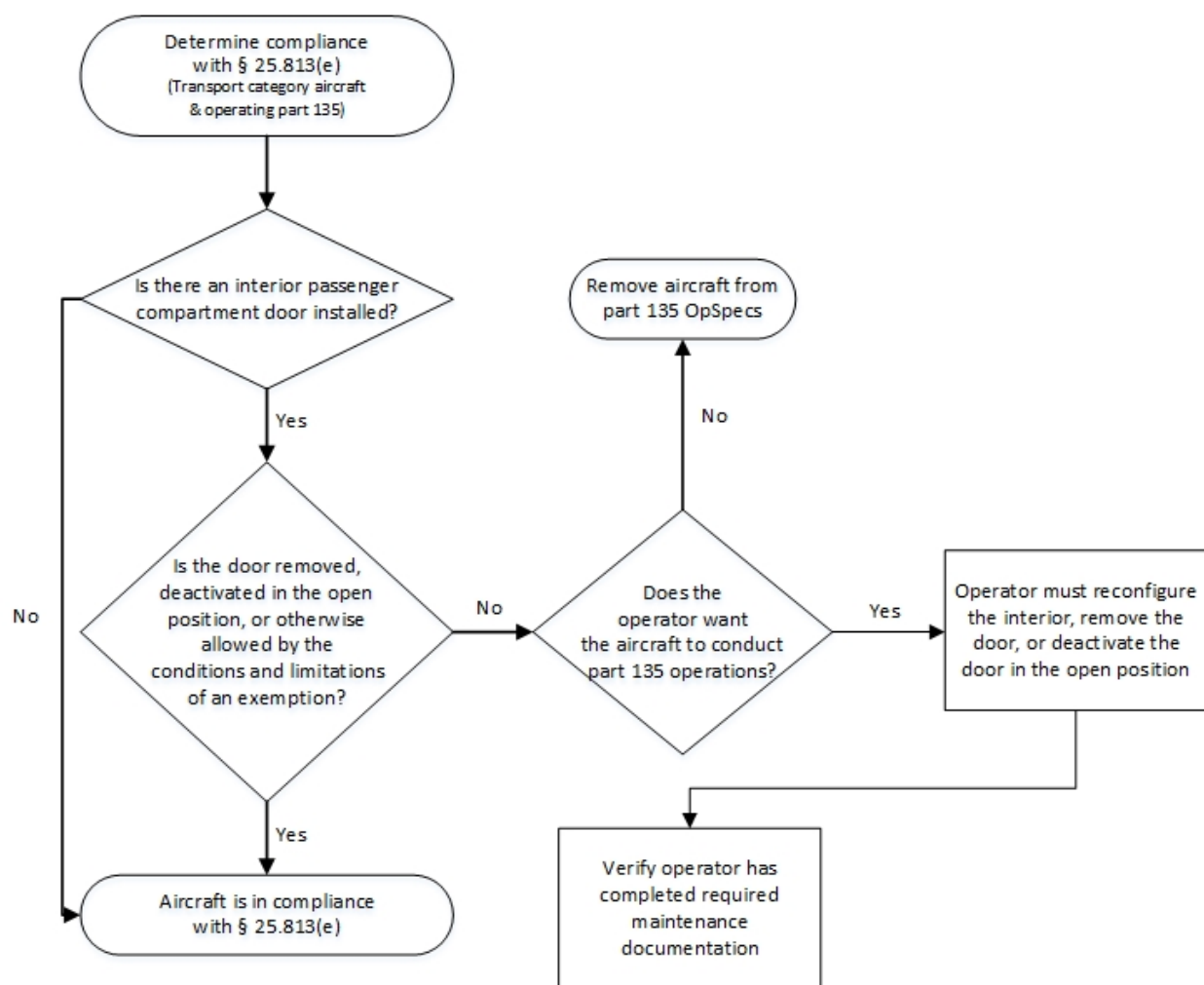
(1) Step 1 – Verify the actual configuration of the aircraft. (Is there an interior passenger compartment door installed?)

(2) Step 2 – Determine if the aircraft is properly configured for part 135 operations. (Is the door removed, deactivated in the open position, or otherwise allowed by the conditions and limitations of an exemption?) If an exemption is being utilized, ensure the aircraft interior configuration adheres to the exemption limitations and conditions. Exemptions may be downloaded from the FAA's website at <https://aes.faa.gov/>.

(3) Step 3 – If the aircraft is not properly configured for part 135, the owner/operator must have the aircraft removed from part 135 OpSpecs or reconfigure the interior, remove the door, or deactivate the door in the open position.

(4) Step 4 – Ensure the owner/operator has completed the required maintenance documentation to determine the aircraft is in compliance with § 25.813(e).

Note: Operators must follow their established procedures for recording maintenance, including procedures for notifying crewmembers of aircraft configuration changes.

Figure 1. Aircraft Compliance Review

c. Changes to the Airworthiness Certificate. If requested by the owner/operator, it is acceptable to remove an exemption listed on an Airworthiness Certificate in accordance with Order 8130.2, chapter 2, section 2-4, by issuing a replacement Airworthiness Certificate to remove the inaccurate information. FAA Form 8130-6, Application for U.S. Airworthiness Certificate, is not required; the registered owner/agent or operator should provide a signed statement that includes the aircraft registration number, make, model, serial number (S/N), and reason for replacing the certificate.

d. Record Results. Record the review on the “25.813(e) Conformity Review” National/Divisional Custom Data Collection Tool (DCT) (C DCT), currently available in SAS. The PI must complete one National/Divisional C DCT for each part 135 operator that has a transport category aircraft in its fleet (SAS Peer Groups B, C, and D only), indicating the PI has done a complete review of the operator’s fleet. PIs should follow FAA Order 8900.1, Volumes 10 and 14, to document and correct any noted discrepancies. Record the make/model of those aircraft having an issue in the “Supporting Comments” block of the National/Divisional C DCT question. Enter “N8900.CONREV” in the “Local/Regional/National” field for each National/Divisional C DCT.

Note: Refer to the Quick Reference Card (Q-Card) titled “Adding a Custom DCT” or the Data Collection Tool User Guide (DUG) topic “NATIONAL/DIVISIONAL C-DCT” for detailed instructions related to adding a C DCT. The Q-Cards and DUG can be accessed through the SAS Resource Guide (SRG) under the SAS Home Page, Useful Links.

7. Disposition. We will not incorporate the information in this notice into Order 8900.1. Direct questions concerning the information in this notice to the Aircraft Maintenance Division, General Aviation Branch at (202) 267-1675.

A handwritten signature in black ink, appearing to read "R. Carty", with a stylized flourish at the end.

Robert C. Carty
Deputy Executive Director, Flight Standards Service