

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.669

National Policy

Effective Date:
8/3/23

Cancellation Date:
8/3/24

SUBJ: Carriage of 14 CFR Part 25 Exemption Authorized Persons Aboard All-Cargo Airplanes and OpSpec/Part 125 LOA A005 Requirements

1. Purpose of This Notice. This notice provides clarification and guidance to principal inspectors (PI) who carry certain persons onboard an all-cargo airplane with a Class E¹ cargo compartment. Additionally, this notice will ensure that any exemptions authorized by Title 14 of the Code of Federal Regulations (14 CFR) part 25 relating to the carriage of authorized persons will be listed in Operations Specification (OpSpec) or part 125 Letter of Authorization (LOA) A005, Exemptions and Deviations. Part 125 LOA A005 is also applicable to A125 Letter of Deviation Authority (LODA) holders, so this notice applies to those PIs as well.

2. Audience. The primary audience for this notice is PIs responsible for oversight of 14 CFR part 121, part 125 (including A125 LODA holders), or 14 CFR part 135 operators that may be using a part 25 exemption(s) approved by the Federal Aviation Administration (FAA) Aircraft Certification Service (AIR) for all-cargo airplanes with a Class E cargo compartment for the carriage of authorized persons. The secondary audience includes any aviation safety inspectors (ASI) in the Office of Air Carrier Safety Assurance (ACSA) or the Office of General Aviation Safety Assurance (GASA), and other Flight Standards personnel in the Office of Safety Standards (OSS) and the appropriate Office of Foundational Business divisions such as the Safety Risk Management Division (AFB-400) and the Workforce Development Division (AFB-500).

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 and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

¹ Per § 25.857(e), "a Class E cargo compartment is one on airplanes used only for the carriage of cargo and in which – (1) [Reserved] (2) There is a separate approved smoke or fire detector system to give warning at the pilot or flight engineer station; (3) There are means to shut off the ventilating airflow to, or within, the compartment, and the controls for these means are accessible to the flight crew in the crew compartment; (4) There are means to exclude hazardous quantities of smoke, flames, or noxious gases, from the flight crew compartment; and (5) The required crew emergency exits are accessible under any cargo loading condition."

4. Background. The term “Supernumeraries”² will no longer be used. All references relating to the carriage of passengers aboard all-cargo airplanes will instead use the term “authorized persons.” This notice address two scenarios that require part 25 exemptions:

- The approval(s) necessary for the carriage of authorized persons aboard an all-cargo airplane with a Class E cargo compartment.
- The approval(s) necessary for those authorized persons to be allowed within the Class E cargo compartment during flight (e.g., aft of the smoke and 9g barriers).

a. General. The carriage of authorized persons, who are not part of the flightcrew, aboard an all-cargo airplane with a Class E cargo compartment requires listing the applicable part 25 exemption(s) in the operator’s OpSpec/part 125 LOA A005.

b. Clarifications. This notice also clarifies when an operator is required to petition for an exemption, or when an operator can use an existing part 25 exemption that was granted to the type certificate (TC) holder or Supplemental Type Certificate (STC) holder for an all-cargo airplane with a Class E cargo compartment. Part 25 exemptions may be separate or combined into a single exemption that authorizes both (1) the carriage of authorized persons and (2) their entrance into the Class E cargo compartment during flight. In either case, these part 25 exemptions must be entered in an operator’s OpSpec/part 125 LOA A005.

5. Regulatory Requirements.

a. Title 14 CFR Part 119. Regulatory requirements for listing part 25 exemptions in OpSpecs are found in part 119:

- Section 119.49(a)(12) pertains to domestic, flag, and commuter operators;
- Section 119.49(b)(12) pertains to supplemental operators; and
- Section 119.49(c)(11) pertains to on-demand operators.

b. Part 125. The regulatory requirement to list part 25 exemptions for part 125 is not as specific; however, part 125, § 125.31(b)(6) suffices.

6. Discussion. When any person, other than a flightcrew member, is carried on board an all-cargo airplane with a Class E cargo compartment, the appropriate exemptions from the various part 25 requirements must be granted and those exemptions must be populated into an operator’s OpSpec/part 125 LOA A005.

a. Crews and Passengers. The FAA considers only two categories of people aboard an airplane: crew or passenger. Any persons carried aboard an all-cargo airplane who are not flightcrew are therefore considered passengers. Part 121, § 121.583; § 125.331; and part 135, § 135.85 allow certain persons to be carried aboard the airplane without meeting the passenger-carrying requirements. The basis for the regulatory ability to carry passengers in

² This term was a commonly used “word of art” for which there is no definition in any 14 CFR part. The term previously referred to those passengers that are not members of the flightcrew. The operator must have authorization to carry passengers on board all-cargo aircraft that do not comply with passenger-carrying requirements. Refer to the current edition of Advisory Circular (AC) 120-85, Carriage of Cargo.

all-cargo airplanes with a Class E cargo compartment under the operational rules of parts 121, 125, and 135 is an exemption to the various passenger-carrying requirements of part 25, as well as § 25.857(e), which is granted to the TC holder, STC holder, or operator by AIR.

b. Authorized Persons. Part 25 did not envision, nor does it specifically address, an increasingly common category of passengers described as “authorized persons” carried on all-cargo airplanes who may perform a variety of functions including facilitating the movement or care of cargo. They generally receive some degree of training over and above passengers aboard passenger airplanes. Consequently, the terms of each exemption approving the carriage of authorized persons are tailored to the specific airplane installation, and therefore detail any training involved. Section 121.583(d) requires each certificate holder to incorporate procedures into their manual for the safe carriage of authorized persons. The operator is therefore responsible for training and other special conditions to achieve the necessary level of safety for the passenger who is an authorized person aboard an all-cargo airplane, as addressed in the history of § 121.583.³

c. Section 25.857(e) Exemption. All-cargo airplanes with Class E cargo compartments are limited to the flightcrew because of the standard firefighting method used to fight in-flight fires in the cargo compartment. Therefore, if an operator desires to carry any persons other than flightcrew, an exemption must be granted for § 25.857(e). The FAA has granted these exemptions to allow the carriage of these authorized persons on cargo airplanes without compliance with the part 25 standards created for passenger safety provided certain other conditions are met. Many of the exemptions granted to a TC or STC may list different part 25 requirements in the exemption, depending on the size, design, or configuration of the airplane.

d. Authorized Persons Aboard. To enable the carriage of authorized persons aboard an aircraft with a Class E cargo compartment and ensure an acceptable level of safety for those persons, the granted exemptions will list specific conditions and limitations in which the operator is required to comply when conducting operations via the exemption.

(1) Some of these part 25 exemptions allow for the accommodations of authorized persons on an upper deck or an area cordoned off by a door or smoke barrier (previously called the supernumerary area, now referred to as the occupied compartment), while maintaining the restricted Class E cargo compartment in a separate area.

(2) Not all exemptions allow access into the Class E cargo compartment during flight. It is important to note that some of the conditions and limitations found in the part 25 exemption associated with the carriage of authorized persons may only be listed within the actual exemption and may not be contained in other documents such as the Airplane Flight Manual (AFM). That is why it is essential for these exemptions to be listed in OpSpec/part 125 LOA A005.

e. Class E Compartment Access. Should an operator need to carry any authorized person within the Class E cargo compartment any time during flight, the operator must seek their own

³ The 1970 Notice of Proposed Rulemaking (NPRM) (35 FR 1053) and the 1970 final rule (35 FR 14611).

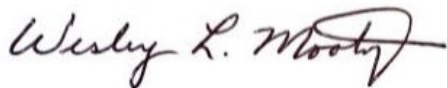
exemption unless the airplane has an exemption that was issued either during the certification or an STC process.⁴

(1) The exemption issued during the certification or STC process will identify which certification standards relating to passenger safety in part 25 are exempt and allow a specified number of authorized persons to be allowed into the Class E cargo compartment during flight. If this exemption does not meet the needs of the operator, or the airplane is configured differently than identified in the exemption, then the operator must petition for an exemption from those part 25 certification requirements that are appropriate to their needs and the configuration of their airplane.

(2) An example of when an operator must petition for an exemption is when they are carrying live animals in a Class E cargo compartment that also requires animal handlers to be in that Class E cargo compartment during flight, and the airplane's TC or STC does not have an exemption to allow persons into the Class E cargo compartment during flight.

7. Action. The PIs of operators that have all-cargo airplanes with a Class E cargo compartment must ensure, within 12 months of the issue date of this notice, that any exemptions allowing authorized persons to be allowed on board an all-cargo airplane with a Class E cargo compartment are listed in the operator's OpSpec/part 125 LOA A005 as required by §§ 119.49 and 125.31. Not all exemptions allow access into the Class E cargo compartment during flight; therefore, a thorough review of any granted exemptions should be accomplished when an operator allows authorized persons in-flight access to a Class E cargo compartment.

8. Disposition. This notice will be incorporated into FAA Order 8900.1 before this notice expires. Direct questions or comments concerning the information in this notice to the Air Transportation Division (AFS-200) at 202-267-8166.



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⁴ Refer to Legal Interpretation to Rebecca MacPherson (April 19, 2016), which can be found on DRS or at https://www.faa.gov/about/office_org/headquarters_offices/ago/practice_areas/regulations/Interpretations.