

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.743

National Policy

Effective Date:
7/2/25

Cancellation Date:
7/2/26

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

1. Purpose of This Notice. This notice provides clarification and guidance to principal inspectors (PI) whose operators carry certain persons on board 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 14 CFR part 125 Letter of Authorization (LOA) A005, Exemptions and Deviations. Title 14 CFR 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, 14 CFR part 125 (including A125 LODA holders), or 14 CFR part 135 operators that may be using a 14 CFR 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 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 14 CFR § 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. Reissue. This notice reissues expired Notice N 8900.669, Carriage of 14 CFR Part 25 Exemption Authorized Persons Aboard All-Cargo Airplanes and OpSpec/Part 125 LOA A005 Requirements, dated August 3, 2023.

5. Background. This notice addresses the following two scenarios that require exemptions from 14 CFR part 25 requirements:

- 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).

Note: The phrase “authorized persons” is now used instead of the term “supernumeraries”² when referring to the carriage of passengers aboard all-cargo airplanes.

a. General. As discussed in more detail below, FAA regulations require listing the applicable 14 CFR part 25 exemption(s) in the operator’s OpSpec/14 CFR part 125 LOA A005 when relief is granted to allow the carriage of authorized persons who are not part of the flightcrew aboard an all-cargo airplane with a Class E cargo compartment.

b. Clarifications. This notice also clarifies when an operator needs to petition for an exemption or when an operator can use an existing 14 CFR 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. Title 14 CFR part 25 exemptions may be granted separately or jointly to authorize (1) the carriage of authorized persons on board the aircraft and (2) allowing the authorized persons entrance into the Class E cargo compartment during flight. In either case, these 14 CFR part 25 exemptions must be entered in an operator’s OpSpec/14 CFR part 125 LOA A005.

6. Regulatory Requirements to Document Exemptions in OpSpecs.

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

- Title 14 CFR § 119.49(a)(12) pertains to domestic, flag, and commuter operators;
- Title 14 CFR § 119.49(b)(12) pertains to supplemental operators; and
- Title 14 CFR § 119.49(c)(11) pertains to on-demand operators.

b. Title 14 CFR Part 125. Title 14 CFR § 125.31(b)(6) allows the FAA to put an item in the OpSpecs that is necessary to cover a particular situation. The FAA is using this authority to require listing any 14 CFR part 25 exemptions.

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 Advisory Circular (AC) 120-85, Carriage of Cargo.

7. 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 14 CFR part 25 requirements must be granted and those exemptions must be populated into an operator's OpSpec/14 CFR part 125 LOA A005.

a. Crews and Passengers. People aboard an airplane fall into one of two categories: crew or passenger. Any persons carried aboard an all-cargo airplane who are not flightcrew are therefore considered passengers. Title 14 CFR §§ 121.583, 125.331, and 135.85 impose certain requirements on operators looking to carry persons aboard an airplane without complying with certain passenger-carrying operation requirements. Given that operators of all-cargo airplanes with a Class E cargo compartment looking to carry persons beyond crew cannot comply with many of the 14 CFR part 25 provisions, they must obtain a regulatory exemption from the various passenger-carrying requirements of 14 CFR part 25 (e.g., 14 CFR § 25.857(e) granted to the TC holder, STC holder, or operator).

b. Authorized Persons. Title 14 CFR 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. Authorized persons are not typical passengers; they generally receive some degree of training over and above typical passengers aboard passenger airplanes. The FAA tailors the terms of each exemption to include detailed training requirements for authorized persons. Title 14 CFR § 121.583(d) also 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 14 CFR § 121.583.³

c. Title 14 CFR § 25.857(e) Exemption. Title 14 CFR § 25.857 limits persons on board all-cargo airplanes with Class E cargo compartments to the flightcrew because the airplane's standard firefighting requirement is to starve the fire of oxygen by shutting off ventilating airflow and then depressurize the airplane to suppress the fire. Therefore, if an operator desires to carry any persons other than flightcrew, an exemption must be granted for 14 CFR § 25.857(e). The FAA has granted these exemptions to allow the carriage of these authorized persons on cargo airplanes without compliance with the 14 CFR part 25 standards created for passenger safety provided certain other conditions are met. Many of the exemptions granted to a TC or STC holder may list different 14 CFR part 25 conditions and limitations, 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 that must be met for the operator to avail themselves of the regulatory relief.

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

(1) Some of these 14 CFR 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 14 CFR 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/14 CFR 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 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 14 CFR 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 14 CFR part 25 certification requirements that are appropriate to their needs and the configuration of their airplane.

(2) For example, an operator must petition for an exemption 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.

8. Action. This notice is being reissued to the PIs of operators that have all-cargo airplanes with a Class E cargo compartment for two purposes. The first is to ensure 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/14 CFR part 125 LOA A005 as required by 14 CFR §§ 119.49 and 125.31. The second purpose is to protect the integrity of the information until future guidance is published on this subject. Not all exemptions allow access into the Class E cargo compartment during flight; therefore, the PI is expected to conduct a thorough review of any granted exemptions when an operator allows authorized persons in-flight access to a Class E cargo compartment.

⁴ Refer to Legal Interpretation to Rebecca MacPherson (April 19, 2016), which can be found on DRS.

9. 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.

A handwritten signature in blue ink, appearing to read 'R. Reckert', with a stylized flourish extending to the right.

Robert Reckert for
Lawrence Fields
Executive Director, Flight Standards Service