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InFO

Information for Operators

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An InFO contains valuable information for operators that should help them meet certain administrative, regulatory, or operational requirements with relatively low urgency or impact on safety.

Subject: Nonessential Equipment and Furnishings (NEF) Program

Purpose: This InFO provides operators with additional information to assist them in obtaining approval of a NEF program. In addition it informs operators, CHDOs, and AEGs that the transition date of December 31, 2007 established in MMEL Global Change 138 (GC-138) has been extended to April 30, 2008.

Background: Policy letter 116 (PL-116) which became Global Change 138 (GC-138) authorized the establishment of a NEF program. Prior to PL-116, the FAA Master Minimum Equipment List (MMEL) provided relief for Passenger Convenience Items (PCI) that limited relief to the cabin, galley, and lavatory areas. Many operators deferred inoperative, damaged, or missing equipment or instruments not located in these areas via means other than the Minimum Equipment List (MEL) or Configuration Deviation List (CDL) (i.e. air carrier internal deferral programs authorized by their maintenance program).

PL-116 superseded PL-33, Passenger Convenience Items and established a date of December 31, 2007 as the date that passenger convenience items may no longer be deferred unless they are listed in conjunction with the operator's NEF Program. Recently a number of operators notified FAA that they are unable to meet the December 31 date specified in PL-116 due to a number of technical issues and, in some cases, due to delays in the approval process. In light of these concerns, the FAA has revised PL-116 to specify that the deletion of PCI provisions in the MMEL will be extended through April 30, 2008 to allow operators extra time to develop and gain approval of their NEF Programs.

Discussion:

NEF Transition Period

PL-116 was initially published on December 9, 2005 and provided for a two year transition period for operators to develop and obtain approval for NEF Programs. Furthermore, the policy letter was published as a Global Change, which provides for an immediate revision to the operator's MEL without the necessity of first being published in an MMEL revision. Although PL-116 was deliberately made into a Global Change in order to expedite the approval process, a

number of operators misinterpreted the letter and wrongly believed that the provisions of PL-116 first had to be inserted into the MMEL before they could submit their NEF programs to the CHDO for approval. This is not the case, and operators who have not yet submitted a proposed NEF Program because it has not yet been inserted into the MMEL should take immediate action to do so.

NEF List

FAA Order 8900.1 CHG 0 Volume 4, Chapter 4, Section 11 dated 9/13/2007 provides general guidance for development and approval of an operator's NEF Program. A NEF program normally includes an NEF list (or equivalent), a process for evaluating an item in accordance with NEF, reporting procedures to the CHDO, and repair and/or replacement policy and procedures. Guidance in Order 8900.1 reveals that a NEF list does not need to appear in the operator's MEL but can be published separately on paper or via electronic means. Furthermore, a list need not be submitted at all if the operator wishes to analyze each individual deferral (see flowchart in Order 8900.1). Also, it is important that operators understand that they may submit an initial list which may simply contain the same items which are now deferred under their PCI list, then later add other items. This would allow an operator to continue to defer present Passenger Convenience Items after April 30, 2008 and later add the additional items suggested by the NEF Universal List attached to PL-116. The Universal NEF List was developed by the FAA/ATA MMEL Industry Group. Although not officially approved by FAA, and some items on the list may not be appropriate for some operator's NEF programs, much valuable research time may be saved if this list is used as a starting point.

Companies With Existing Maintenance Deferral Programs for Non-Safety Related Items

The NEF Program provides a legal basis that is standardized and available to all operators for deferral of items not found in the current MMEL. Because NEF replaces non-safety deferral authorizations currently provided in some operator's maintenance programs, operators with these types of programs must be cognizant that deferral authorizations for non-safety (NEF) items not listed in the MEL will no longer be valid after April 30th. Therefore operators who choose to submit only PCI items on their initial list would no longer have relief for other non-safety of flight (NEF) items under any other type of existing deferral program. Thus they are encouraged to thoroughly evaluate any list they plan to submit, in order to ensure that existing relief for non-safety items other than PCI is not lost.

NEF Repair Interval

Although 8900.1 states that "The operator's NEF program must prescribe repair intervals for NEF items" and that "Operators may use the current MEL deferral categories at their discretion" it was never the intent to prescribe these intervals in the policy letter. The NEF deferral interval is a local decision between the CHDO and operator. An existing interval such as B or C may be useful in certain cases, but the operator's program may also specify a different period of time or may use event driven intervals that may make sense for a given type of operation. Furthermore, the operator may elect to choose differing intervals for different NEF items or groups of items, however nothing precludes using one interval for the entire list.

Approval of Operator Programs

NEF program items are not approved through the normal Flight Operations Evaluation Board (FOEB) process and it is not necessary that equipment MMEL's be revised to include NEF before an operator can submit or gain approval for a NEF program. Part 91 operators (other than 91 subpart K) need not submit their NEF deferral program or NEF list to FAA for approval, but all other operators must submit their NEF program to the CHDO for approval via the normal MEL approval process. Once the program has been approved by the CHDO, a reference to the program must be incorporated into MEL ATA Chapter 25.

Recommended Action: Operators who anticipate problems in gaining approval of NEF programs by the original deadline of December 31, 2007 should plan to submit their proposed programs to the CHDO no later than 60 days prior to the new deadline of April 30, 2008. In addition, operators and CHDO's should consider the following in order to expedite the process of gaining approval:

- Incorporate the operator's list in the MEL by reference and maintain the list elsewhere.
- Utilize the NEF Universal list developed jointly by industry and FAA as a starting point.
- Consider using only the passenger convenience items list for initial submission, then revising this list to add additional items at a later date.
- FOEB Chairmen should take action as soon as possible to revise MMEL's to incorporate PL-116. There are still many aircraft types with MMEL's that do not contain this relief even though the global change has been published for over two years.
- POI's should take steps to review operator NEF submissions as soon as possible and should also notify those carriers who have not yet submitted a NEF program that they must do so not later than March 2, 2008 in order to ensure adequate time for CHDO review prior to the April 30, 2008 deadline.
- Operators should incorporate the new definition of NEF from PL-25 (GC-146) in their submissions.

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