

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.625

National Policy

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5/2/22

Cancellation Date:
5/2/23

SUBJ: Minimum Equipment List Relief for Supplemental Type Certificates and Other Items From a Change to Type Design

- 1. Purpose of This Notice.** This notice provides information and guidance to principal inspectors (PI) on reviewing and approving minimum equipment list (MEL) relief for added or removed items due to a change to type design.
- 2. Audience.** The primary audience for this notice is Flight Standards (FS) Safety Assurance offices' and International Field Offices' (IFO) aviation safety inspectors (ASI) with oversight responsibility of an aircraft operator's MEL. The secondary audience includes the Aircraft Evaluation Division (AED) (AFS-100) and the Safety Standards and Foundational Business offices.
- 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, the Flight Standards Information Management System (FSIMS) at <https://fsims.av.s.faa.gov>, and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the Federal Aviation Administration's (FAA) website at https://www.faa.gov/regulations_policies/orders_notices, FSIMS at <https://fsims.faa.gov>, and the DRS.
- 4. Definitions.** The following terms are used in this notice as such:
 - a. Change to Type Design.** A change to type design includes any FAA process that incorporates subsequent installation, modification, or removal of items from an aircraft affecting the type certificate (TC). Changes to type design may include:
 - Amendments to the TC;
 - Major and/or minor type design changes;
 - Supplemental Type Certificates (STC);
 - Amended STCs;
 - Engineering orders (EO);
 - Field approvals via FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance); or
 - Any other FAA-approved data (as appropriate).

b. Operator. Refers to those certificate holders (CH), program managers, foreign air carriers, and aircraft owners utilizing a Master Minimum Equipment List (MMEL) or MEL and conducting aircraft operations under Title 14 of the Code of Federal Regulations (14 CFR) parts 91, 91 subpart K (part 91K), 121, 125, 129, and 135, unless otherwise specified.

c. Unevaluated Relief Item. An unevaluated relief item is any item for which an operator seeks relief in their approved MEL that was not evaluated for relief during the certification process or FAA approval of the change to type design.

5. Background.

a. Misapplication of FAA Policy. The FAA continues to monitor and manage issues surrounding MMEL/MEL relief for items installed via design change to a TC, since recognizing that a misapplication of this process was occurring.

b. Policy Deviation Memorandum. In April 2018, the FAA issued a policy deviation memorandum with subsequent extensions expiring in November 2019 to Safety Assurance offices as an interim solution to the issue of STC installed items not evaluated for MEL relief. At the time, the policy deviation required responsible Flight Standards offices to request that the airline/operator provide a complete listing of all design changes that have not been evaluated for MMEL/MEL relief in accordance with the process stated in MMEL Policy Letter (PL)-109, Supplemental Type Certificate (STC) MMEL/MEL Relief Process. During this process, operators were authorized to continue exercising MEL relief for their design changes with unevaluated relief, provided they complied with the requests from their PIs, as directed by the policy deviation memorandum, and the relief did not pose a hazard to the operator.

c. MMEL PL-109, Revision 1. MMEL PL-109 was revised on November 7, 2019, and provided amended guidance regarding MMEL/MEL relief for items installed on an aircraft that affected the aircraft's TC. Although the title of MMEL PL-109 is Supplemental Type Certificate (STC) MMEL/MEL Relief Process, the policy applies to any change to the TC when MMEL/MEL relief is sought. This notice updates the policy found in MMEL PL-109. PIs should no longer direct operators to petition the STC or design holder for relief, as stated in MMEL PL-109, and are expected to work with their operators for MEL relief.

6. Discussion. Some operators did not take advantage of the opportunity to submit their unevaluated design changes during past FS initiatives, and are now being directed by their responsible Flight Standards offices to revise their MELs to remove such relief. This policy requires that all operators must be afforded the opportunities outlined in paragraph 7 of this notice whether an operator uses an MMEL for their MEL (part 91), or an MEL (all 14 CFR parts). Paragraph 7 provides guidance on adding or removing relief from an operator's MEL for unevaluated relief items.

a. MEL Relief. Part 91, §§ 91.213 and 91.1115; part 121, § 121.628; part 125, § 125.201; part 129, § 129.14(b); and part 135, § 135.179, in pertinent parts, allow for the continued operation of an aircraft with inoperable items installed through the use of an FAA-approved MEL.

b. MEL Relief for Items Installed via a Change to Type Design.

(1) The review and approval of an operator's MEL is conducted solely by the operator's responsible Flight Standards office (refer to FAA Order 8900.1, Volume 4, Chapter 4, Section 2, MEL Requirements for 14 CFR Parts 91, 137, and 142 Operations; and Section 3, MEL Requirements for 14 CFR Parts 91 Subpart K (Part 91K), 121, 125, 125 LODA, 129, and 135 Operations, for additional information). Operators may add relief for items resulting from changes to type design into their MELs, and may exercise MEL relief for such items when that relief has been evaluated by the operator's responsible Flight Standards office or AFS-100, and the operator's MEL is approved by the Principal Operations Inspector (POI). PIs may consult with AFS-100 (by email at 9-AVS-AFS-100@faa.gov), the STC holder, the Original Equipment Manufacturer (OEM), or other stakeholders during their evaluation and approval of the operator's MEL.

(2) The requested relief must meet or exceed the original level of safety. Requests described in subparagraph 7a(1) already meet the original level of safety and therefore do not require additional information for inclusion into an operator's MEL. Items to be evaluated as described in subparagraph 7a(2) and Appendix B, Evaluation Process for MEL Relief for Unevaluated Relief Items, may require additional information to validate that the relief requested will meet or exceed the original level of safety.

c. Nonessential Equipment and Furnishings (NEF) and Administrative Control Items (ACI). Items listed in an operator's NEF program are excluded from the requirements found in this notice. For ACIs, relief is listed elsewhere in the operator's manual system, and they are also excluded from these requirements.

d. Policy Management. The policy and associated process regarding relief for items associated with a change to type design continue to evolve, thus the need for interim guidance found in this notice. As these policies are established, guidance will be updated in appropriate areas (e.g., Order 8900.1, PLs, and advisory circulars (AC)). Until these policies are established and published, this notice contains the latest information regarding this subject and builds upon previously issued guidance.

7. Action. PIs inspecting, reviewing, and/or approving operator MELs will use this updated guidance when MEL relief for any item(s) resulting from a change to type design are proposed by the operator. See Appendix A, Design Change Process Flowchart, for the general process.

Note: Where a conflict occurs between existing FS policy and the new policy in this notice, this notice takes precedence in the approval of the operator's MEL. This notice does not address the revision of an MMEL, which is revised through Order 8900.1, Volume 8, Chapter 2, Section 3, Flight Operations Evaluation Board.

a. Adding MEL Relief for Items Associated With Changes to Type Design.

(1) Relief for an STC or for other design changes may be added to an operator's MEL through the normal MEL revision process, without further evaluation, when:

(a) The change in type design is specifically listed in the applicable aircraft's MMEL (i.e., STC XXX, etc.);

(b) An approval letter from AFS-100 is present in FSIMS (or paper copy) for the specific change in type design (FSIMS – “Publications” – “MMEL & AEG Guidance Documents” – “STC Relief Approval Letters”) or in the DRS at <https://drs.faa.gov>; or

(c) An MMEL PL with a current Global Change (GC) designation contains relief for the item(s).

(2) If unable to obtain relief listed in subparagraphs (a)–(c) above. PIs should refer to the procedure found in Appendix B to determine if the unevaluated relief item can be evaluated by the responsible Flight Standards office. If the relief cannot be evaluated by the responsible Flight Standards office, PIs should coordinate with the applicable AFS-100 office for the evaluation. Requested or pending MEL relief items associated with recent or imminent changes to the type design may not be added to an operator's MEL, or exercised by the operator, until the relief is evaluated and approved.

b. Removing Unevaluated Relief for Design Changes.

(1) Removal Criteria. PIs should not take action to remove relief from an operator's MEL for previous changes to type design unless at least one of the following items are met:

(a) It was documented that the operator was afforded the opportunity to submit their list of unevaluated relief due to design changes during the FS policy deviation period, but chose not to;

(b) The PI believes that the operator's use of unevaluated relief for the design change presents an unacceptable safety hazard to the operator and/or the National Airspace System (NAS);

(c) The operator's Safety Management System (SMS) (if applicable) risk assessment reveals that the operator's use of unevaluated relief for a design change is greater than “low;”

(d) The operator does not respond to the responsible Flight Standards office's request for information regarding this tasking (documented in the Safety Assurance System (SAS), email, etc.), or is not taking active steps to resolve the deficiency in their MEL;

(e) AFS-100 has evaluated the submitted relief associated with the change to type design and did not grant relief; or

(f) The responsible Flight Standards office evaluated the relief associated with the change to type design and did not grant relief.

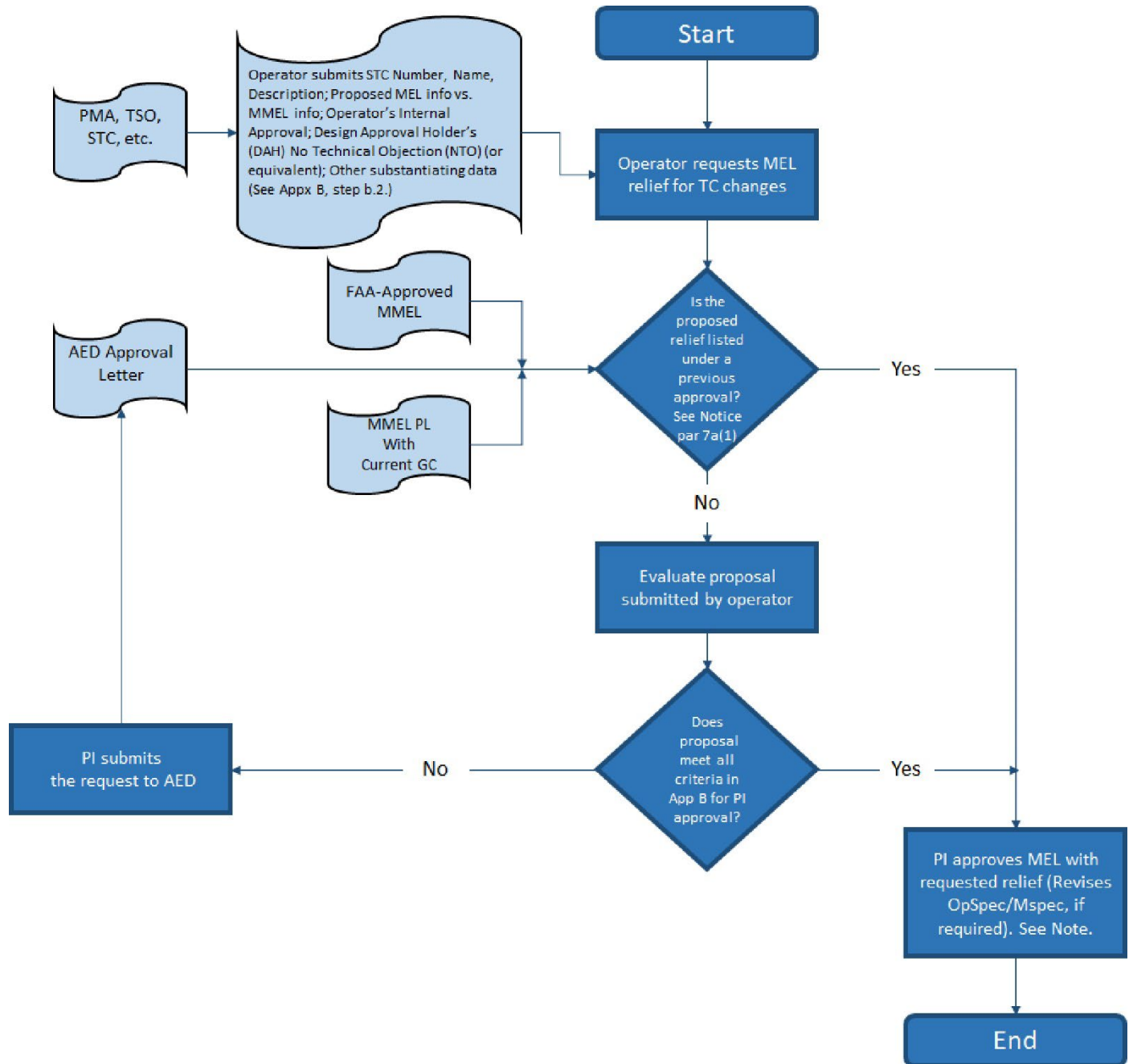
(2) Removal Process. The responsible PIs should work with the operator to bring their MEL into compliance with this policy. However, if any of the removal criteria is met, the PI(s) should refer to Order 8900.1, Volume 4, Chapter 4, Section 3, subparagraph 4-693A4).

8. Disposition. We will incorporate the information in this notice into 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 black ink, appearing to read "R. Carty". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert C. Carty
Deputy Executive Director, Flight Standards Service

Appendix A. Design Change Process Flowchart



Note: At all times, the PI retains final authority for the approval of an operator’s MEL.

Appendix B. Evaluation Process for MEL Relief for Unevaluated Relief Items

A. Purpose. The purpose of this appendix is to provide an evaluation process for the responsible Flight Standards office to review and approve an operator's MEL with unevaluated relief items associated with a change to type design.

B. Operator Submission. Operators should submit the following items to assist the inspector with the evaluation.

1. STC number, name, and description (if applicable).
2. Proposed MEL system and sequence number(s) and item description versus current MMEL item description to include:
 - a. Repair category.
 - b. Number installed.
 - c. Number required for dispatch.
 - d. Remarks or exceptions.
3. Requested relief approval priority (procedurally through the operator's approved SMS, if applicable).
4. Substantiating information to show the requested relief meets or exceeds the level of safety of the aircraft type design and approved MMEL. This may include engineering data or designee approval supporting the proposed relief, commensurate with the complexity of the change in type design.

Note: A major or minor (refer to 14 CFR part 21, § 21.93) assessment by the operator may be necessary to determine the appropriate level of substantiating information in support of the relief requested.

5. No technical objection (NTO) letter or equivalent from the design holder, showing no objection with the proposed relief, if available. The NTO is neither a basis for approval nor a requirement for consideration for approval of relief.

C. Evaluation Categories. The initial review of the submission should allow the inspector to make a determination of which of following three categories the request meets.

1. Requires AFS-100 to do the evaluation. If the unevaluated relief item is not listed in the applicable aircraft's MMEL, as the MMEL is the basis of an operator's MEL, AFS-100 must conduct the evaluation.

Example: The operator's MEL unevaluated relief item is a lie-flat passenger seat. Therefore, item "25-XX Passenger Seat" must already be listed in the applicable aircraft's MMEL as a "base item."

2. Requires AFS-100 to be consulted. If the item for which relief is requested meets any of the following criteria, AFS-100 must be consulted prior to granting MEL approval.
 - a. The relief is requested for an integrated system, which is a system that interacts with other aircraft systems.
 - i. An example of an integrated system is a passenger seat entertainment system that interacts with the flight deck, Global Positioning System (GPS), electrical, or other systems.
 - ii. An example of a non-integrated system is the passenger seat and its associated component parts.
 - b. Any article of the proposed item has been replaced or modified from its original certification basis such as Parts Manufacturer Approval (PMA), Technical Standard Order (TSO), STC, etc.
 - c. The proposed item is:
 - i. Required to comply with a procedure in the emergency section of the Aircraft Flight Manual (AFM), or required to be operative in an emergency.
 - ii. Required to be operative as a backup to another system that is critical for safe operations.
 - iii. Part of a warning system.
 - iv. Affected by an exemption from 14 CFR.
 - d. The proposed item's relief affects:
 - i. Aircraft performance or limitations.
 - ii. The function or performance of another system, such that the other system cannot provide its intended function.
 - iii. The operation of the flight data recorder (FDR), or the item provides a required input to the FDR.
 - e. In the opinion of any PI (for the requesting operator), the existing base MMEL item, repair category, proviso(s), along with any (M) and/or (O) procedures, may not provide an adequate level of safety if the item is inoperative or may not be safely evaluated at the responsible Flight Standards office level.

Note: The PIs always have the authority to disapprove the operator's proposal should they believe that safety may be compromised if the proposed relief is exercised by the operator, no matter who conducts the evaluation.

3. Evaluation by PIs. Items that do not meet the criteria for AFS-100 evaluation or consultation above may be evaluated and approved for relief on the operator's MEL by the Safety Assurance PIs with oversight responsibility for the operator. PIs may contact the appropriate AFS-100 office or other stakeholders for consultation during their review, if desired.

D. Procedure. Upon completion of AFS-100 evaluation, AFS-100 consultation, or Safety Assurance PI evaluation of the item, proceed with the process below for MEL approval or disapproval.

PIs reviewing and approving or disapproving operator MELs will use the normal MEL revision process, as outlined in Order 8900.1, Volume 4, Chapter 4, Section 3, paragraph 4-693. Document the process in SAS for MEL revision.

PIs will ensure any unevaluated relief items associated with changes in type design are evaluated as outlined above before approval for relief within the operator's MEL is granted. PIs should pay special attention to the following:

1. Prior to approval of the operator's MEL, it is the responsibility of the PIs to verify that all applicable guidance, to include MMEL/MEL PLs, have been reviewed and conformed with. The operator's MEL must be equal to or more restrictive than the existing MMEL item repair category, proviso(s), etc.
2. The relief added must list the identifying properties of the item in the operator's MEL (e.g., STC number, EO, etc.).
3. The relief added to an operator's MEL by the responsible Safety Assurance office is specific to that operator only.
4. PIs are encouraged to contact the appropriate AFS-100 office or other stakeholders for consultation during their review, if desired.
5. If the evaluation for one or more items meets the criteria to be evaluated by AFS-100, and significant delays are expected with this process, PIs should consider requesting the operator revise their MEL submission to include only those items where relief can be approved in a timely manner. Otherwise, the entire revision may be unnecessarily delayed. The items being evaluated at AFS-100 may be added to the operator's MEL during a subsequent MEL revision once they are approved by AFS-100.