Section 2 MEL Requirements for 14 CFR Parts 91, 137, and 142 Operations

4-642 GENERAL.

A. Purpose. This section establishes the Federal Aviation Administration (FAA) Flight Standards (AFS) requirements for development, approval, and oversight of Title 14 of the Code of Federal Regulations (14 CFR) parts 91, 137, and 142 operator’s Minimum Equipment List (MEL).

NOTE: All regulatory references in this section are found in 14 CFR unless otherwise indicated.

B. Scope. This section applies to operators conducting parts 91 and 137 operations. This section also applies to part 142 training center certificate holders who utilize aircraft to provide flight instruction.

1) Parts 91, 137, and 142 Inoperable Instrument and Equipment Requirements. Operators conducting part 91 operations, part 137 Agricultural Aircraft Operations, and part 142 training center certificate holders who use aircraft to provide flight instruction, are subject to the inoperable instrument and equipment requirements of part 91, § 91.213.

   a) Part 91 Requirements. Operators conducting part 91 operations:

      1. May use the Master Minimum Equipment List (MMEL) as an MEL, in accordance with the letter of authorization (LOA) D095.

      2. May choose to use an FAA-approved MEL in accordance with LOA D195.

      NOTE: Volume 4, Chapter 4, Section 3 contains detailed information regarding the format, content, and revision of an FAA-approved MEL.

   b) Part 137 Requirements. Operators conducting part 137 operations may use the MMEL as an MEL in accordance with LOA D095.

      NOTE: LOA D095 is available on the Web-based Operations Safety System (WebOPSS) for issuance to eligible part 137 operators only.

   c) Part 142 Requirements. Part 142 training center certificate holders may use the MMEL as an MEL, in accordance with the training specification (TSpec) LOA D095.

      NOTE: TSpec LOA D095 is available on WebOPSS for issuance to eligible part 142 operators only.
2) **This Section Does Not Apply to Part 91 Operations Conducted by Operators Certificated Under Parts 91 Subpart K (Part 91K), 121, 125, 129, or 135.** This section does not apply to operators holding certificates issued under parts 91K, 121, 125 (including Letter of Deviation Authority (LODA) holders), 129, and 135. Operators certificated under these parts are required to comply with their approved MEL(s) even when conducting part 91 operations (see Volume 4, Chapter 4, Section 3).

### C. Terminology Used in This Section.

1) **AFS Field Office.** The use of the term “AFS field office” throughout this section refers to a Flight Standards District Office (FSDO) or certificate-holding district office (CHDO), as appropriate.

2) **Item.** The use of the word “item” throughout this section refers to both instrument and equipment items, as applicable.

3) **LOA.** An LOA is the MEL authorizing document that contains conditions and limitations that the operator must follow in order to conduct aircraft operations with specific inoperative items. When used in this section, the term “LOA” applies to parts 91, 137, and 142 operators.

4) **MMEL.** The use of the term “MMEL” throughout this section refers to an FAA-approved, aircraft-specific MMEL.

5) **Operator.** Unless otherwise noted, the use of the term “operator” throughout this section refers to parts 91 and 137 aircraft operators and an applicant for, or holder of, a part 142 training center certificate who uses aircraft for flight instruction. This section uses the singular term “operator” for simplicity.

#### 4-643 BACKGROUND. Except as provided in § 91.213, all aircraft items must be operative in order for the aircraft to be operated. The regulatory basis for parts 91, 137, and 142 operators to utilize an MEL was established in 1979 for multiengine operators and in 1988 for other operators as defined in § 91.213. Refer to the current edition of Advisory Circular (AC) 91-67, Minimum Equipment Requirements for General Aviation Operations Under FAR Part 91, for further general background information.

#### 4-644 MULTIENGINE AND SINGLE-ENGINE MMELs. All FAA-approved MMELs list items which may be inoperative while maintaining an Acceptable Level of Safety (ALoS). They must be used to develop both multiengine and single-engine, aircraft-specific MELs. MMELs are developed for most FAA type certificated (TC) aircraft in general service today. All multiengine airplanes have an MMEL that is specific to the type design (e.g., Beech Baron, BE-58). Single-engine aircraft that do not have MMELs have an FAA-developed, generic, single-engine MMEL for use by operators of single-engine aircraft (see Volume 8, Chapter 2 for detailed information on MMEL development and approval).

A. **Operation Until Repairs Accomplished.** All MMELs are intended to permit operations with inoperative items for the minimum time necessary until repairs can be
accomplished. It is important that repairs be accomplished at the earliest opportunity after deferral in order to return the aircraft to its design level of safety and reliability.

B. **Supplemental Type Certificate (STC) Field Approvals.** An operator’s MEL, as derived from the MMEL, does not cover items installed or modified under other STC field approvals or modifications unless coverage of those items is already included in the MMEL. An STC, field approval, or modification not accounted for in the MMEL may make an MMEL item for a particular modified aircraft invalid.

C. **Items Not Installed.** Items listed in the MMEL that are not installed on the operator’s aircraft may be deleted from the operator’s MEL. Items that the operator does not wish to take relief for may be deleted from their MEL.

D. **Items Listed on the CDL May Not be Included.** The MMEL or MEL must not include items listed in an aircraft’s CDL.

4-645 MAINTENANCE (M) AND OPERATIONS (O) PROCEDURES DOCUMENT. The (M) and (O) procedures document is a separate document developed by the operator that contains the (M) and (O) procedures required by the MMEL in accordance with the requirements of LOA D095.

A. **Procedures Development.** Operators are responsible for (M) and (O) procedures development.

1) **Manufacturer’s Guidance.** (M) and (O) procedures should be developed by the operator from the guidance provided in the manufacturer’s documents. These documents include the Aircraft Flight Manual (AFM) and/or Aircraft Maintenance Manual (AMM), engineering specifications, recommendations, and other appropriate sources. Operators may choose to use alternate procedures other than those recommended by the manufacturer. However, those procedures may not be less restrictive than the manufacturer’s recommendations.

2) **Regulatory Requirements.** All (M) and (O) procedures must be accomplished in accordance with the requirements of 14 CFR parts 43, 91, and 145, as appropriate.

3) **Provisos.** Operators must always adhere to the provisos “Remarks or Exceptions” listed in the MMEL or MEL, as applicable. Failure to adhere to the “Remarks or Exceptions” to perform (M) and (O) procedures in accordance with parts 43, 91, and 145, as appropriate, or to comply with the provisions of the MMEL or MEL, as appropriate, including the preamble, invalidates the LOA and is contrary to regulatory requirements.

B. **Procedure Requirements.**

1) **Guidelines.**

   a) (M) and (O) procedures must not conflict with the AFM limitations, emergency procedures, or Airworthiness Directives (AD).
b) MEL procedures may be more restrictive, but never less restrictive, than the MMEL.

2) Compliance. Operator compliance to all provisos is mandatory.

3) Title Page. The title page of the (M) and (O) procedures document must contain the following statement: “This MEL procedures document is only applicable to (enter the appropriate 14 CFR part(s) (e.g., part 91, parts 91 and 137, parts 91 and 142)) operations, and may not be used for operations conducted under parts 91K, 121, 125, 129, or 135.”

4) Using an MEL. If an operator is using an MEL (LOA D195), the operator-developed (M) and (O) procedures must be contained in that MEL.

5) Numbering System. The (M) and (O) procedures numbering system must correspond to those items listed in the MMEL.

6) Review. The FAA is not required to review (M) and (O) procedures prior to issuance of an LOA (refer to MMEL Policy Letter (PL)-36).

7) Specifying Limitations. (M) and (O) procedures must specify limitations in the form of placards, maintenance procedures, flightcrew operating procedures, and other restrictions to ensure they are maintaining an ALoS.

8) Maintenance or Operational Tasks. (M) and (O) procedures must identify required maintenance or operational tasks. The (M) or (O) symbol, placed in Column 4 of the MMEL, indicates that an (M) or (O) procedure is applicable to that item.

9) References. If the AFM, AMM, or other available sources state the (M) and (O) procedures, the operator may show the reference (e.g., (O): AFM, pp. 3-8 through 3-10, paragraph 3-47). When the operator uses a reference format in the procedures document, the referenced source must be readily available to the flightcrew and/or ground crew.

10) Alternate Procedures. If (M) and (O) procedures are not in the AFM, AMM, or other available source, or if the operator wishes to use a different procedure, then the procedure must be listed in the procedures document.

C. Procedures Developed by Contracted Entities. If an operator uses a contracted entity to develop their (M) and (O) procedures, aviation safety inspectors (ASI) should ensure that the operator understands the procedures and is able to implement them adequately. It is ultimately the operator’s responsibility to ensure the procedures document, or the MEL and the (M) and (O) procedures it contains, are adequate and appropriate for their operation.

4-646 OPERATIONS USING THE MMEL AS AN MEL, IN ACCORDANCE WITH AN LOA D095 (PART 91 or 137) OR TSPEC LOA D095 (PART 142). The FAA issues both LOA D095 and TSpec LOA D095 under the provisions of § 91.213(a)(2). The LOA authorizes the operator to conduct operations using the aircraft listed in Table 1 of the LOA, utilizing the MMEL as the operator’s MEL.
A. Documents that Constitute an STC for the Aircraft. The MMEL PL-36 part 91 preamble, the procedures document that contains the necessary (M) and (O) procedures, and the LOA must accompany an MMEL to meet the requirements of § 91.213(a)(2) as an STC for the aircraft. These documents (combined) are considered to be the FAA-approved MEL and are required to be carried on board the aircraft.

B. Parts 91 and 142 LOA D095 Conditions.

1) More than One Aircraft of the Same Type. An LOA may include more than one aircraft of the same type from the same operator. The LOA must list each aircraft registration number, serial number, and make, model, series (M/M/S).

2) Requirement for Operator’s Procedures. An LOA establishes the operator’s responsibility to develop (M) and (O) procedures for disabling, rendering inoperative, or removal of items installed on their aircraft. (M) and (O) procedures developed by the operator must be accomplished in accordance with the provisions and requirements of part 43, 91, or 145, as appropriate, and comply with all other applicable 14 CFR parts.

3) Requirement to Define Items Required by 14 CFR. The LOA requires that all MMEL items that contain the statement “as required by 14 CFR” be clearly stated in the separate procedures document in one of two ways:

   a) The 14 CFR by part and section (e.g., 14 CFR part 91, § 91.213) with the applicable 14 CFR carried aboard the aircraft; or

   b) Specify the operational requirements and/or limitations required for dispatch/flight release.

4) Installed Items Not Listed on the MMEL. The LOA establishes that installed items which are in excess of what is required by 14 CFR, but are not listed in the MMEL, must be operational for dispatch/flight release. This does not include nonessential equipment and furnishings (NEF) such as galley equipment and passenger entertainment devices (see Volume 4, Chapter 4, Section 4 for information related to the NEF program). Any new item installed on the aircraft that is not listed on an MMEL must be operational before the aircraft can be dispatched or released.

5) Request Relief from the Flight Operations Evaluation Board (FOEB) for Items Not on MMEL. An operator who seeks MMEL relief for a new item installed on their aircraft not currently listed in the MMEL, and not required by 14 CFR, should submit a request for MMEL relief to the AFS field office with oversight responsibility. Submission should be in a method acceptable to the administrator (e.g., compact disc (CD), Web site portal, paper copy, digital/electronic file). The AFS field office will review the operator’s request for relief and, if the ASI concurs, will coordinate with the Aircraft Evaluation Group (AEG) for the FOEB to consider adding the item to the MMEL. In the interim, if the new item malfunctions or failures occur, the operator may continue to conduct aircraft operations with the installed item, provided:
a) Any newly installed item is disabled, rendered inoperative, or removed in accordance with part 43 and §§ 91.213 (a), 91.213(b), and 91.407, prior to dispatch/flight release.

b) The operator determines if (M) and (O) procedures need to be developed to safely operate the aircraft with the newly installed item disabled, rendered inoperative, or removed, and includes those procedures in the separate procedures document. Any (M) and (O) procedures developed must comply with all applicable 14 CFRs. The operator should consider the following when determining if (M) and (O) procedures should be developed:

1. Ensure the item in question is in excess of what is required by 14 CFR.

2. Assess whether the inoperative item can interfere with the safe operation of the aircraft. If so, develop (M) procedures to deactivate, isolate, or remove the item.

3. Assess whether the inoperative item is required for any specific procedures or conditions under which the operator is conducting operations, or results in increased pilot workload. If so, develop (O) procedures to mitigate the risk and ensure a continued ALoS.

4. Operator procedures using the MMEL must not conflict with the AFM limitations, emergency procedures, or ADs, all of which take precedence over the MMEL and those procedures.

5. Suitable conditions and limitations in the form of placards, maintenance procedures, flightcrew operating procedures, and other restrictions, as necessary, are required to be accomplished by the operator to ensure that an ALoS is maintained. These procedures should be developed from guidance provided in the manufacturer's AFM and/or AMMs, manufacturer's recommendations, engineering specifications, and other appropriate sources, and should be included in the MMEL procedures document.

6. Procedures must not be contrary to any applicable 14 CFR. Wherever the statement “as required by 14 CFR” appears in the MMEL, the operator must either list the specific 14 CFR by part and section and carry it on board the aircraft or specify the requirements and/or limitations to conduct the flight in accordance with the appropriate regulation.

NOTE: The ASI is not required to review (M) and (O) procedures prior to issuance of the LOA. The ASI does, however, retain responsibility for approval and surveillance of the operator’s MEL program.

6) **Means of Recording Discrepancies.** An LOA requires a means of recording discrepancies and corrective actions to be in the aircraft at all times and available to the pilot in command (PIC).

7) **Notification to the FAA of Relocation of Principal Base of Operations:**

   **LOA D095 Only.** LOA D095 requires that operators who have relocated their principal base of operations (address) notify the previous local AFS field office in writing within 30 calendar-days.
following relocation. This notification must include which AFS field office will gain oversight responsibilities. The operator should send a copy of this notification to the new AFS field office.

8) **Validity—LOA D095 and LOA D195.** Both LOA D095 and LOA D195 contain criteria for validity (see subparagraph 4-653B).

9) **Requirement to Obtain MMEL Revisions.** Any time the FOEB revises the aircraft MMEL, an LOA requires an operator to obtain a copy of an MMEL revision from either the FSDO with oversight responsibility or the FAA public Web site. Safety inspectors may obtain MMEL revisions from the MyFAA Web site at http://fsims.avs.faa.gov/fsims/fsims.nsf/publicationsTab?readform. Operators may also download MMEL revisions from the MMEL and AEG guidance documents section in the Flight Standards Information Management System (FSIMS) at the following Web site: http://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=MMEL. Operators must incorporate mandatory changes from the MMEL revision into their MMEL procedures document, including (M) and (O) procedures, as applicable, within 90 calendar-days of the date of the most recent MMEL revision.

4-647 **OPERATIONS USING AN MEL IN ACCORDANCE WITH AN LOA D195.** Operators seeking authorization to develop a customized MEL must go through the FAA MEL approval process. The AFS field office ASI must ensure the operator develops their MEL using the MMEL for the aircraft as a guide. This is a requirement of the LOA. The operator’s MEL may never be less restrictive than the aircraft-specific MMEL. With the exception of repair categories, the MEL will follow the same format and content as an MEL for part 91K, 121, 125, 129, or 135 operations (see Volume 4, Chapter 4, Section 3 for MEL format and content).

A. **Authorization to Operate Aircraft Using an MEL.** ASIs will issue an LOA D195 to operators conducting part 91 operations using an operator-developed, FAA-approved MEL. The operator must base their MEL on the aircraft MMEL. If there is no MMEL for the aircraft, an operator may not develop an MEL. When an operator uses its aircraft to conduct operations under multiple regulatory parts (e.g., part 91K, 121, 125, or 135) the provisions of § 91.213(c) apply, and the operator must conduct operations in accordance with the FAA-approved MEL for those parts (see paragraph 4-651 for more information on aircraft involved in multiple operations).

B. **The MEL and LOA Constitute an STC for the Aircraft.** In order to meet the requirements of § 91.213(a)(2) as an STC for the aircraft, an MEL for part 91 operations must include the MMEL PL-36 part 91 preamble. The MEL combined with the LOA constitute an STC for the aircraft and are required to be carried on board the aircraft.

C. **Part 91 LOA D195 Conditions for Using an MEL.** The conditions contained in LOA D195 are the same as those listed in LOA D095, with one exception. The exception is that LOA D195 requires the operator-developed (M) and (O) procedures to be included in the MEL, as opposed to being a separate procedures document.

4-648 **DEFERRALS OF INOPERATIVE ITEMS.** Compliance with an FAA-approved MEL is mandatory. Parts 91, 137, and 142 operators do not have to comply with the repair
category intervals (A, B, C, D) in column 1 of the MMEL, but they do have to comply with any provisos defining a repair interval (flights, flight legs, cycles, hours, etc.): e.g., Must be repaired within three flight days. An operator may defer maintenance on an inoperative MMEL or MEL item, as appropriate, that has been deactivated or removed and placarded as inoperative.

A. Accomplishing Repair or Replacement of Deferred Items. The operator should have any inoperative item that is permitted to be inoperative either repaired, replaced, removed, or inspected within the proviso-defined repair interval period or at the next required aircraft inspection, whichever comes first.

B. Prolonged Deferral. ASIs must ensure that any time an operator defers maintenance on an item for a prolonged period of time, certificated maintenance personnel check the item(s) for conformance with the requirements of § 91.213(a).

1) The maintenance person must furnish the aircraft owner/operator with a list, signed and dated, of all discrepancies not repaired.

2) The maintenance person must ensure that each inoperative item that is to remain inoperative is placarded appropriately.

4-649 REVISIONS.

A. MMEL. Normally, an operator desiring a revision to the MMEL will submit a request to the local AFS field office assigned with oversight responsibility. The method in which the operator submits the request (e.g., paper copy, Web site portal, CD) must be acceptable to the administrator and will be determined by the AFS field office. An operator may also submit their request to the aircraft TC/STC holder.

1) Operator Request to the TC/STC Holder. An operator who installs a new item by STC on an existing airframe which is not a safety of flight item listed in § 91.213(b), and wishes to operate with an MEL under the provisions of § 91.213(a), may contact the STC holder for MMEL relief support. The holder of an STC who seeks MMEL relief will contact the responsible AEG to begin the FOEB process.

2) Operator Request to the Local AFS Field Office. The operator may submit a request to the local AFS field office for a revision to a specific aircraft MMEL. An operator request for an MMEL revision should include at least the following:

- A copy of the STC or FAA Form 337, Major Repair & Alteration (Airframe, Powerplant, Propeller, or Appliance), that approved each item installation and the associated limitations listed in the AFM supplement or on FAA Form 337;
- A system description that sufficiently details the interface of the item with the flightcrew (e.g., location, controls, operation, how it is used); and
- A statement that describes the transfer of function when the item is inoperative (e.g., not required for the flight, as per flightcrew procedures, because of alternate systems).
3) **AFS Field Office Review and Forward to the AEG.** The ASI assigned with oversight responsibility will review these petitions to ensure they contain the above information before forwarding them to the responsible AEG.

4) **AEG Review and Assignment to the FOEB Chair.** The AEG will review an MMEL revision request and assign it to an FOEB Chair for action and disposition. Further information on AEG and FOEB review of MMEL revision requests, including notification of MMEL revision approvals, is found in Volume 8, Chapter 2.

5) **FOEB Determination and AFS Field Office Notification to the Operator.** The FOEB Chair will review the revision request and determine if it warrants approval and implementation.

   a) If the FOEB Chair approves the addition of the item(s) in a revised MMEL, the ASI assigned with oversight responsibility will inform the operator of the approval, and the requirement to amend the (M) and (O) procedures document accordingly.

   b) If the FOEB Chair denies the proposed revision to the MMEL, the ASI assigned with oversight responsibility will inform the operator that the item(s) cannot be deferred and/or added to the (M) and (O) procedures document. The ASI must remind the operator that no aircraft may take off with the item(s) inoperative.

B. **MEL.**

1) **FAA or Operator-Initiated.** Either the FAA or the operator may initiate MEL revisions. Volume 4, Chapter 4, Section 3 contains the majority of information regarding the initiation of MEL revisions and operator requirements to revise an MEL.

2) **(M) and (O) Procedures Revision.** The ASI with oversight responsibility must ensure operators update their MEL/MMEL (M) and (O) procedures or other procedures document, as appropriate, in accordance with the time limitations specified within paragraph 4-693. ASIs should inform operators of the FSIMS automated MMEL revision notification system and encourage them to subscribe. This will enable an operator to make the necessary changes to (M) and (O) procedures resulting from an MMEL revision through the normal revision process, as required. Reasons for (M) and (O) procedures changes may include, but are not limited to:

   - MMEL revision,
   - Addition or removal of aircraft,
   - Change in regulation or policy,
   - Change in equipment or configuration, and
   - Additions/changes to operational approvals (e.g., Reduced Vertical Separation Minimum (RVSM), Category (CAT) II/III).
4-650  OPERATION OF AIRCRAFT WITHOUT AN MEL UNDER § 91.213(d). Part 91, 137, or 142 operators conducting part 91 flight operations with aircraft listed in § 91.213(d)(1) may operate with inoperative items without having an FAA-approved MEL. This is allowable only for certain aircraft under specific conditions.

A. Allowable Aircraft. In accordance with § 91.213(d)(1), the following aircraft apply:

- Rotorcraft for which no MMEL is developed;
- Small rotorcraft;
- Nonturbine-powered airplanes for which no MMEL has been developed;
- Non-turbine-powered small airplanes;
- Gliders;
- Lighter-than-air aircraft;
- Powered parachute for which no MMEL is developed; and
- Weight-shift-control aircraft for which no MMEL is developed.

B. Full Requirements of § 91.213(d). ASIs must review with the operator all of the requirements contained in §§ 91.213(d)(1) through (d)(4) prior to considering operation without an MEL.

C. No Application Required. No application, written request, or approval is required to operate under § 91.213(d).

D. Simultaneous Operations Not Permitted. Operators with an approved MEL LOA may not simultaneously operate without an MEL under the provisions of § 91.213(d). If the operator desires to conduct operations under § 91.213(d), the operator must surrender the approved MEL LOA to the local AFS field office assigned with oversight responsibility.

E. Placarding. If an operator elects to operate without an MEL, any inoperative item must be either removed or deactivated and placarded in accordance with § 91.213(d)(3).

1) Removal. Removal of any items that are not preventative maintenance requires an appropriately certificated maintenance person to:

- Properly record the removal of the item in maintenance records in accordance with part 43, § 43.9;
- Properly adjust the aircraft’s Weight and Balance (W&B) information and equipment list in accordance with § 43.7;
- Placard the cockpit controls, as appropriate;
- Complete and submit an FAA Form 337; and
- Approve the aircraft for return to service, as appropriate.

2) Deactivation. A certificated pilot may accomplish deactivation involving routine pilot tasks, such as turning off a system. These actions fall under the definition of preventive maintenance in part 43 subpart A. In all cases, a person authorized to approve the aircraft for return to service under § 43.7 must make the maintenance record entry required by § 43.9. No person may operate the aircraft without the entry required by § 43.9.
a) Qualified maintenance personnel should accomplish procedures requiring specialized knowledge or skill, or requiring the use of tools or test equipment. However, the satisfactory accomplishment of all maintenance procedures, regardless of who performs them, is the responsibility of the operator.

b) If the deactivation procedures do not fall under preventive maintenance, an appropriately certificated maintenance person must accomplish the deactivation.

F. Required Maintenance. The owner/operator of the aircraft should address any inoperative item(s) permitted to be inoperative as specified in § 91.213(d)(2), are repaired, replaced, removed, inspected, or placarded in accordance with § 91.405(c) and (d).

4-651 AIRCRAFT USED IN OPERATIONS UNDER MULTIPLE REGULATORY PARTS. Section 91.213(c) requires an operator who has an approved MEL issued under either part 91K, 121, 125, 129, or 135 to use that MEL for part 91 operations. It is important that operators are capable of conducting the operations in accordance with their approved MEL at all times. This includes, but is not limited to, accomplishing required maintenance in accordance with the operator’s part 91K, 121, 125, 129, or 135 certificate maintenance requirements.

A. Training of Personnel. ASIs should ensure that operators who conduct operations under multiple regulatory parts train their flightcrews, operations, and maintenance personnel on the use of the appropriate MEL.

1) Personnel should understand § 91.213(c) and the requirement to use the MEL appropriate to part 91K, 121, 125, or 135 operations, as applicable.

2) Personnel should be trained on the MEL management program requirements for parts 91K, 121, 125, and 135 operations, as applicable.

3) Personnel should be trained on and adhere to A, B, C, and D repair categories for parts 91K, 121, 125, and 135 operations, as applicable.

4) The operator must maintain a complete and current list of all persons trained and authorized to use the MEL.

B. Determining Maintenance Status. Operators are responsible for determining the aircraft’s maintenance status on its return from a part 91 operation. The operator must accomplish this before the aircraft is put back into part 121, 125, 129, or 135 service. Principal inspectors (PI) must verify that the operator develops and uses procedures that agree with the operator’s specific MEL requirements while operating under part 91.

4-652 EXPERIMENTAL, OLDER/RARE AIRCRAFT, AND DEVIATION HOLDERS. An operator may not operate an aircraft that the FAA issued an original experimental airworthiness certificate with inoperative items, unless specifically authorized in the aircraft’s operating limitations. Operators of older/rare aircraft with no MMEL may submit a proposed master minimum equipment list (PMMEL) to their local AFS field office. The field office will submit the PMMEL to the appropriate FOEB for evaluation (see Volume 8, Chapter 2 for more information).
A. Issuing. LOA D095 and LOA D195, are issued under the requirements of § 91.213(a)(2). The following process and ASI actions must take place to issue an LOA:

1) Operator Request.

   a) AFS Field Office. An operator may submit a written request for issuance of an LOA to the local AFS field office that has jurisdiction over the area in which the operator is located. The operator should also schedule an appointment for the purpose of discussing MEL operational procedures (refer to MMEL PL-36).

   b) Multiple Operators and/or Aircraft. An aircraft airworthiness certificate holder request for issuance may include more than one operator per aircraft and more than one aircraft per operator.

2) FAA Meeting with the Operator. After making the determination that an operator’s request for authorization to use an MEL is justified and prior to issuance of the appropriate LOA D095 or LOA D195, the ASI must meet with the operator and discuss the following items. The ASI will ensure that the appropriate FAA maintenance, avionics, and operations personnel are available, if needed, and will cover the following information with the operator, as applicable (see subparagraph 4-655A and refer to MMEL PL-36):

   a) Information Resources. Review access to all reference documents on the FAA public Web site with the operator. Provide the following documents to the operator:

      • The appropriate MMEL on FSIMS;
      • The current edition of AC 91-67; and
      • A sample MEL title page.

   b) Operator Responsibilities. Operator responsibilities when operating with inoperative items in accordance with the MEL include, but are not limited to:

      • Complying with the requirements of the MEL authorization;
      • Removal and deactivation of inoperable items;
      • Repair or replacement of removed or deactivated items during the next scheduled maintenance interval or required regulatory inspection;
      • Deferral of repairs and the requirement address MEL deferred items during scheduled inspections;
      • Placarding;
      • Appropriate operation of aircraft utilized in operations under multiple regulatory parts (see paragraph 4-651);
      • MEL revision requirements contained in this section and Volume 4, Chapter 4, Section 3; and
      • Surrender of the LOA in accordance with the requirements of subparagraph 4-653C.
c) LOA Conditions.

1. New LOAs are not required to be issued to operators who have relocated.

2. New LOAs are issued without an expiration date.

3. A single LOA is issued to an operator who may have multiple aircraft or more than one type of aircraft. The aircraft serial number, registration number, and M/M/S are entered for each aircraft.

d) The LOA and the MEL Constitute an STC.

1. When issuing the part 91 or 142 LOA D095 to use the MMEL as an MEL, advise the operator that the LOA, MMEL, MEL preamble, and the (M) and (O) procedures document (combined) constitute an STC for the aircraft. All of the documents must be carried on board the aircraft during flight operations.

2. When issuing the part 91 LOA D195, advise the operator that the LOA along with the MEL constitute an STC for the aircraft. Both of the documents must be on board the aircraft during flight operations.

e) Operator Responsibility for (M) and (O) Procedures. The operator may begin operations under the MEL authorization while developing the procedures document. However:

1. If the operator has not yet developed a procedure for an item, that item must be operative until the procedure is developed; and

2. Once the operator has developed a procedure for an item and that item becomes inoperative, the operator must follow the appropriate procedure in the procedures document.

3) Determine if the Operator Understands the Requirements. Invite the operator to ask questions and determine if they understand the requirements for operating with an MEL authorization.

a) Operator Requires More Preparation. If it is apparent the operator requires further study of the responsibilities involved with MEL program authorizations, schedule a meeting for a later date to go over the information again.

b) Operator Understands the Requirements. If the operator fully understands what is required for aircraft operation with an MEL, the AFS field office may issue the appropriate LOA.

4) Complete the LOA in WebOPSS. Using WebOPSS, ASIs will complete the appropriate LOA and include all of the information required in Tables 1 and 2 of the LOA. Print two copies of the LOA and give one to the operator. Retain the other copy in the office file for the operator.
B. Reissuing. ASIs should ensure operators are aware that they should notify the local AFS field office that has oversight within 10 calendar-days of an LOA which requires reissuance. If an LOA is not reissued, it may become invalid. When reissuing an LOA, the superseded LOA is maintained in accordance with the office procedures manual (WebOPSS archives superseded LOAs). A local AFS field office will update and reissue an LOA for the following reasons:

- Adding or removing an operator;
- Adding or removing an aircraft; and
- MMEL revisions.

C. Surrendering. Operators must surrender invalid and/or superseded LOAs to the local AFS field office that has oversight.

1) Time Limit. ASIs will ensure operators surrender superseded and invalid LOAs to the local AFS field office within 10 calendar-days of becoming invalid or superseded.

2) Filing Requirements. Filing requirements are in accordance with the local AFS field office procedures manual (WebOPSS archives superseded LOAs).

3) Invalid LOAs. LOAs are invalid when:

- They are voluntarily surrendered by the operator;
- The operator listed in the LOA is no longer the operator of the aircraft listed;
- The LOA is surrendered by the operator or revoked by the FAA;
- The person signing the LOA relinquishes responsibility;
- The aircraft listed is no longer used by the operator;
- Aircraft are added or removed from the LOA (this requires a new LOA); and/or
- An aircraft registration number is changed.

4-654 RECORDKEEPING. The local AFS field office with oversight responsibility must keep a separate file on all parts 91, 137, and 142 operators with an MEL. The file should contain, at a minimum, the following information, as applicable:

A. File Contents:

- The initial request from the operator/certificate holder for an MEL program;
- The current MMEL revision number;
- A copy of the current LOA;
- All invalid and surrendered LOAs as required by local AFS field office procedures (WebOPSS archives superseded LOAs);
- Information on the operator from various aviation information sources;
- Written requests from the operator for MMEL revisions;
- Correspondence with the FOEB on MMEL revisions;
- Correspondence with the operator concerning all MEL program issues; and
• All inspection and surveillance reports not entered into the Program Tracking and Reporting Subsystem (PTRS).

B. **File Retention.** MEL files for parts 91, 137, and 142 operators will be retained in accordance with the current edition of Order 1350.14, Records Management, and the local AFS field office procedures.

**4-655 SURVEILLANCE.** Because parts 91, 137, and 142 MEL (M) and (O) procedures are not subject to FAA approval, ASIs should take advantage of any opportunity to examine an operator’s use of the MEL and the following of (M) and (O) procedures. During ramp or base inspections, ASIs should review an operator’s use of the MEL with emphasis in the following areas:

A. **All Required Documents are on the Aircraft.**

1) **Parts 91, 137, and 142 Operators Authorized to Use an MMEL as an MEL.** Verify the following documents are on board the aircraft:

   • The MMEL;
   • The MMEL PL-36 part 91 MEL preamble;
   • The (M) and (O) procedures document; and
   • The LOA D095 for parts 91 and 137 or the TSpec LOA D095 for part 142.

2) **Part 91 Operators Authorized to Use an MEL.** Verify the following documents are on board the aircraft:

   • The MEL; and
   • The LOA D195 for part 91.

B. **All Required Documents are Up to Date.** Verify that the MEL or MMEL are revised in accordance with the most current revision of the MMEL. If the operator does not have the current revision, the ASI must inform the operator of the current revision’s availability.

C. **The LOA Information is Accurate.** Verify that the LOA contains the following correct information:

   • Operator’s name;
   • The correct aircraft(s) serial number(s);
   • The correct aircraft(s) registration N-Number(s); and
   • The responsible person’s name, email address, and phone number are current.

D. **Aircraft Logbook Information.** Review the aircraft logbook for any action/deferral taken using the operator’s MEL. Check that the action/deferral was correctly applied per the MEL program procedures.

E. **Inspection Results.** The ASI must document the inspection results.

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1) **Operator Issues.** If an ASI encounters any problems with the MEL itself, the procedures outlined in the (M) and (O) procedures document, or the operator’s application of the MEL and/or (M) and (O) procedures, the ASI should describe to the operator how they can be rectified and follow up with the operator in writing.

2) **Written Correspondence.** The ASI must place copies of all written correspondence with the operator in the operator’s MEL program file at the local AFS field office.

3) **Surveillance.** Surveillance entered in PTRS does not have to be additionally maintained in the part 91, 137, or 142 operator’s file at the local AFS field office.

4) **Different Field Office.** If the operator has been issued an MEL LOA from another AFS field office, transmit the PTRS identification number of the surveillance record to the issuing office.

**RESERVED.** Paragraphs 4-656 through 4-674.