VOLUME 4 AIRCRAFT EQUIPMENT AND OPERATIONAL AUTHORIZATIONS

CHAPTER 4 CONFIGURATION DEVIATION LIST (CDL) AND MINIMUM EQUIPMENT LIST (MEL)

Section 4 Nonessential Equipment and Furnishings (NEF) Program

4-700 GENERAL.

A. Purpose. This section establishes Federal Aviation Administration (FAA) Flight Standards Service requirements for approval, oversight, and surveillance of Title 14 of the Code of Federal Regulations (14 CFR) parts 91, 91 subpart K (part 91K), 121, 125, 135, and 142 Master Minimum Equipment List (MMEL) or minimum equipment list (MEL) nonessential equipment and furnishings (NEF) programs.

B. Scope. This section applies to all parts 91, 91K, 121, 125 (including part 125 Letter of Deviation Authority (LODA) holders), 135, and 142 operators authorized to conduct operations with an MMEL or MEL.

1) Title 14 CFR Part 129 Foreign Air Carriers or Foreign Persons Operating U.S.-Registered Aircraft in Accordance with Part 129, § 129.14. Volume 12, Chapter 4, Section 9 contains the majority of information related to part 129 foreign air carriers or foreign persons operating U.S.-registered aircraft. However, information contained in this section regarding NEF format, content, and revision may also apply to part 129 foreign air carriers or foreign persons operating U.S.-registered aircraft.

2) Limited Applicability to Part 142 Training Centers. The information in this section regarding part 142 only applies to part 142 training centers which utilize aircraft as part of their training programs.

C. Terminology Used in This Section.

1) Operator. Unless otherwise noted, the term “operator” within this section applies to part 91 aircraft owners and operators; program managers conducting part 91K operations; certificate holders (CH) conducting part 121, 125, or 135 operations; part 142 training centers which utilize aircraft as part of their training programs; and LODA holders conducting part 125 operations. This section uses the singular term “operator” for simplicity.

2) Responsible Flight Standards Office. Unless otherwise noted, the term “responsible Flight Standards office” applies to a certificate management office (CMO), Flight Standards District Office (FSDO), or International Field Office (IFO), as appropriate. This section uses the singular term “responsible Flight Standards office” for simplicity.

3) Equivalent Level of Safety (ELOS). ELOS findings are granted when literal compliance with a certification regulation cannot be shown and compensating factors exist, which can provide an ELOS (see 14 CFR part 21, § 21.21(b)(1)). Compensating factors are normally any design changes, limitations, or equipment imposed that will facilitate granting the equivalency.
4-701 ADDITIONAL GUIDANCE:

- Guidance related to Configuration Deviation Lists (CDL) is located in Volume 4, Chapter 4, Section 1.
- Guidance related to the Aircraft Evaluation Division (AED) Flight Operations Evaluation Board (FOEB) and the MMEL development, approval, and revision process is located in Volume 8, Chapter 2, Section 3.
- Guidance related to operations specification (OpSpec), management specification (MSpec), training specification (TSpec), and Letter of Authorization (LOA) D095 (except for part 129) is located in Volume 3, Chapter 18, Section 6.
- Guidance related to the use of LOA D095 or D195 for part 91 operators and TSpec/LOA D095 for part 142 operators is located in Volume 7, Chapter 4, Section 2.
- Guidance related to OpSpec D095 for part 129 foreign air carriers and foreign persons operating U.S.-registered aircraft in accordance with § 129.14 is located in Volume 12, Chapter 4, Section 9.

4-702 FLIGHT STANDARDS OFFICE RESPONSIBILITIES. Flight Standards offices are responsible for approval and oversight of all NEF programs developed by parts 91K, 121, 125 (including part 125 LODA holders), and 135 operators for which they have MEL oversight responsibility. NEF programs of parts 91 (excluding part 91K) and 142 are not FAA-approved but still require surveillance by the responsible Flight Standards office.

A. Principal Operations Inspector (POI). The POI is the primary FAA official responsible for the overall process of administering, evaluating, and approving an operator’s NEF program for parts 91K, 121, 125 (including part 125 LODA holders), and 135 operators. The POI will coordinate the evaluation and approval with the Principal Avionics Inspector (PAI) and the Principal Maintenance Inspector (PMI). When POIs require additional technical information related to a specific item, they will consult the AED FOEB chair responsible for the aircraft.

B. Aviation Safety Inspector (ASI). ASIs conduct surveillance on operator NEF programs. Before conducting surveillance, all ASIs must have a good understanding of at least the following:

1) The scope and purpose of the NEF deferral program;
2) The primary differences between parts 91 and 142 operator NEF programs and parts 91K, 121, 125 (including part 125 LODA holders), and 135 operator NEF programs;
3) The Flight Standards office responsibilities for approval, oversight, and surveillance of NEF programs; and
4) How items are selected for inclusion into an NEF program.
4-703 REPORTING SYSTEM(S).

A. Safety Assurance System (SAS) Activity Recording (AR). For parts 91, 91K, 125, and 142, use the following SAS AR codes, as appropriate:

1) **Operations:** 1321, 1322, 1425, 1426, and 1622.

2) **Maintenance:** 3312, 3313, 3418, 3419, 3627, and 4630.

3) **Avionics:** 5312, 5313, 5418, 5419, 5627, and 6630.

B. SAS. For parts 121 and 135, use the following Data Collection Tools (DCT), as appropriate:

1) **Operations:**
   a) System/Subsystem Performance (SP) 3.3 Flight Planning and Monitoring.
   b) Element Performance (EP) and Element Design (ED) 3.3.4 MEL/CDL/NEF Procedures.

2) **Airworthiness:**
   a) SP 4.3 Maintenance Operations.
   b) EP and ED 4.3.3 MEL/CDL/NEF and Other Deferred Maintenance.

NOTE: Never enter the same activity data into both SAS and SAS AR.

4-704 BACKGROUND. NEF originated from what were once called Passenger Convenience Items (PCI). PCIs were those items related to passenger convenience, comfort, or entertainment located in the cabin, galley, and lavatory areas. PCIs did not allow for nonessential items that were missing or inoperative located elsewhere throughout the aircraft. Due to the limited nature of PCIs, the FAA replaced the PCI title in Air Transport Association of America (ATA) chapter 25 of all MMELs with NEF.

NOTE: ATA changed its name to Airlines for America (A4A). The acronyms ATA and A4A are interchangeable.

4-705 THE NEF PROGRAM. An NEF program allows operators to use the deferral authority granted in OpSpec/MSpec/TSpec/LOA D095 and LOA D195 to provide relief for inoperative, damaged, or missing nonessential items located throughout the aircraft. The NEF program is developed by operators as a part of an MEL management program under parts 91K, 121, 125 (including part 125 LODA holders), and 135; or as part of an operator’s MEL for operators under part 91 with issuance of LOA D195; or use as a supplement with the MMEL for operators under part 91 with the issuance of LOA D095 and part 142 with issuance of TSpec/LOA D095. An NEF program encompasses an NEF list (or equivalent), a process for evaluating an item in accordance with NEF requirements, reporting procedures, and repair and/or replacement policy.

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and procedures. Operators may choose to use the recommended method of evaluation shown in Figure 4-52, Flowchart—Criteria Elements for NEF Item Selection, or they may use an alternative, yet equivalent, method that is acceptable to the FAA.

A. Definition.

1) In accordance with the definition found in MMEL Policy Letter (PL)-25, MMEL and MEL Definitions, NEF items are:

   a) Items installed on the aircraft as part of the original type certification, Supplemental Type Certificate (STC), engineering order, or other form of alteration, that have no effect on the safe operation of the aircraft;

   b) Items not required by the applicable certification or operational rules; and

   c) Items that, if inoperative, damaged, or missing, have no effect on the aircraft’s ability to be operated safely under all operational conditions.

2) Additionally, NEF items may be considered:

   a) Inoperative, damaged, or missing nonessential items located throughout the aircraft including, but not limited to, the passenger compartment, flight deck area, service areas, cargo areas, crew rest areas, lavatories, and galley areas; and

   b) Cosmetic items which are fully serviceable but worn.

   NOTE: Cosmetic items may have associated fire retardant/blocking requirements that must be considered before inclusion as an identified NEF item.

3) In accordance with the definition found in MMEL PL-25, NEF items are not:

   a) Instruments and equipment already identified in the MMEL, MEL, or CDL of the applicable aircraft;

   b) Instruments and equipment functionally required for meeting any certification rule; and

   c) Instruments and equipment required for compliance with any operational rule.

4) Additionally, NEF items may not be considered (not all-inclusive):

   a) Items deferred contrary to an operator’s Continuous Airworthiness Maintenance Program (CAMP);

   b) Paint (mismatched, bad, or worn condition);

   NOTE: Paint is addressed in other maintenance documents utilized for determining airworthiness; the NEF program is not appropriate.
c) Rodent or pest (bug) infestations of any type; and

d) Items which are only dirty or soiled (e.g., carpet, seats, interior side walls, or a dirty garbage can).

5) An NEF item should not be confused with an administrative control item (ACI). An ACI is listed by the aircraft operator in its MEL for tracking and informational purposes only. POIs may not approve the use of an ACI as an NEF. Additional guidance on ACIs may be found in Volume 4, Chapter 4, Section 3.

B. Deferral Authority. The deferral authority granted in OpSpec/MSpec/TSpec/LOA D095/LOA D195 and referred to in an MMEL or MEL is the basis for developing an operator-specific NEF program.

1) Although the NEF program is listed under ATA chapter 25, it may address items that fall under other ATA chapters.

2) The operator’s NEF process must not provide for deferral of items within serviceable limits identified in the manufacturer’s maintenance manual, Structural Repair Manual (SRM), Airworthiness Directives (AD), or operator’s maintenance program (e.g., CAMP or General Maintenance Manual (GMM)).

3) NEF items must be deferred in accordance with the procedures and authority of the operator’s NEF program.

C. Where to Find an Operator’s NEF Program.

1) Parts 91 and 142. An NEF program for an operator under part 91 or 142 becomes a supplement to the MMEL or MEL depending on whether LOA D095/D195 is issued. The NEF program is not a standalone program.

2) Parts 91K, 121, 125 (Including Part 125 LODA Holders), and 135. The NEF program for an operator under part 91K, 121, 125 (including part 125 LODA holders), or 135 is part of the operator’s MEL management program. NEF lists and processes may reside together or separately, in the location and manner selected by the operator and acceptable to the POI.

NOTE: The operator’s MEL management program is an OpSpec/MSpec D095 requirement.

4-706 DEVELOPMENT OF AN NEF PROGRAM. The operator develops, implements, maintains, and revises each NEF program. The principal inspectors (PI) for parts 91K, 121, 125 (including part 125 LODA holders), and 135 operators should ensure that the operator designs their NEF program so that it can be managed at the responsible Flight Standards office level to provide expedited handling of NEF items.

A. Required NEF Program Elements. POIs and ASIs must ensure that the following elements are included in an NEF program:
1) **Method of Tracking NEF Items.** A list or other equivalent method of tracking NEF items may be used.

   a) A list does not need to be developed and maintained, nor does an operator need to include the specific NEF items inside the MEL. However, a list reduces both the FAA and operator’s time spent analyzing recurring deferrals of the same item.

   b) Operators who choose not to develop an NEF list must treat each NEF deferral as a newly discovered NEF item, as outlined in their individual NEF program.

   c) FAA inspectors must work with those operators who choose not to develop an NEF list to determine a mutually acceptable timeframe in which each newly identified and deferred NEF item will be reported for review (parts 91K, 121, 125 (including part 125 LODA holders), and 135).

   d) If used, the NEF list should be comprehensive but may be listed in general terms. For example, “cosmetic trim strips” may be listed rather than identifying each strip individually on the NEF list.

   e) If the operator develops an FAA-approved NEF list, the POI with MEL oversight responsibility must review all subsequent additions/revisions. The POI should work with the operator to determine a mutually acceptable timeframe in which the newly identified and deferred NEF items will be reported for review (parts 91K, 121, 125 (including part 125 LODA holders), and 135).

   f) Whether in paper or electronic format, the applicable portions of the list (if applicable) and NEF process must be available to the flight and cabin crews, maintenance, and flight operations personnel, as appropriate, when items are being deferred in accordance with the operator NEF program.

2) **Identifying Deferrals.** Procedures and processes for identifying NEF items that may be deferred.

3) **Tracking Deferrals.** Procedures for tracking program deferrals.

4) **Reporting Deferrals.** Procedures for the reporting of deferrals, as required, to the POI (parts 91K, 121, 125 (including part 125 LODA holders), and 135).

5) **Documentation Procedures.** Documentation procedures for inoperative, damaged, or missing NEF items.

6) **(M) and (O) Procedures.** Appropriate (M) and/or (O) procedures.

7) **Follow-up Maintenance.** Procedures for follow-up maintenance, repair, and replacement.
8) **Repair Intervals.** Repair intervals are prescribed for NEF items. Operators may use the current MEL deferral categories at their discretion or an alternate method acceptable to the Administrator.

9) **Title 14 CFR Part 43, § 43.13 Compliance.** Any portions of an NEF program that references maintenance must comply with standard practices defined in § 43.13.

10) **NEF Proviso.** The following proviso to an NEF program (see Figure 4-51) must be included in the MEL ATA chapter 25 for part 91 with LOA D195, and for approved NEF programs under parts 91K, 121, 125 (including part 125 LODA holders), and 135. The reference proviso must be copied verbatim. However, as indicated in the proviso, the aircraft operator’s manual where the NEF program, processes, and procedures are found must be specific (see Figure 4-51 for the required NEF proviso).

**Figure 4-51. Required NEF MEL Proviso for an FAA-Approved NEF Program**

<table>
<thead>
<tr>
<th>System &amp; Sequence Numbers 25 Equipment/ Furnishings</th>
<th>Repair Interval</th>
<th>Number Installed</th>
<th>Number Required For Dispatch</th>
<th>Remarks or Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonessential Equipment and Furnishings (NEF)</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>May be inoperative, damaged, or missing provided that the item(s) is deferred in accordance with the NEF deferral program. The NEF program, procedures, and processes are outlined in the operator’s [insert name] Manual. (M) and (O) procedures, if required, must be available to the flightcrew and included in the aircraft operator’s appropriate document. <strong>NOTE:</strong> Exterior lavatory door ashtrays are not considered NEF items.</td>
</tr>
</tbody>
</table>

**B. Optional NEF Program Elements: Extension of NEF Repair Intervals.** Parts 91K, 121, 125 (including part 125 LODA holders), and 135 operators may design and submit an extension program to their responsible Flight Standards office. The extension program may be similar to the one used for MEL items, or it may be different. PIs should work with operators to agree on an acceptable NEF extension program that contains many of the same properties of the operator’s MEL extension program. PIs are not required to seek approval from the FAA’s Air Transportation Division (AFS-200) or Aircraft Maintenance Division (AFS-300) for subsequent extensions, if used. However, PIs must ensure that operators are not abusing this program.
C. NEF Program Approval.

1) Parts 91K, 121, 125 (Including Part 125 LODA Holders), and 135 Operators. Parts 91K, 121, 125 (including part 125 LODA holders), and 135 operators submit their NEF program to the responsible Flight Standards office with oversight responsibility for approval via the normal MEL approval process. The referenced proviso to the program must be incorporated into MEL ATA chapter 25 (see Figure 4-51). The approval of the MEL with the proviso indicates approval of the operator’s NEF program.

   a) An operator may develop and submit a list of items desired to be included on the NEF list. The responsible Flight Standards office will review and concur with the list (if included) prior to approval of the operator’s program.

   b) The NEF list does not have to be part of the standard MEL and may be kept in a form and manner as agreed upon by the operator and the responsible Flight Standards office.

2) Parts 91 and 142 Operators. Parts 91 and 142 operators are not required to submit their NEF program (and NEF list, if applicable) to the responsible Flight Standards office for approval. However, the FAA may conduct surveillance on an operator’s NEF program at any time. When conducting surveillance, ASIs must ensure that the proviso found in Figure 4-51 is incorporated into MEL ATA chapter 25 of the part 91 LOA D195 operator’s MEL.

D. NEF Program Revisions. The POI, PMI, and PAI will review all additions and revisions to an FAA-approved NEF program (parts 91K, 121, 125 (including part 125 LODA holders), and 135). Additions and revisions for parts 91 and 142 NEF programs do not require FAA review but are subject to FAA surveillance at any time.

E. NEF Criteria Elements for Item Selection. Before parts 91K, 121, 125 (including part 125 LODA holders), and 135 operators can defer an NEF item, they must follow their FAA-approved program for determining if an item can be considered for inclusion as an NEF item. NEF items are not safety-of-flight items. They have not been evaluated through the normal AED review process and may require the concurrence of the flightcrew, maintenance, and operational personnel, if applicable. POIs must ensure that operators address specific elements when submitting items for review prior to inclusion into their approved NEF program. PIIs and ASIs must apply the following questions when reviewing items and potential items for inclusion in an operator’s NEF program:

NOTE: See Figure 4-52 for a flowchart that includes the following elements in sequence. The flowchart is provided as a guide for developing an NEF deferral process. The process may be modified to facilitate inclusion in an operator’s overall MEL deferral program; however, the intent of the elements outlined in the flowchart below must be addressed.

- Is the item required for the operational rules in which the aircraft is operated?
- Does the item create the potential for fire/smoke or other hazardous condition?
- Could the item have an adverse effect on other required systems or components?
- Is the item contrary to the operator’s FAA-approved CAMP?
• Does the item’s condition potentially affect the safety of passengers, crew, or service personnel?
• Could the item have a negative impact on emergency or abnormal procedures?
• Does the item create an additional workload for the crew at critical times of flight or flight preparation?
• Do crewmembers need to evaluate the deferred NEF item on a flight-by-flight basis?

NOTE: When conducting surveillance on a part 91 or 142 operator’s NEF program, the above questions should be answered for the inoperative, damaged, or missing item at its face value and for the underlying cause of the discrepancy.

1) Documentation. For an inoperative, damaged, or missing item to be considered for inclusion in an NEF program, the discrepancy must be documented in the aircraft logbook (or other approved location) per the operator’s discrepancy reporting system. This action is completed by the flightcrew, company maintenance personnel, or personnel authorized and approved to perform such functions as outlined in the operator’s maintenance program.

2) Current NEF Items. If the inoperative, damaged, or missing item is already on the NEF deferral list (if used), the established procedures for NEF deferral of the item will be followed.

3) MMEL, CDL, or MEL Items. An MMEL, CDL, or MEL item may not be deferred in accordance with the operator’s NEF program. Deferral procedures for inoperative, damaged, or missing items listed in the MMEL, CDL, or operator’s MEL must be followed.

4) Subcomponents of MMEL, CDL, or MEL Items. If the inoperative, damaged, or missing item is a subcomponent of, and supports the primary function of, a system identified in the MMEL/MEL/CDL, where no previous relief was authorized, the subcomponent may not be deferred in accordance with the operator’s NEF program.

5) Required by Certification or Operational Rules. If the item is required by any applicable certification or operational rules, the item may not be deferred in accordance with the operator’s NEF program. If the item is functionally required to meet a certification rule, or for compliance with any operational rule, the item may not be deferred in accordance with the operator’s NEF program.

6) Safety-of-Flight Issues. If it is obvious from a maintenance or operational perspective that the item, in and of itself, could have an adverse effect on the safe conduct of flight, or if there is a safety-of-flight issue with an inoperative, damaged, or missing item, that item may not be deferred and must be repaired prior to flight.

7) Source (Underlying Cause). If the presence of a safety-of-flight issue is unknown, not present, or not applicable, ascertain whether the source (underlying cause) for the inoperative, damaged, or missing item can be identified and further evaluated. If the source (underlying cause):
a) Cannot be identified, that item may not be deferred in accordance with the operator’s NEF program and must be repaired prior to flight.

b) Can be identified, determine whether that source (underlying cause) affects an ELOS. If the source (underlying cause) is not applicable, evaluate the effect of the item on an ELOS.

8) **Effects on an ELOS.** Identify the effect of the source (underlying cause) of the inoperative, damaged, or missing item on an ELOS. If the source (underlying cause):

   a) Has no effect on an ELOS, that item may be deferred in accordance with the operator’s NEF program.

   b) Affects an ELOS, the item may not be deferred in accordance with the operator’s NEF program and must be repaired prior to flight.

   **NOTE:** In making this determination, close coordination between the flightcrew, maintenance, and operations personnel may be required.

9) **Isolation with Applicable Maintenance Procedures.** If it cannot be determined or remains uncertain that the discrepancy is a safety-of-flight issue, determine if any applicable maintenance procedures can isolate the source (underlying cause) of the inoperative, damaged, or missing item discrepancy from the system. If the source (underlying cause) of the discrepancy:

   a) Cannot be safely isolated using applicable maintenance procedures, it must be repaired prior to flight.

   b) Can be isolated using applicable maintenance procedures, it must pass a reevaluation of steps 6 through 9. If no safety-of-flight concern exists after the reevaluation, the item may be deferred in accordance with the operator’s NEF program.

10) **Defer in Accordance with the Operator’s NEF Program.** Defer the item if, after completing the previous nine steps, the item can be deferred in accordance with the NEF program.

   **NOTE:** Before an operator can defer an NEF item, the operator must follow their FAA-approved program for determining if an item can be considered NEF (parts 91K, 121, 125 (including part 125 LODA holders), and 135).

11) **Update the NEF List, as Required.** A list does not need to be developed and maintained, nor does an operator need to include the specific NEF items inside the MEL. However, a list reduces both the FAA and operator’s time spent analyzing recurring deferrals of the same item. Operators who choose not to develop an NEF list must treat each NEF deferral as a newly discovered NEF item, as outlined in their individual NEF program. If used, the NEF list should be comprehensive but may be listed in general terms. For example, “cosmetic trim strips” may be listed rather than identifying each strip individually on the NEF list.
12) **Provide the NEF Items to the Responsible Flight Standards Office.** The POI will review all additions and revisions to an FAA-approved NEF program (parts 91K, 121, 125 (including part 125 LODA holders), and 135). The POI should work with the operator to determine a mutually acceptable timeframe in which the newly identified and deferred NEF items will be reported for review (parts 91K, 121, 125 (including part 125 LODA holders), and 135). Additions and revisions for parts 91 and 142 NEF programs do not require FAA review but are subject to FAA surveillance at any time.
Figure 4-52. Flowchart—Criteria Elements for NEF Item Selection

NOTE: This flowchart is not required to be included in the operator’s NEF program.
**4-707 PROCEDURES.** Approval, oversight, and surveillance of operator NEF programs are conducted by PIs and ASIs from the responsible Flight Standards office. PIs and ASIs must have the knowledge base defined in subparagraph 4-702B to effectively conduct the following procedures for initial review, approval, and surveillance.

**A. NEF Program Review.** The NEF program review commences upon submission of a draft NEF program from the operator to the responsible Flight Standards office or, for parts 91 and 142 operators, when conducting surveillance. The ASI must ensure that the operator’s NEF program:

1) Conforms to the definition found in paragraph 4-705;

2) Conforms to the parameters of NEF program development found in paragraph 4-706; and

3) Identifies that the NEF items listed (if applicable) are in compliance with the criteria elements listed in subparagraph 4-706E.

**B. NEF Program Approval.** The POI will approve the operator’s NEF program in accordance with subparagraph 4-706C.

**4-708 TASK OUTCOMES.**

**A. Safety of Flight.** By definition, items deferred by an operator’s NEF program must have no connection to the safe operation of the aircraft. ASIs identifying NEF items that have safety-of-flight issues must bring them to the attention of the operator immediately.

**B. Discrepancies.** Any discrepancies or issues discovered by ASIs during review or surveillance of an NEF program must be addressed with the operator:

1) Prior to approval of the NEF program (parts 91K, 121, 125, 135, and 142);

2) Immediately, if related to a safety-of-flight issue; or

3) During a revision review.

**4-709 FUTURE ACTIVITIES.**

**A. Surveillance.** Through regular surveillance, ASIs must ensure that the operator’s NEF policies and procedures are applied consistently.

**B. Enforcement.** Failure to comply with the FAA-approved NEF program may result in the removal of the operator’s FAA approval to participate in the NEF portion of the MEL (parts 91K, 121, 125, and 135) or removal of the NEF program (parts 91 and 142 operators).

**C. Revisions.** See subparagraph 4-706D.

**RESERVED.** Paragraphs 4-710 through 4-915.