U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN 21 2015

Jarvis L. Cochran
[redacted]

Mr. Cochran:

This letter is in response to your request for a legal interpretation on 14 CFR § 91.213. Specifically, you ask whether a piece of equipment that is not required by certification or operational rule can be "disabled by appropriate methods, techniques, and practices" so long as an appropriate maintenance entry was made as required by 14 CFR § 43.9? Furthermore, you state that if this piece of equipment performs no specified required function and does not create a hazard to the occupants or the aircraft, whether this piece of equipment is considered "operative" for the purposes of § 91.213(a)? You do not provide further detail about the type of operation, equipment, or aircraft in question.

Instruments and equipment that are disabled are considered inoperative, and any person conducting operations with inoperative instruments or equipment must comply with the applicable requirements of 14 CFR § 91.213.

§ 91.213(a) lists the requirements for an aircraft with inoperative instruments or equipment installed when an approved Minimum Equipment List (MEL) exists for that aircraft. *See* 14 CFR § 91.213(a)(1)-(5) for the additional requirements of takeoff in an aircraft with inoperative instruments and equipment installed when an approved MEL exists for that aircraft.

However, § 91.213(d) (1)-(4) provides the requirements for operations in an aircraft with inoperative instruments and equipment without an approved MEL. A person may takeoff an aircraft with inoperative instruments and equipment without an approved MEL provided:

1. The flight is conducted in one of the types of aircraft listed in § 91.213(d)(1),
2. The inoperative instruments and equipment are not those listed in 91.213(d)(2)(i)-(iv).
3. The inoperative instruments and equipment are either
    a. removed from the aircraft, the cockpit control placarded, and the maintenance recorded in accordance to § 43.9, or
    b. deactivated and placarded "inoperative" in accordance with part 43, and
4. A determination is made by an appropriate person that the inoperative instrument or equipment does not constitute a hazard to the aircraft.

Therefore, depending on whether an approved MEL exists for the aircraft, a person may take off an aircraft with an inoperative instrument or equipment so long as the operation in compliance with the applicable requirements of 14 CFR § 91.213.

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Nancy Sanchez, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of Flight Standards. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations
AGC-200