



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave., SW  
Washington, DC 20591

JUN 23 2009

JUN 19 2009

Ms. Sarah MacLeod  
Executive Director  
Aeronautical Repair Station Association  
121 North Henry Street  
Alexandria, VA 22314-2903

Dear Ms. MacLeod:

Re: Guidance on 14 C.F.R. § 91.409(f)(3) in response to Assistant Chief Counsel's Interpretation dated December 5, 2008.

In response to your February 27 letter the Aircraft Maintenance Division developed two specific items of guidance.

First, on May 22 we published InFO (Information for Operators) 09008 which contains information for industry on the use of current inspection programs as mandated by 14 CFR section 91.409(f)(3). InFO 09008 also provides a hyperlink to access the Assistant Chief Counsel's interpretation, as well as specific questions and answers resulting from the interpretation.

Secondly, we revised 8900.1, volume 6, chapter 9, section 7, Inspect a Part 145 Repair Station, to clarify requirements of part 145 repair stations in regard to current inspection programs.

For your convenience I have enclosed copies of InFO 09008 and the change to 8900.1.

Sincerely,

Carol E. Giles  
Manager, Aircraft Maintenance Division

2 Enclosures



U.S. Department  
of Transportation  
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# InFO

Information for Operators

InFO 09008  
DATE: 5/22/09

Flight Standards Service  
Washington, DC

[http://www.faa.gov/other\\_visit/aviation\\_industry/airline\\_operators/airline\\_safety/info](http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info)

*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:** Current Inspection Programs Title 14 of the Code of Federal Regulations (14 CFR) part 91 § 91.409(f)(3)

**Purpose:** This InFO contains information about the use of current inspection programs as mandated by § 91.409(f)(3).

**Background:** There are two recent examples of manufacturers' updating maintenance/inspection instructions to include new inspections and new inspection thresholds. Cessna developed a completely new structural inspection program, while Gulfstream reduced an inspection threshold by one half. The Federal Aviation Administration (FAA) has not issued an Airworthiness Directive (AD) that would make these inspections mandatory. The Aircraft Maintenance Division (AFS-300) requested and received an interpretation from the Assistant Chief Counsel for Regulations regarding the correct interpretation of the term "current" with respect to compliance with § 91.409(f)(3). The Assistant Chief Counsel concurred with AFS-300's understanding that changes to an inspection program appropriately adopted by the owner/operator under § 91.409(f)(3) are not mandatory unless required through rulemaking.

**Discussion:** Section 91.409(e) requires owners/operators of certain large aircraft to select an inspection program under § 91.409(f). In turn, § 91.409(f) requires the owner/operator to "select, identify in the aircraft maintenance records, and use" one of the inspection programs listed in that rule. Therefore, the owner/operator should use *either* the inspection program that the owner/operator selected and identified in the aircraft maintenance records *or* the most recent manufacturer's inspection program. If the owner/operator elects not to use the most recent program, the owner/operator must provide the maintenance provider with the inspection program and instructions for the aircraft that the owner/operator has previously selected and identified in the aircraft maintenance records. Section 91.409(f) also requires each operator to include in the identification of the selected program the name and address of the person responsible for scheduling the inspections the program requires. Section 91.409(f) also requires the operator to make a copy of that inspection program available to the person performing inspections on the aircraft and, upon request, to the Administrator.

In order to assure that updated guidance on this issue is available to aviation safety inspectors (ASI) who have oversight responsibilities of maintenance providers (part 145 repair stations and/or part 65 mechanics) and/or affected part 91 operators, AFS-300 initiated changes to Order 8900.1, Volume 6, Chapter 9, Section 7, Inspect a Part 145 Repair Station.

To comply with a regulatory requirement to incorporate the current manufacturer's recommended inspection program, an owner/operator must properly adopt a manufacturer's program that is "current" as of the time the operator selects and identifies such program in the aircraft maintenance records

(see § 91.409(f)). The program remains “current” unless the FAA mandates revisions to it in the form of an AD or an amendment to the operating rules.

The interpretation is available at;

[http://www.faa.gov/about/office\\_org/headquarters\\_offices/age/pol\\_adjudication/age200/interpretations/data/interps/2008/Aircraft%20Maintenance.pdf](http://www.faa.gov/about/office_org/headquarters_offices/age/pol_adjudication/age200/interpretations/data/interps/2008/Aircraft%20Maintenance.pdf).

### **Frequently asked questions pertaining to § 91.409(f):**

**1. Question:** In regards to an airplane where an inspection program under § 91.409(e) was never entered into the log books, is the owner forced to make a selection as directed by § 91.409(e) before further maintenance can be done?

**1. Answer:** Section 91.409 states that ...”inspections must be performed within the preceding 12-calendar months...” The owner would not have to select an inspection program as directed by § 91.409(e) before further maintenance. However the owner/operator would have to select a current inspection program, enter that selection into the maintenance records and have that inspection program accomplished prior to operating the airplane. The owner/operator may not revert back to an earlier program. If it is impossible to determine the last inspection program used, the owner/operator should select the program that is current as of the time his/her selection is made.

**2. Question:** A previous owner of the aircraft makes an explicit selection under § 91.409(e) and then sells the airplane to a new owner. Does the selection of a maintenance program survive change in ownership?

**2. Answer:** The new owner would have to select the most current program at the time of purchase. The new owner may not use the program that had been selected by the previous owner.

**3. Question:** Would it be logical to assume that in a situation where the records are incomplete and or missing or it cannot be determined if an explicit program was selected, to use the same criteria as "no selection" made?

**3. Answer:** As previously stated if records are incomplete or missing the last inspection recorded would have to be the default program for currency. If it is impossible to determine the inspection program the aircraft was last inspected under, then the owner must use the program that is current when the selection is made.

**4. Question:** How selective can this process be? Must the update be used entirely or can parts of it be selectively applied and others not? To be specific, could an owner elect to use the updated Cessna program except for the SID parts?

**4. Answer:** The owner may always elect to accomplish more than the required inspections and in fact is encouraged to do so. Therefore he or she may select to use an updated program as long as it is specifically stated in the maintenance records what that program consists of. An owner/operator must use the entire selected program. If the SID is part of the program selected, then the owner/operator must implement it.

**Recommended Action:** Owners/operators and maintenance providers should note the contents of this InFO.

**Contact:** If further information is required, contact Rusty Jones, Manager, Special Programs Branch, AFS-320, at (202) 385-6399.

**VOLUME 6 SURVEILLANCE****CHAPTER 9 PART 145 INSPECTIONS****Section 7 Inspect a Part 145 Repair Station's Technical Data****6-1776 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.**

**A. Maintenance:** 3656.

**B. Avionics:** 5656.

**6-1777 OBJECTIVE.** This section provides guidance for inspecting the technical data that the repair station uses. The review will confirm its:

- Availability,
- Currency, and
- Appropriateness for the work performed.

**6-1778 GENERAL.** The Repair Station Manual (RSM)/Quality Control Manual (QCM) must contain the procedures for ensuring that current technical data is available for the scope of maintenance the repair station is performing.

**6-1779 COORDINATION REQUIREMENTS.** If the repair station has an assigned principal maintenance inspector (PMI) and a principal avionics inspector (PAI), coordinate this inspection between both inspectors.

**6-1780 REFERENCES, FORMS, AND JOB AIDS.****A. References (current editions):**

- Title 14 of the Code of Federal Regulations (14 CFR) parts 43 and 145.
- Order 8900.1 Volume 2, Chapter 11, Section 1, Introduction
- Order 8900.1 Volume 6, Chapter 9, Section 3, Inspect a Repair Station's Record System.
- Special Federal Aviation Regulation (SFAR) 36.

**B. Forms.** None.

**C. Job Aids.** None.

**6-1781 PROCEDURES.**

**A. Review Applicable Information.** Before reviewing the technical data, the principal inspector (PI) should carefully review the:

- RSM/QCM;

- Safety Performance Analysis System (SPAS) repair station analytical model (RSAM);
- Certificate-holding district office (CHDO) file; and
- Operations specifications (OpSpecs), process specifications, and SFAR 36 data.

**B. Review Technical Data.** The PI should review a representative sample of maintenance records or work orders by the repair station in order to verify the following items.

1) The technical data used by repair stations could include any of the following:

a) When the repair station is providing maintenance under the provisions of part 145, § 145.205, the repair station must follow the air carrier's or commercial operator's program and applicable sections of its maintenance manual. Any deviation from that program must be authorized by the air carrier. This includes technical data used for repairs or alterations. The repair station should have documentation of how and when the repair station will notify the air carrier or commercial operator if it needs to deviate from the air carrier's or commercial operator's program.

b) Manufacturer's Manuals/Data. Manufacturer's manuals/data may be approved or may be acceptable data. If the repair or alteration is not covered in the manufacturer's manuals, then a determination must be made if the repair or alteration is major. If the repair station is providing maintenance for an air carrier, then the air carrier must make that determination. The repair station may have other data that has been approved, but the air carrier must authorize the repair station to use that data if the repair station is providing maintenance for the air carrier.

c) Inspection Programs, 14 CFR part 91 § 91.409(e) requires owners/operators of certain large aircraft to select an inspection program under § 91.409(f). In turn § 91.409(f) requires the owner/operator to use the program which it selected and identified in the maintenance records of the aircraft. Therefore, the maintenance provider should use either the inspection program that has been selected and identified by the owner/operator in the aircraft maintenance records or the most recent manufacturer's inspection program.

d) It should also be noted that § 91.409(f) also requires each operator to include in its identification of the selected program the name and address of the person responsible for scheduling the inspections required by the program and make a copy of that program available to the person performing inspections on the aircraft and, upon request, to the Administrator.

NOTE: To comply with a regulatory requirement to incorporate the current manufacturer's recommended inspection program, an operator need only properly adopt a manufacturer's program that is "current" as of the time the operator selects and identifies it in the aircraft maintenance records. (Reference § 91.409(f). The program remains "current" unless the Federal Aviation Administration (FAA) mandates revisions to it in the form of an Airworthiness Directive (AD) or an amendment to the operating rules. The interpretation is available at:

[http://www.faa.gov/about/office\\_org/headquarters\\_offices/agc/pol\\_adjudication/agc200/interpretations/data/interps/2008/Aircraft%20Maintenance.pdf](http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/interpretations/data/interps/2008/Aircraft%20Maintenance.pdf).

e) AD. When the repair station is providing maintenance based on an AD, the AD is approved data. However, if the repair station is providing maintenance using an AD with an alternative method of compliance (AMOC) within the AD, then the repair station should have something that documents that the AMOC has been approved.

f) Designee Approved Data. This is Designated Engineering Representative (DER)-approved data or data developed by the repair station and approved by the FAA SFAR 36 data.

g) Air Carrier's Approved/Accepted Data. Each air carrier will have a process to approve data for major repairs or alterations. The air carrier has the responsibility to determine if the repair or alteration is major. Once the maintenance is determined to be major, the air carrier should provide the repair station with documentation that the repair or alteration has approved data. The repair station may have other data that has been approved, but the air carrier must authorize the repair station to use that data if the repair station is providing maintenance for the air carrier.

h) Process Specifications. The repair stations may have a rating for specialized service. The air carrier should provide documentation authorizing the repair station to use its approved process specification on the air carrier product.

2) Verify that the technical data is appropriate for the maintenance or alterations to be performed.

3) Verify that the data is current, accurate, and complete.

a) The RSM procedure should describe how the revised technical data will be inserted into existing documents and how the appropriate individuals in the repair station will be notified about revisions.

b) If the repair stations use computer software for component testing, verify whether the revisions/updates are made and the current software is distributed.

4) Verify that the data is in the certificate holder's possession and easily accessible to all personnel. Ensure that the technical data is distributed throughout the company in accordance with the RSM.

5) For electronic technical data/manual(s), review the following concerns during the inspection.

a) Security and Access. Determine whether:

- Only authorized personnel are making changes to the manual,
- Unauthorized personnel are capable of making changes to the manual,
- Access to the manuals is protected by passwords,

- The employees have been trained to access the manual on the network,
- Unauthorized access is possible on the network or internet, and
- All of the supervisors and inspectors have access to the manual.

b) Revisions. Determine the following:

- How the manuals are revised with their system (CD-ROM or Internet),
- How the revisions are distributed,
- If the user knows that the manual has been revised and what content was changed, and
- If personnel verify the currency of individual disks before use.

c) Additional Guidance. See Order 8900.1 Volume 6, Chapter 9, Section 3.

6) Verify that the controlled documents are distributed in accordance with the RSM/QCM to include distribution, accountability, and availability.

7) Verify that all technical data (e.g., operator's instructions for continued airworthiness (ICA), manufacturer's maintenance manuals, or type certificate (TC) holder's continuous airworthiness data) the repair station uses is retained in English. This includes all alteration records, logbook entries, return to service records, or any other maintenance or inspection record entries that demonstrate compliance with the requirements of part 43, § 43.9 or 43.11.

a) The FAA recognizes the national language of the country where the repair station is located. The repair station may convert technical data (e.g., operator's ICA, manufacturer's maintenance manuals, or TC holder's continuous airworthiness data) into the national language. Internal documents (e.g., workcards, worksheets, and shop travelers) may be produced and maintained in the national language. Dual language (English/national language) internal documents are acceptable.

b) All technical data translated into the national language and used to meet the requirements of part 43 should be current and accurate in translation.

NOTE: Customers who wish to receive English-language copies of any internal documents, such as those listed above, should address that requirement in their contractual agreement.

NOTE: The repair station must establish procedures in its RSM/QCM that ensure that its English-language copy of technical data and any internal documents developed from this technical data are current and complete. The English-language copy of the technical data should be retained at the main base of the repair station and must be made available to the FAA upon request.

c) Repair stations that are associated with or part of a production approval holder facility often use the manufacturer's drawings and data to perform maintenance. This data may not meet the requirements of § 43.13(a). Caution these repair stations that parts manufactured by

the production side of the facility must be FAA-approved through a Parts Manufacturer Approval (PMA), Technical Standard Order (TSO), TC, or other means.

**C. Analyze Findings.** Upon completion of the inspection, record all deficiencies and determine the appropriate corrective action(s).

**D. Conduct Debriefing.** Brief the certificate holder on the inspection results. Discuss any deficiencies and possible corrective actions.

#### **6-1782 TASK OUTCOMES.**

##### **A. Complete the PTRS Record.**

1) Section IV of the PTRS Record. Enter an “E” in the Primary Area block. List all deficiencies, findings, and irregularities noted during the inspection, using the appropriate keywords that are allowed in the drop-down menu of the Keyword block. For each keyword used, write a brief description of the concern in the Comment block.

2) PTRS Activity Code 3656/5656 (Overall Subsystem Evaluation). In Section I, the Assessment block, select the appropriate word picture number 1–10 in the drop-down menu that best describes the condition of the repair station for the completed inspection.

##### **B. Complete the Task.** Completion of this task will result in one of the following:

- Sending a letter to the operator confirming result of the inspection and initiating an Enforcement Investigation Report (EIR), if necessary; or
- A satisfactory inspection with no deficiencies.

**C. Document Task.** File all supporting paperwork in the certificate holder’s office file. Update the Vital Information Subsystem (VIS) as required.

**6-1783 FUTURE ACTIVITIES.** Schedule and conduct followup inspections as applicable.

**RESERVED.** Paragraphs 6-1784 through 6-1800.