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Civil Air Regulations Amendments - 40-46, 41-11, 42-10, 46-9

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PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Requirements for Air Carrier Continuous Airworthiness Program

The Federal Aviation Agency published as a notice of proposed rule making (27 F.R. 12191), and circulated as Civil Air Regulations Draft Release No. 62-51, dated December 3, 1962, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require each air carrier to establish an approved quality control program, including a maintenance and inspection organization, to assure the proper performance of maintenance.

The notice stated that regulations governing air carrier maintenance programs, maintenance personnel, and performance of maintenance have been found to be basically sound. However, investigation of several major accidents and surveillance of air carrier maintenance activities by the Agency have indicated weaknesses in the airworthiness program of some air carriers, with the

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significant deficiency being in the inspection area.

As a result of a study of the comments received in response to Draft Release 62–51 and a further analysis of the problems involved, the Agency decided that several changes were necessary to the rule as proposed in Draft Release 62–51. These changes were set forth in a revised proposal which was incorporated in a Notice of Public Hearing issued December 26, 1963 (29 F.R. 50), by the Director, Flight Standards Service, and a hearing was held on January 29, 1964, in Washington, D.C., to receive the written and oral views of interested persons on the revised proposal.

Although the provisions of the proposal refer to applicable sections of Part 40, identical provisions were also proposed to the comparable sections of Parts 41, 42, and 46. Therefore, the discussion and comments relating to the proposal have been combined in a single preamble for all the parts using references to the applicable sections of Part 40. However, any comment or discussion in the preamble referring to a particular section of Part 40 is equally applicable to the corresponding sections of Parts 41, 42, and 46. In addition, although the proposal referred only to air carriers, it is equally applicable to commercial operators conducting operations under those parts.

At the public hearing conducted by the Agency a spokesman for the Agency described the proposed amendments and the basic reasons for this regulatory action. The merits of the pertinent comments submitted by the industry in response to Draft Release 62–51 and the Notice of Public Hearing, and the changes made in the proposal as a result of such comments, were discussed. Therefore, further discussion of those comments is not considered necessary and the comments discussed herein are limited to those received at the hearing.

A comment made at the public hearing pointed out that the term "executive level" as used in § 40.241(c) of the proposal is ambiguous and does not clearly indicate the point at which separation between the inspection and maintenance organization should occur. The Agency believes there is merit in such comment and in order to clearly define the area in which the separation between the inspection functions and the maintenance and alteration functions must take place, the rule now provides that such separation must occur below that level of administrative control at which overall responsibility for the management of both the maintenance and inspections is exercised.

In another comment regarding § 40.241 (c) it was pointed out that the clause "unless the Administrator or his authorized representative determines in a particular situation that the separation of functions is not necessary or feasible" is not appropriate because the separation in functions is necessary all of the time and under all situations. The Agency agrees that a separation between the inspection organization and the maintenance organization is necessary at all times when the inspection of required items is being performed in addition to maintenance. Therefore, since this regulation is specifically concerned with inspections of required inspection items, the Agency believes that the subject clause serves no useful purpose and it has been deleted from the regulation.

For the purpose of providing a more suitable arrangement to the provisions of the regulation, certain of the requirements of §§ 40.240 and 40.241 have been combined. In this connection, it should be noted that paragraph (c) of § 40.241 now contains only the requirements concerning the separation of the maintenance and inspection functions and makes it clear that the organizational separation applies both to the air carrier and the person with whom it arranges for the performance of such functions. In addition, § 40.241(f)(8) has been revised to make it consistent with the provisions of § 40.241(c) concerning the point at which inspection and maintenance functions come under common control. Finally, the provisions of § 40.241(j) have been revised to make it clear that the air carrier does not have to maintain the listing of individuals who have been trained, qualified, and authorized to inspect required inspection items, if it is determined that the person with whom the carrier arranges for the performance of its inspections maintains such a list.

A comment expressed concern with the proposed provisions of § 40.242(b) which would give an authorized representative of the Administrator the authority to require an air carrier to make such changes in its maintenance and inspection programs as are necessary to meet the requirements of the regulations. The comment was based upon an apprehension that "undue power" would be given to the local FAA inspectors if this provision was adopted without a right of appeal by the air carrier from any decision made by such representative of the Administrator. Since the rules permit each air carrier to design and establish maintenance and inspection programs which are compatible with its particular operation, the local FAA inspector, as the authorized representative of the Administrator, is the proper person to determine whether the particular program established by the carrier meets the requirements of this regulation. In this respect it is to be noted that the Agency's rule-making procedures provide that any interested person may appear informally before an appropriate official of the FAA to present, adjust, or determine a question or controversy relating to a rule-making function of the FAA (§ 11.37 [New]). Although this provision covers situations involving a controversy between the local inspector and the air carrier as to the requirements of regulations, § 40.242 has been amended to prescribe the procedures by which such a petition for reconsideration may be made.

There were also comments opposing the provisions of § 40.511(b)(3) which permit a certificated repairman to sign a release for the airworthiness of an aircraft. These comments were based upon the belief that a repairman is qualified only to sign for the work which he has performed and for which he is certificated and, therefore, should not be allowed to assume a responsibility in excess of his training, authorization, or certificate. In this connection, it should be pointed out that the regulation was intended to permit a repairman to sign the release only for work for which he is employed and certificated. Under this regulation, the repairman would not be assuming responsibilities in excess of his learning or ability and would be signing only for work for which he is employed and certificated. However, to make this clear § 40.511(b)(3) has been changed to expressly limit the authority of the repairman to sign the release or entry for work for which he is employed and certificated. In addition, a question was raised as to whether the release or entry may be signed by a certificated mechanic or repairman who is not a person authorized to perform required inspections. Since this authority was intended, the language of § 40.511(b)(3) has been changed by deleting the words "a person authorized to perform inspections" and merely referring to a certificated mechanic or repairman as the persons who may be authorized to sign the release or entry.

Subsequent to the issuance of the Notice of Public Hearing, the Agency amended Parts 40, 41, 42, and 46 (Amendments 40–42, 41–8, 42–7, 46–8; 29 F.R. 5450) by transferring from Part 18 to §§ 40.240, 41.240, 42.240, and 46.240, the provisions regarding the maintenance authority of an air carrier or commercial operator certificated under that part. However, in order to place these amendments in their proper sequence in Parts 40, 41, 42, and 46, the provisions concerning the maintenance authority of the air carrier or commercial operator have been moved without change by this amendment to new §§ 40.246, 41.246, 42.246, and 46.246.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matters presented.

This amendment is subject to the FAA Recodification Program announced in Draft Release No. 61–25 (26 F.R. 10698); however, it will not result in any substantive change in the rules as adopted herein.

This amendment is issued under the authority of sections 313(a), 601, 604, 605, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424, 1425, and 1427).

In consideration of the foregoing, Parts 40, 41, 42, and 46 of the Civil Air Regulations are amended as follows, effective October 19, 1964:

Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended), is hereby amended as follows:

1. By amending the undesignated centerhead before § 40.240 to read as follows:

MAINTENANCE OF AIRPLANES

2. By amending § 40.240 to read as follows:

§ 40.240 Responsibility for airworthiness of airplanes.

(a) Each air carrier is primarily responsible for:

(1) The airworthiness of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, alterations, and inspections of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) An air carrier may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof. However, the air carrier is not relieved of the responsibility specified in paragraph (a) of this section even though the person with whom the arrangements are made for the performance of any or all of its maintenance, alterations, or inspections holds a certificate from the Administrator to perform such maintenance, alteration, and inspection.

3. By amending § 40.241 to read as follows:

§ 40.241 Maintenance and inspection organization and program.

(a) Each air carrier that performs any of its maintenance or alterations, and each person with whom an air carrier arranges for the performance of any of the air carrier's maintenance or alterations, shall have a maintenance organization adequate to perform the work.

(b) Each air carrier that performs inspections in addition to maintenance or alterations shall have a maintenance and inspection organization to perform that work. An air carrier may not arrange with another person to have its inspections performed in addition to its maintenance or alterations, unless that person has a maintenance and inspection organization adequate to perform that work.

(c) The structure of the organization of each air carrier, performing inspections of required inspection items in addition to maintenance or alterations shall provide for the separation of the inspection functions from the maintenance and alteration functions. This separation shall occur below the level of administrative control at which overall responsibility for the management of both the maintenance and inspection functions is exercised. The structure of the organization of any person with whom the air carrier arranges for the performance of inspection of required inspection items must provide the same separation.

(d) The air carrier's manual shall contain a chart or description of the air carrier's organization required by paragraph (a) or (b) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or required inspections, including a general description of the work that will be performed.

(e) Each air carrier shall have a maintenance program and an inspection program to insure that:

(1) All maintenance, alterations, and inspections performed by the air carrier, or by persons with whom the air carrier has made arrangements therefor, are performed in accordance with the air carrier's manual;

(2) *Competent personnel and* adequate facilities and equipment are provided for the proper performance of all maintenance, alteration, and inspection functions; and

(3) Each airplane released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The air carrier's manual must *contain the maintenance program and the* inspection program of the air carrier which the air carrier, or the person with whom the air carrier has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspections of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, and *must include at least the following:*

(1) The method of performing the maintenance, both routine and nonroutine, and alterations;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those of maintenance and alteration which could result in a failure, malfunction, or defect *endangering the safe operation of the* airplane, if not performed properly or if improper parts or materials are used:

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection;

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual at that level of administrative control which has overall responsibility for the management of both the maintenance and inspection functions; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the airplane is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified, and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection of the item.

(i) *A person may not inspect a required* inspection item if he performed the maintenance or alteration on the item.

(j) Each air carrier shall maintain or shall determine that each person with whom it arranges for the performance of its inspections maintains a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The *individuals must be identified by name, occupa*tional title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

§ 40.244–1 [Redesignated]

4. By redesignating § 40.241–1 as § 40.244–1.

§§ 40.243, 40.245 [Redesignated]

5. By redesignating §§ 40.242 and 40.243 as §§ 40.243 and 40.245, respectively.

6. By adding a new § 40.242 to read as follows:

§ 40.242 Continuing analysis and surveillance.

(a) Each air carrier shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in these programs, regardless of whether such maintenance, alterations, and inspections are performed by the air carrier or by another person with whom the air carrier has arranged for the performance of maintenance, alterations, and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an air carrier does not contain adequate procedures or standards to meet the requirements of this part, the air carrier shall upon notice thereof by the Administrator or his authorized representative make such changes in these programs as are necessary to meet such requirements.

(c) The air carrier may petition the Administrator to reconsider the notice to make a change in its program. The petition shall be filed with the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations within 30 days after the receipt of the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator or the person authorized by him to consider the petition.

7. By adding a new § 40.244 to read as follows:

§ 40.244 Certificate requirements.

Each individual who is directly in charge of maintenance or alteration of any airplane, engine, propeller, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

8. By adding a new § 40.246 to read as follows:

§ 40.246 Authority to perform and approve maintenance, inspection, and alterations.

(a) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(b) An air carrier may approve any airplane, airframe, airplane engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

9. By amending § 40.511 to read as follows:

§ 40.511 Airworthiness release or airplane log entry.

(a) If maintenance, alterations, or inspections are performed on an airplane, the air carrier, or the person with whom the air carrier has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the airplane log before the air carrier uses the airplane in operations governed by this part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the air carrier's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the air carrier's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the airplane is in condition for safe operation, and that no known condition exists that would render the airplane unairworthy; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least 2 months.

§ 40.511–1 [Deleted]

10. By deleting § 40.511–1.

Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended), is hereby amended as follows:

1. By amending the undesignated centerhead before § 41.240 to read as follows:

MAINTENANCE OF AIRPLANES

2. By amending § 41.240 to read as follows:

§ 41.240 Responsibility for airworthiness of airplanes.

(a) Each air carrier is primarily responsible for:

(1) The airworthiness of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, alterations, and inspections of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) An air carrier may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof. However, the air carrier is not relieved of the responsibility specified in paragraph (a) of this section even though the person with whom the arrangements are made for the performance of any or all of its maintenance, alterations, or inspections holds a certificate from the Administrator to perform such maintenance, alteration, and inspection.

3. By amending § 41.241 to read as follows:

§ 41.241 Maintenance and inspection organization and program.

(a) Each air carrier that performs any of its maintenance or alterations, and each person with whom an air carrier arranges for the performance of any of the air carrier's maintenance or alterations, shall have a maintenance organization adequate to perform the work.

(b) Each air carrier that performs inspections in addition to maintenance or alterations shall have a maintenance and inspection organization to perform that work. An air carrier may not arrange with another person to have its inspections performed in addition to its maintenance or alterations, unless that person has a maintenance and inspection organization adequate to perform that work.

(c) The structure of the organization of each air carrier, performing inspections of required inspection items in addition to maintenance or alterations shall provide for the separation of the inspection functions from the maintenance and alteration functions. This separation shall occur below the level of administrative control at which overall responsibility for the management of both the maintenance and inspection functions is exercised. The structure of the organization of any person with whom the air carrier arranges for the performance of inspection or required inspection items must provide the same separation.

(d) The air carrier's manual shall contain a chart or description of the air carrier's organization required by paragraph (a) or (b) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or required inspections, including a general description of the work that will be performed.

(e) Each air carrier shall have a maintenance program and an inspection program to insure that:

(1) All maintenance, alterations, and inspections performed by the air carrier, or by persons with whom the air carrier has made arrangements therefor, are performed in accordance with the air carrier's manual;

(2) Competent personnel and adequate facilities and equipment are provided for the proper performance of all maintenance, alteration, and inspection functions; and

(3) Each airplane released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The air carrier's manual must contain the maintenance program and the inspection program of the air carrier which the air carrier, or the person with whom the air carrier has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspections of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, and must include at least the following:

(1) The method of performing the maintenance, both routine and nonroutine, and alterations;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those of maintenance and alteration which could result in a failure, malfunction, or defect endangering the safe operation of the airplane, if not performed properly or if improper parts or materials are used;

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection;

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual at

the level of administrative control which has overall responsibility for the management of both the maintenance and inspection functions; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the airplane is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified, and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection of the item.

(i) A person may not inspect a required inspection item if he performed the maintenance or alteration on the item.

(j) Each air carrier shall maintain or shall determine that each person with whom it arranges for the performance of its inspections maintains a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The individuals must be identified by name, occupational title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

§§ 41.243, 41.245 [Redesignated]

4. By redesignating §§ 41.242 and 41.243 as §§ 41.243 and 41.245, respectively.

5. By adding a new § 41.242 to read as follows:

§ 41.242 Continuing analysis and surveillance.

(a) Each air carrier shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in these programs, regardless of whether such maintenance, alterations, and inspections are performed by the air carrier or by another person with whom the air carrier has arranged for the performance of maintenance, alterations, and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an air carrier does not contain adequate procedures or standards to meet the requirements of this part, the air carrier shall upon notice thereof by the Administrator or his authorized representative make such changes in these programs as are necessary to meet such requirements;

(c) The air carrier may petition the Administrator to reconsider the notice to make a change in its program. The petition shall be filed with the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations within 30 days after the receipt of the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator or the person authorized by him to consider the petition.

6. By adding a new § 41.244 to read as follows:

§ 41.244 Certificate requirements.

Each individual who is directly in charge of maintenance or alteration of any airplane, engine, propeller, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

7. By adding a new § 41.246 to read as follows:

§ 41.246 Authority to perform and approve maintenance, inspection, and alterations.

(a) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(b) An air carrier may approve any airplane, airframe, airplane engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

8. By amending § 41.511 to read as follows:

§ 41.511 Airworthiness release or airplane log entry.

(a) If maintenance, alterations, or inspections are performed on an airplane, the air carrier, or the person with whom the air carrier has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the airplane log before the air carrier uses the airplane in operations governed by this Part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the air carrier's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the air carrier's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the airplane is in condition for safe operation, and that no known condition exists that would render the airplane unairworthy; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least 2 months.

Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended), is hereby amended as follows:

1. By amending the undesignated centerhead before § 42.240 to read as follows:

MAINTENANCE OF AIRCRAFT

2. By amending § 42.240 to read as follows:

§ 42.240 Responsibility for airworthiness of aircraft.

(a) Each operator is primarily responsible for:

(1) The airworthiness of its aircraft, including airframes, powerplants, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, alterations, and inspections of its aircraft, including airframes, powerplants, propellers, appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) An operator may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its aircraft, including airframes, powerplants, propellers, appliances, or parts thereof. However, the operator is not relieved of the responsibility specified in paragraph (a) of this section, even though the person with whom the arrangements are made for the performance of any or all of its maintenance, alterations, or inspections holds a certificate from the Administrator to perform such maintenance, alteration, and inspection.

3. By amending § 42.241 to read as follows:

§ 42.241 Maintenance and inspection organization and program.

(a) Each operator that performs any of its maintenance or alterations, and each person with whom an operator arranges for the performance of any of the operator's maintenance or alterations, shall have a maintenance organization adequate to perform the work.

(b) Each operator that performs inspections in addition to maintenance or alterations shall have a maintenance and inspection organization to perform that work. An operator may not arrange with another person to have its inspections performed in addition to its maintenance or alterations, unless that person has a maintenance and inspection organization adequate to perform that work.

(c) The structure of the organization of each operator, performing inspections of required inspection items in addition to maintenance or alterations shall provide for the separation of the inspection functions from the maintenance and alteration functions. This separation shall occur below the level of administrative control at which overall responsi-

bility for the management of both the maintenance and inspection functions is exercised. The structure of the organization of any person with whom the operator arranges for the performance of inspection of required inspection items must provide the same separation.

(d) The operator's manual shall contain a chart or description of the operator's organization required by paragraph (a) or (b) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or required inspections, including a general description of the work that will be performed.

(e) Each operator shall have a maintenance program and an inspection program to insure that:

(1) All maintenance, alterations, and inspections performed by the operator, or by persons with whom the operator has made arrangements therefor, are performed in accordance with the operator's manual;

(2) Competent personnel and adequate facilities and equipment are provided for the proper performance of all maintenance, alteration, and inspection functions; and

(3) Each aircraft released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The operator's manual must contain the maintenance program and the inspection program of the operator which the operator, or the person with whom the operator has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspections of its aircraft, including airframes, powerplants, propellers, appliances, and parts thereof, and must include at least the following:

(1) The method of performing the maintenance, both routine and nonroutine, and alterations;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those of maintenance and alteration which could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used;

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection;

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual at that level of administrative control which has overall responsibility for the management of both the maintenance and inspection functions; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the aircraft is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified, and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection of the item.

(i) A person may not inspect a required inspection item if he performed the maintenance or alteration on the item.

(j) Each operator shall maintain or shall determine that each person with whom it arranges for the performance of its inspections maintains a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The individuals must be identified by name, occupational title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

§§ 42.243, 42.245 [Redesignated]

4. By redesignating §§ 42.242 and 42.243 as §§ 42.243 and 42.245, respectively.

5. By adding a new § 42.242 to read as follows:

§ 42.242 Continuing analysis and surveillance.

(a) Each operator shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in these programs, regardless of whether such maintenance, alterations, and inspections are performed by the operator or by another person with whom the operator has arranged for the performance of maintenance, alterations, and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an operator does not contain adequate procedures or standards to meet the requirements of this part, the operator shall upon notice thereof by the Administrator or his authorized representative make such changes in these programs as are necessary to meet such requirements.

(c) The operator may petition the Administrator to reconsider the notice to make a change in its program. The petition shall be filed with the local FAA Air Carrier District Office charged with the overall inspection of the operator's operations within 30 days after the receipt of the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator or the person authorized by him to consider the petition.

6. By adding a new § 42.244 to read as follows:

§ 42.244 Certificate requirements.

Each individual who is directly in charge of maintenance or alteration of any aircraft, engine, propeller, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

7. By adding a new § 42.246 to read as follows:

§ 42.246 Authority to perform and approve maintenance, inspection, and alterations.

(a) An operator may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(b) An operator may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

8. By amending § 42.511 to read as follows:

§ 42.511 Airworthiness release or aircraft log entry.

(a) If maintenance, alterations, or inspections are performed on an aircraft, the operator, or the person with whom the operator has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the aircraft log before the operator uses the aircraft in operations governed by this part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the operator's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the operator's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the

aircraft is in condition for safe operation, and that no known condition exists that would render the aircraft unairworthy; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least 2 months.

Part 46 of the Civil Air Regulations (14 CFR Part 46, as amended), is hereby amended as follows:

1. By amending the undesignated centerhead before § 46.240 to read as follows:

MAINTENANCE OF HELICOPTERS

2. By amending § 46.240 to read as follows:

§ 46.240 Responsibility for airworthiness of helicopters.

(a) Each air carrier is primarily responsible for:

(1) The airworthiness of its helicopters, including airframes, powerplants, rotors, appliances, and parts thereof; and

(2) The performance of the maintenance, alterations, and inspections of its helicopters, including airframes, powerplants, rotors, appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) An air carrier may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its helicopters, including airframes, powerplants, rotors, appliances, or parts thereof. However, the air carrier is not relieved of the responsibility specified in paragraph (a) of this section even though the person with whom the arrangements are made for the performance of any or all of its maintenance, alterations, or inspections, holds a certificate from the Administrator to perform such maintenance, alteration, and inspection.

3. By amending § 46.241 to read as follows:

§ 46.241 Maintenance and inspection organization and program.

(a) Each air carrier that performs any of its maintenance or alterations, and each person with whom an air carrier arranges for the performance of any of the air carrier's maintenance or alterations shall have a maintenance organization adequate to perform the work.

(b) Each air carrier that performs inspections in addition to maintenance or alterations shall have a maintenance and inspection organization to perform that work. An air carrier may not arrange with another person to have its inspections performed in addition to its maintenance or alterations, unless that person has a maintenance and inspection organization adequate to perform that work.

(c) The structure of the organization of each air carrier, performing inspections of required inspection items in addition to maintenance or alterations shall provide for the separation of the inspection functions from the maintenance and alteration functions. This separation shall occur below the level of administrative control at which overall responsibility for the management of both the maintenance and inspection functions is exercised. The structure of the organization of any person with whom the air carrier arranges for the performance of inspection of required inspection items must provide the same separation.

(d) The air carrier's manual shall contain a chart or description of the air carrier's organization required by paragraph (a) or (b) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or required inspections, including a general description of the work that will be performed.

(e) Each air carrier shall have a maintenance program and an inspection program to insure that:

(1) All maintenance, alterations, and inspections performed by the air carrier, or by persons with whom the air carrier has made arrangements therefor, are performed in accordance with the air carrier's manual;

(2) Competent personnel and adequate facilities and equipment are provided for the proper performance of all maintenance, alterations, and inspection functions; and

(3) Each helicopter released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The air carrier's manual must contain the maintenance program and the inspection program of the air carrier which the air carrier, or the person with whom the air carrier has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspections of its helicopters, including airframes, powerplants, rotors, appliances, and parts thereof, and must include at least the following:

(1) The method of performing the maintenance, both routine and nonroutine, and alterations;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those of maintenance and alteration which could result in a failure, malfunction, or defect endangering the safe operation of the helicopter, if not performed properly, or if improper parts or materials are used;

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection.

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual at that level of administrative control which has overall responsibility for the management of both the maintenance and inspection functions; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the helicopter is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified, and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection of the item.

(i) A person may not inspect a required inspection item if he performed the maintenance or alteration on the item.

(j) Each air carrier shall maintain or shall determine that each person with whom it arranges for the performance of its inspections maintains a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The individuals must be identified by name, occupational title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

§§ 46.243, 46.245 [Redesignated]

4. By redesignating §§ 46.242 and 46.243 as §§ 46.243 and 46.245, respectively.

5. By adding a new § 46.242 to read as follows:

§ 46.242 Continuing analysis and surveillance.

(a) Each air carrier shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in these programs, regardless of whether such maintenance, alterations, and inspections are performed by the air carrier or by another person with

whom the air carrier has arranged for the performance of maintenance, alterations, and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an air carrier does not contain adequate procedures or standards to meet the requirements of this part, the air carrier shall upon notice thereof by the Administrator or his authorized representative make such changes in these programs as are necessary to meet such requirements;

(c) The air carrier may petition the Administrator to reconsider the notice to make a change in its program. The petition shall be filed with the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations within 30 days after the receipt of the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator or the person authorized by him to consider the petition.

6. By adding a new § 46.244 to read as follows:

§ 46.244 Certificate requirements.

Each individual who is directly in charge of maintenance or alteration of any helicopter, helicopter engine, rotor, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

7. By adding a new § 46.246 to read as follows:

§ 46.246 Authority to perform and approve maintenance, inspection, and alterations.

(a) An air carrier may perform maintenance, preventive maintenance, and alterations as provide in its continuous airworthiness and inspection program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier as provided in the continuous airworthiness maintenance and inspection program and maintenance manual of the other air carrier.

(b) An air carrier may approve any helicopter, airframe, helicopter engine, rotor, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

8. By amending § 46.511 to read as follows:

§ 46.511 Airworthiness release or helicopter log entry.

(a) If maintenance, alterations, or inspections are performed on a helicopter, the air carrier, or the person with whom the air carrier has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the helicopter log before the air carrier uses the helicopter in operations governed by this part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the air carrier's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the air carrier's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the helicopter is in condition for safe operation, and that no known condition exists that would render the helicopter unairworthy; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least 2 months.

Issued in Washington, D.C., on May 13, 1964.

N. E. HALABY,
Administrator.

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