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

Office of the Chief Counsel
800 Independence Avenue, S.W.
Washington, D.C. 20591

AUG 13 2010

Paul N. Sissons
Nevitt Aircraft, Inc.
4309 General Aviation Avenue
Austin, TX 78719

Re: Request for Legal Interpretation on Maintenance Manual/Instructions Under 14 C.F.R. § 43.13(a) Required for Performing an Inspection Under § 91.409(f)(3)

Dear Mr. Sissons:

This responds to your March 26, 2010, letter requesting further clarification of our December 5, 2008, memorandum, which interpreted the phrase "current inspection program" in 14 C.F.R. § 91.409(f)(3). On December 17, 2009, you first requested us to "further interpret" the December 5 interpretation to clarify whether subsequent owners of an aircraft could, under that regulation, use the original inspection program in effect on the date the aircraft was originally delivered. On May 3, 2010, we responded, answering "no" to your question, unless the original inspection program had not changed.

Your March 26 inquiry asks a different question that goes beyond simply clarifying the December 5, 2008, interpretation on the "current inspection program recommended by the manufacturer." You are now asking which manufacturer's maintenance manuals would be appropriate to use when inspecting an aircraft under an inspection program validly adopted by an owner before the manufacturer made revisions to its recommended inspection program. Those revisions would be in the now "current" program and apply to those who have subsequently adopted it.

You state:

> [W]hen a manufacturer makes revisions to an inspection program, they also change the maintenance manual to reflect that revision. In other words, a [sic] inspection procedure in the earlier manufacturers [sic] program will not be found in a later revised manufacturers [sic] maintenance manual.

You posit that a mechanic, when performing an earlier (not the most recent revised) properly adopted manufacturer's inspection program, must "reference and use the maintenance manuals that corresponds [sic] to that inspection program." You cite a specific example concerning the Cessna Model 441. With regard to the now-current inspection program recommended by Cessna for that aircraft, you state that Cessna has changed both the inspection program and the maintenance manuals "so much that an earlier version of the inspection program is unusable with the latest revised maintenance manuals."

Section 43.13(a) of 14 C.F.R. requires that a mechanic, when performing maintenance, "shall use the methods, techniques, and practices prescribed in the current manufacturer's maintenance manual or Instructions for Continued Airworthiness prepared by its manufacturer, or other methods, techniques, and practices acceptable to the Administrator, except as noted in § 43.16." That section may seem to require a mechanic performing the earlier Cessna-recommended inspection program to use the latest, most recently-issued maintenance manuals. However, as we explain in our recent interpretation of Section 43.13(a) (copy enclosed), the plain language of the regulation permits a maintenance provider, in the alternative, to use "other methods, techniques, and practices acceptable to the Administrator."

Thus, the question would be whether the maintenance manuals that were "current" when the Section 91.409(f)(3) inspections were adopted are acceptable for that work. Based on the assumptions you provided in your inquiry, unless the FAA has reason to find all or parts of those manuals unacceptable (*e.g.*, through issuance of an Airworthiness Directive (AD) or other rule that would make all or part of the earlier manuals unacceptable), it is our opinion that the earlier applicable maintenance manuals would be acceptable.

You also ask: "How is it possible to use a past inspection program that the owner has selected and supplied, without using the past corresponding maintenance instructions?" As attorneys not trained as aviation mechanics, and because we have not reviewed any of the Cessna documents to which you referred, we offer no opinion on the technical suitability of Cessna's latest maintenance manuals to accomplish the work contained in the maintenance manual revisions in effect when the owner adopted the (then-current) inspection program. Based on our reasoning and your assumptions noted above, the maintenance manuals that address the work being performed would be acceptable and should be used.[1]

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[1] Of course, an alternative solution in your example would be for the owner to adopt the most recent Model 441 inspection program. The maintenance provider could then use the latest maintenance manuals to properly accomplish the required inspection program.

This response was prepared by Edmund Averman, an Attorney in the Regulations Division in the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division (AFS-300) in the Office of Flight Standards. If you have any other questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Gary A. Michel

for Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200

Enclosure