



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

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

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/agc/pol_adjudication/agc200/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.