

File CAM-40  
41, 42 & 46

HQ-440

**TITLE 14—AERONAUTICS AND SPACE**

**CHAPTER I—FEDERAL AVIATION AGENCY**

(Regulatory Docket No. 1508; Draft Release No. 62-51)

[Parts 40, 41, 42 and 46]

**Air Carrier Continuous Airworthiness Program**

**NOTICE OF PUBLIC HEARING**

The Agency will hold a public hearing at 10:00 A.M., EST, on January 29, 1964, at 800 Independence Avenue, S.W., Washington, D.C., to receive the views of interested persons concerning proposed amendments to Parts 40, 41, 42 and 46 of the Civil Air Regulations. These amendments were proposed in a Notice of Proposed Rule Making, Draft Release No. 62-51, dated December 3, 1962, and published in the Federal Register (27 FR 12191).

The Agency is considering several changes from the proposal made in the Notice. These changes resulted from a study of the comments received in response to the Notice and further analysis of the problems involved.

Attached is a copy of the proposed amendment to Part 40 which includes the changes. Similar amendments are proposed for Parts 41, 42 and 46.

The hearing will be an informal hearing, conducted under Section 4 (b) of the Administrative Procedure Act. It will not be a judicial or evidentiary type hearing, so there will be no cross-examination of persons presenting statements at the hearing.

An Agency spokesman will open the hearing with a statement describing the proposed amendments, discussing the comments received in response to the Notice, and giving the rea-

sons for the proposed changes. Interested persons will then have an opportunity to present their initial statements. After all initial statements have been completed, those who want to make rebuttal statements will be given an opportunity to do so, in the same order in which they made their initial statements.

Interested persons are invited to attend the hearing and present oral or written statements. Anyone who wishes to make an oral statement at the hearing should notify the Agency by January 22, 1964, stating the amount of time requested for the initial statement. Anyone who is unable to attend may submit written comments. Anyone who wishes to suggest subjects for the Agency spokesman to cover in the opening statement should notify the Agency by January 15, 1964, outlining the particular points; the Agency will consider pertinent suggestions in preparing the opening statement. Communications concerning this hearing should be addressed to the Docket Section, Federal Aviation Agency, Washington, D.C. 20553, marked "Attention: Presiding Officer, Public Hearing on Draft Release No. 62-51."

A transcript of the hearing will be made; anyone may buy a copy of the transcript from the reporter.



Director  
Flight Standards Service

**PART 40—SCHEDULED INTERSTATE AIR CARRIER  
CERTIFICATION AND OPERATION RULES**

**Requirements for Air Carrier Continuous Airworthiness Program**

It is proposed to amend Part 40 as follows:

1. By amending the undesignated center head appearing 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 the airworthiness of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof.

(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) even though that person holds a certificate from the Administrator to perform such maintenance and inspection.

3. By amending §40.241 to read as follows:

**40.241** *Maintenance and inspection organization and program.*

(a) Each air carrier is primarily responsible for the performance of the maintenance, alterations and inspection of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof, in accordance with its manual and the regulations of this Chapter. An air carrier is not relieved of this responsibility even though it has arranged with another person to perform the maintenance, alterations or inspection.

(b) 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.

(c) Each air carrier that performs inspections in addition to maintenance or alterations must 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 to perform that work. The structure of the organization below the executive level shall provide for the

separation of the inspection functions from the maintenance and alteration functions, unless the Administrator or his authorized representative determines in a particular situation that the separation of functions is not necessary or feasible.

(d) The air carrier's manual shall contain a chart or description of the air carrier's organization required by paragraph (b) or (c) and a list of persons with whom it has made arrangements for the performance of any of its maintenance alterations, or 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 assure 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 and the regulations of this Chapter;

(2) Adequate tools, equipment, time, and personnel are provided for the 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 inspection 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 and appropriate alterations, both routine and nonroutine;

(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 designa-

tion 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 having overall responsibility for both maintenance and inspection; 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.

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

(j) Each air carrier shall maintain 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.

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

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 sur-

veillance 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.

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 airframe, engine, propeller, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

8. 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 a person authorized to perform required inspections or a certificated mechanic, except that a certificated repairman may sign the release or entry if he performed or supervised the performance of the work.

(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 two months.

9. By deleting § 40.511-1.