

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transportation

[Docket No. 8125; Amdt. Nos. 43-11; 121-51;
127-12]

CONTENT, FORM, AND DISPOSITION OF MAINTENANCE AND RELATED RECORDS

The purpose of these amendments to Parts 43, 121, and 127 of the Federal Aviation Regulations is to remove from Part 43 the requirements concerning the content, form, and disposition of maintenance and related records for the certificated air carriers and the commercial operators of large aircraft and to set forth such requirements in Parts 121 and 127, as applicable. In addition, these amendments revise the recording requirements for major repairs and major alterations and eliminate the requirement that for retired aircraft those records must be retained past the date of cancellation of the registration certificate.

These amendments are based on a notice of proposed rule making (Notice 68-35) published in the FEDERAL REGISTER on December 20, 1968 (33 F.R. 19026). While the comments received in response to the notice generally concurred with the proposal to transfer the maintenance recording requirements and the record-keeping requirements from Part 43 to Parts 121 and 127, a number of comments were directed to the substance of those proposed requirements. Except for minor editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those contained in Notice 68-35. This rule making action primarily involves a relocation of existing regulations. However, the FAA now has under study detailed amendments designed to update the recordkeeping requirements of Parts 121 and 127 of the Federal Aviation Regulations.

One comment pointed out that throughout the proposal and in the present regulation, liberal use is made of the word "all" as in "all maintenance," "all records," etc., and requested that the word "all" either be deleted or changed to "all meaningful" since "all," interpreted literally means everything. The word "all" in the proposal was intended to be all inclusive and it was used in order to clarify, but not to change, the existing rules. The proposal clearly stated the requirement that a record must be made of all maintenance. The substitution of the words "all meaningful," would, therefore, not be appropriate since it

would not express the requirement intended by the FAA. The commentator also suggested that the term "rebuilding" be defined in Part 1 of the regulations. In that connection, it should be noted that the FAA has proposed such a definition in Notice 69-10, which was published in the FEDERAL REGISTER on March 20, 1969 (34 F.R. 5440). In addition, the commentator noted that proposed §§ 121.380 and 127.141 require a record of all maintenance, rebuilding, and alteration on aircraft (including airframes, aircraft engines, propellers, appliances, or part thereof), but that the words "or part thereof" do not appear in the related provisions in proposed §§ 121.698 and 127.308. This was an oversight in drafting the proposal and for the purpose of consistency and clarity, the related provisions in the amendments to §§ 43.9(b), 121.698, and 127.308, have been revised accordingly.

In the notice it was proposed to specifically require that a record be made of all airworthiness directive (AD) compliance. One comment stated that since maintenance, as defined in Part 1, includes inspection and repair and since maintenance and alteration records are already required to be made, a requirement for the preparation of records showing compliance with ADs is redundant. The FAA agrees and the proposed amendments have been changed to remove the requirement for such records.

The notice also proposed to add new §§ 121.698(a)(1) and 127.308(a)(1) to require that the record of each major repair and major alteration, and each rebuilding required by §§ 121.380 and 127.141 be retained until such work is "superseded by like work" or until the product on which the work was performed is sold or retired. One comment objected to the phrase "superseded by like work" and stated that the words "repeated or superseded by other work" are more descriptive and the term "other" would include "like." Moreover, it was suggested that the use of the term "other" would cover the situation of a work content change which would still supersede the previous work. The FAA agrees and since this same language is used in other provisions of the proposal, the requirement has been revised as suggested. With respect to this same requirement another commentator stated its belief that the proposal could be broadly construed to eliminate former records of work on components that are not affected by "like work" on the larger portion of the airframe, and that this could destroy the complete history of an appliance or of a subsystem and preclude a complete review of an individual system at any time. The current regulations do not require the retention of the complete history of any appliance or subsystem of the aircraft, and such a requirement

was not proposed in Notice 68-35. Sections 121.698 and 127.308, as adopted herein, make it clear that the record of maintenance on an appliance must be retained until that maintenance is superseded or repeated by other work, either to the appliance or, as the commentator states, to "a larger portion of the airframe."

One comment objected to the proposed amendments requiring that certain maintenance and alteration records be retained for 1 year after the product on which the maintenance or alteration was performed is placed in service. The comment pointed out that the rule now specifies one year from the date the product was approved for return to service and that this change will require expensive and unnecessary data changes. The comment further noted that parts that are approved for return to service and are placed in stock are tagged as to whether or not they are serviceable and this includes a date upon which they were approved for return to service. Upon further consideration, the FAA agrees that the term "placed into service" does not clearly indicate the objective of the requirement. However, because of the confusion in the past over the meaning of the requirement in the present regulation, it is not considered appropriate to continue using the term "approved for return to service" in connection with record retention requirements. As the comment indicates, the present rule has been administered so that the 1 year retention period starts when the specified maintenance or alteration is performed. This is what the FAA intends and the proposed regulation has been changed accordingly.

One commentator recommended that in lieu of requiring, as proposed in §§ 121.698(a)(2) and 127.308(a)(2), that records of the "last complete overhaul" of airframes, engines, and propellers be retained, that the records of "each last completed work element of the approved overhaul program" should be retained. The commentator indicated that it did not intend that its recommendation change the rule, but that it was for the purpose of clarification of the requirement for retention of "block overhaul" records. The FAA does not agree that the suggested change would be as clear or as understandable as the proposal. The record of the "last complete overhaul" would include all the records necessary to show a complete overhaul of airframe, aircraft engine, propeller, or appliance irrespective of whether the overhaul program established by a particular certificate holder provides for overhauling the entire airframe, aircraft engine, propeller, or appliance at the same time or provides for overhauling them "in blocks" or at different times. As pointed

(As published in the Federal Register /34 F.R. 14424 on September 16, 1969)

out by the commentator, the work content in the various blocks is constantly changing and an item of work may not be repeated in the same block. When this occurs or the air carrier changes from one type overhaul program to another, proper record adjustments must be made to ensure that the last overhaul record of these items is retained. The retention of the "last completed work element of the approved overhaul program" would not convey the intent of the regulation.

One comment objected to proposed §§ 121.698(b) and 127.308(b) insofar as they retain the present requirement for a record of the last overhaul of appliances, and increase to 2 years the present 1 year record retention requirement for all maintenance and minor alteration records. The commentator stated that records of overhaul work accomplished over 2 years ago and records of maintenance and alterations performed more than 1 year ago have no real use. The FAA does not agree that for appliances the record of the last overhaul has no real value after 2 years. However, upon further consideration of the proposed 2-year retention requirement, the FAA has determined that appliances should be treated the same as airframes, aircraft engines, and propellers. In this connection, it should be noted that with respect to major repairs and major alterations, the proposal would have required retention only for 2 years. The FAA does not now consider that such a change would be in the interest of safety. In view of the comments received, the proposed amendments concerning the retention of appliance records have not been adopted. Instead, the appliance record retention requirements have been incorporated into the requirements applicable to airframes, aircraft engines, and propellers. As now written the regulation is substantially the same as the current requirement. Records of minor repair and minor alteration for appliances need only be kept for a maximum of 1 year and records of major alterations and major repairs must be retained until they are repeated or superseded by other work or the appliance is sold or retired.

One of the comments strongly urged that the amendment not require the transfer of appliance maintenance records when an appliance is sold. The commentator recommended that the records be kept by the seller for a specified time and made available, upon request, to the new owner or operator. The FAA does not agree. While the FAA recognizes that the recording system which an air carrier elects to use may be such that it is inconvenient and time consuming to assemble the records in the form requested by the new owner, the FAA is nevertheless aware that it is necessary in the interest of safety to provide the new owner or operator with all the maintenance and appliances records necessary for the proper maintenance of its aircraft without delay.

The proposed §§ 121.380(c) and 127.141(c) permit the transferee of records to elect to receive "electronic data processing" records in coded form.

However, the FAA has now determined that there are coded records other than electronic data processing records that may be used and the proposal has been revised to cover any coded records.

In consideration of the foregoing, Parts 43, 121, and 127 of the Federal Aviation Regulations (14 CFR Parts 43, 121, and 127) are amended effective October 16, 1969, as follows:

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

1. Section 43.9(b) is amended to read as follows:

§ 43.9 Content, form, and disposition of maintenance, rebuilding, and alteration records (except 100-hour, annual, and progressive inspections).

(b) Each holder of an air carrier or commercial operator certificate that is required by its operating certificate or by approved operations specifications to provide for a continuous airworthiness maintenance program, shall make a record of all maintenance, rebuilding, and alteration, on aircraft, airframes, aircraft engines, propellers, appliances, or parts thereof, which it operates, in accordance with the provisions of Part 121 or Part 127 of this chapter, as appropriate.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

2. A new § 121.380 is added to read as follows:

§ 121.380 Maintenance recording requirements.

(a) Each certificate holder shall make a record of all maintenance, rebuilding, and alteration, on aircraft, airframes, aircraft engines, propellers, appliances, or parts thereof, operated by such holder. Recording shall be by any suitable system, including a coded system, that provides for preservation and retrieval of information in a manner acceptable to the Administrator.

(b) Except for records of major repairs, major alterations and rebuilding, the records required by paragraph (a) of this section shall include the following:

(1) A description (or reference to data acceptable to the Administrator) of the work performed.

(2) The date of completion of the work performed.

(3) The name of the person performing the work if the work is performed by a person outside the organization of the certificate holder.

(4) The name or other positive identification of the individual approving the work.

(c) Records of major repairs, major

alterations, and rebuilding shall include the following:

(1) The identification of the approved data under which the work was performed.

(2) The name or other positive identification of the individual approving the work.

(3) The date of approval.

3. A new § 121.698 is added to read as follows:

§ 121.698 Retention of maintenance and related records.

Each certificate holder shall retain the records required to be made under § 121.380, as follows:

(a) The record of each major repair, major alteration, and rebuilding shall be retained until such work is repeated or superseded by other work or until the aircraft, airframe, aircraft engine, propeller, appliance, or parts thereof, on which such work was performed is sold or retired.

(b) The record of the last complete overhaul shall be retained.

(c) The maintenance and alteration records (other than as provided for in paragraphs (a) and (b) of this section) shall be retained until the earliest of the following events:

(1) The maintenance or alteration is repeated or superseded by other maintenance or alteration.

(2) The aircraft, airframe, aircraft engine, propeller, appliance, or parts thereof, on which the maintenance or alteration was performed is subsequently overhauled.

(3) One year after the maintenance or alteration is performed.

(d) All maintenance, rebuilding, and alteration records required to be kept at the time a product or appliance is sold shall be given to the new owner or operator. Such records shall be in plain language form except that the transferee may elect to receive records in coded form subject to the preservation and retrieval of information requirements of § 121.380.

§ 121.699 [Amended]

4. Section 121.699 is amended by striking out the heading "Maintenance records" and inserting the heading "Time in service records" in place thereof.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

§§ 127.143, 127.145, 127.147, 127.149 [Redesignated]

5. Sections 127.141, 127.143, 127.145, and 127.147 are renumbered §§ 127.143, 127.145, 127.147, and 127.149, respectively, and new § 127.141 is added to read as follows:

§ 127.141 Maintenance recording requirements.

(a) Each certificate holder shall make a record of all maintenance, rebuilding, and alteration, on aircraft, airframes,

aircraft engines, propellers, appliances, or parts thereof, operated by such holder. Recording shall be by any suitable system, including a coded system, that provides for preservation and retrieval of information in a manner acceptable to the Administrator.

(b) Except for records of major repairs, major alterations, and rebuilding, the records required by paragraph (a) of this section shall include the following:

(1) A description (or reference to data acceptable to the Administrator) of the work performed.

(2) The date of completion of the work performed.

(3) The name of the person performing the work if the work is performed by a person outside the organization of the certificate holder.

(4) The name or other positive identification of the individual approving the work.

(c) Records of major repairs, major alterations, and rebuilding shall include the following:

(1) The identification of the approved data under which the work was performed.

(2) The name or other positive identification of the individual approving the work.

(3) The date of approval.

7. A new § 127.308 is added to read as follows:

§ 127.308 Retention of maintenance and related records.

Each certificate holder shall retain the records required to be made under § 127.141, as follows:

(a) The record of each major repair, major alteration, and rebuilding, shall be retained until such work is repeated or superseded by other work or until the aircraft, airframe, aircraft engine, propeller, appliance, or parts thereof, on which such work was performed is sold or retired.

(b) The record of the last complete overhaul shall be retained.

(c) The maintenance and alteration records (other than as provided for in paragraphs (a) and (b) of this section) shall be retained until the earliest of the following events:

(1) The maintenance or alteration is repeated or superseded by other maintenance or alteration.

(2) The aircraft, airframe, aircraft engine, propeller, appliance, or parts thereof, on which the maintenance or alteration was performed is subsequently overhauled.

(3) One year after the maintenance or alteration is performed.

(d) All maintenance, rebuilding, and alteration records required to be kept at the time a product or appliance is sold shall be given to the new owner or operator. Such records shall be in plain language form except that the transferee may elect to receive records in coded form subject to the preservation and retrieval of information requirements of § 127.141.

§ 127.309 [Amended]

§ Section 127.309 is amended by striking out the heading "Maintenance records" and inserting the heading "Time in service records" in place thereof.

(Secs. 313(a), 601, 605, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1425; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

NOTE: The recordkeeping, and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on September 8, 1969.

D. D. THOMAS,
Deputy Administrator.