

numerous related sections throughout 14 CFR.

According to EJA, proposed § 91.1109 requires the “operator or program manager” to establish an aircraft inspection program. Since the NPRM requires the owner and program manager be jointly responsible for the airworthiness of program aircraft, this commenter recommends that § 91.1109 refer to the “owner or program manager.”

*FAA Response:* A new section specifying the responsibility for airworthiness, as suggested by PASS, is not necessary because this topic is covered by § 91.1011, which addresses the shared responsibilities of the owner and the program manager for compliance with all applicable requirements of this chapter, “including those related to airworthiness.” Likewise, it is not necessary to require in subpart K that persons performing required inspections or maintenance be appropriately certificated and qualified, because that topic is covered by part 43.

The commenters’ concern that § 91.1109 could require the development of a completely new inspection program is incorrect, because paragraph (b) clearly states that the program must be derived from an existing program, which may be the program recommended by the aircraft manufacturer. The word “derived” is more appropriate than “derived or adopted” because the manufacturer’s program alone may not be adequate for a particular operation. Also, the program must include any maintenance instructions in STC’s for any modifications that were made to the aircraft. For these reasons, the program manager needs to present the aircraft inspection program to the FAA for review and approval.

In response to the comment about the use of continuous airworthiness maintenance programs (CAMP), the commenters are correct that the proposed rule language did not fully authorize the use of a CAMP to the inspection program within a CAMP. Although § 91.1109, as proposed, would allow “An inspection program that is part of a continuous airworthiness maintenance program currently in use by a person holding an air carrier or operating certificate issued under part 119 of this chapter and operating that make and model aircraft under part 121 or 135 of this chapter” the FAA agrees that this option should be expanded in the final rule. The final rule has been rewritten, new §§ 91.1411–91.1443 have been added (based on subpart J of part 135), and editorial and applicability changes to other sections, including

§ 91.401, have been made to allow the use of a complete CAMP in a fractional ownership program. Fractional ownership program managers who elect to provide maintenance under a CAMP must meet maintenance requirements that are equivalent to those that part 121 and 135 operations that have a CAMP must meet. These include reporting requirements, mechanical interruption summary reports, service difficulty reports, employment of a Director of Maintenance and Chief Inspector, required inspection personnel, continuing analysis and surveillance program, maintenance recordkeeping requirements, and the use of airworthiness releases. With the use of a CAMP, the program manager will realize many of the same benefits that current part 121 and 135 operators have, such as continuing authorization to issue special flight permits as per § 21.197 and the use of reliability programs.

As noted by a commenter, the reference to the “operator or program manager” is incorrect. Although the owner is ultimately responsible for safe operations, the final rule refers only to the program manager, because it is the program manager who is delegated responsibility under §§ 91.1023 and 91.1025 for the program operating manual, which contains the approved aircraft inspection program. Also the phrase “area in which the aircraft is based” has been changed to clarify that the inspection program is approved by the FSDO that issued the management specifications.

#### *Section 91.1111 Maintenance Training*

EJA states that proposed § 91.1111 uses the same terminology as the equivalent provisions for crewmember training, which could lead to confusion due to the defined terms used for crewmember training, and the differing training requirements used for maintenance personnel. EJA states that using slightly different terminology will help ensure that the requirements are not confused. Specifically, EJA proposes that such personnel be required to “undergo appropriate training prior to exercising those responsibilities” instead of being required to “undergo appropriate initial and annual recurrent training.” EJA also recommends adding, “The program manager shall ensure that these personnel undergo annual refresher training, as applicable.”

Similarly, NWJ and an individual comment that the requirement for maintenance personnel to “undergo appropriate initial and annual recurrent training \* \* \*” may be too broad a statement. If the intention is that several

types of training may be “appropriate” (that is OJT, formal, classroom, etc.) then that should be specified. If the intention is that maintenance personnel attend formal maintenance training annually, such as Flight Safety, then a twelve-month frequency may be excessive. A more appropriate frequency would be twenty-four months.

PASS believes that maintenance personnel should be certificated and qualified in accordance with part 65. Maintenance training should be documented in a training file for each employee of the program management company and available to the Administrator for inspection.

*FAA Response:* The commenters’ concerns about this section are unwarranted. The initial and recurrent training would be specific to the aircraft type and appropriate in content and length for the responsibilities of the maintenance personnel being trained. This training can be conducted using a variety of methods, including classroom training, on-the-job training, individual instruction, etc. Certification and qualification under part 65 would be a prerequisite to performing maintenance responsibilities. The FAA is developing guidance on training for maintenance personnel that will specify what training programs would be considered adequate and will recommend recordkeeping standards to help inspectors evaluate the adequacy of the training programs on an ongoing basis.

#### *Section 91.1115 Minimum Equipment Lists and Letters of Authorization*

PASS believes that a statement needs to be added to this section that the Administrator will approve or deny any Minimum Equipment Lists, Letters of Authorization, Dispatch Deviation Guides, Deferred Discrepancy Lists or any other approvals covering the program aircraft.

EJA states that the proposed rule does not address the use of a minimum equipment list or configuration deviation list as envisioned by the FOARC. The preamble states that “The FOARC recommended that approvals for fractional ownership operations (such as MEL’s, RVSM (reduced vertical separation minimum airspace), manual reviews and maintenance programs) be conducted through a process similar to part 135 and/or part 121 processes and procedures, as appropriate”. EJA states that a new section should be added to mirror § 135.179 and a conforming amendment should be made to § 91.213. Additionally, program managers who also hold a part 121 or 135 certificate should be permitted to use the MEL’s/