U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

MAR 6 2008

Mr. Gregory Winton
Aviation Law Experts, LLC
One Research Court, Suite 450
Rockville, MD 20850

Dear Mr. Winton:

This is in response to your November 20, 2007, request for an interpretation of 14 C.F.R. §135.21(d). You question whether the "copy" of the manual required by 14 C.F.R. §135.21 may be made available to maintenance and ground operations personnel in an electronic format (i.e., compact disk or flash drive for use in a laptop computer or blackberry) rather than a paper hard copy. You have not questioned whether the certificate holder may furnish only an electronic copy of the manual or applicable portions of the manual to flight crewmembers. Accordingly, this interpretation is limited solely to the question presented.

Pursuant to §135.21(a), "[e]ach certificate holder, other than one who uses only one pilot in the certificate holder's operations, shall prepare and keep current a manual setting forth the certificate holder's procedures and policies *acceptable* to the Administrator. This manual must be used by the certificate holder's flight, ground, and maintenance personnel in conducting its operations." The certificate holder must make available a copy of the manual, or the applicable portions of the manual (including any changes and additions), to maintenance and ground operations personnel, as well as furnish a copy of the manual to its flight crewmembers and Representatives of the Administrator assigned to the certificate holder. *See* 14 C.F.R. §135.21(d).

The purpose of the manual prescribed by §135.21 is to ensure that each operator's maintenance and ground operations personnel are able to perform their duties at a high level of safety. Accordingly, the manual should include procedures for making the copy of the manual available to maintenance and ground personnel and for furnishing the copy to its flight crewmembers and Representatives of the Administrator assigned to the certificate holder. *See* FAA Order 8900.1, vol. 3, ch. 32, sec. 10, para. 3-3357 (Sept. 13, 2007) (noting that the General Operations Manual should include such provisions). In addition, the manual also must set forth procedures that ensure that maintenance and ground operations personnel have the applicable portions of the manual available when performing their duties away from the principal operations base. *See* 14 C.F.R. §135.21(f). Thus, maintenance personnel performing work away from the principal base of operations must have the technological means to access the applicable portions of the manual.

A certificate holder could include provisions in the manual that allow for the manual to be made available to maintenance and ground operations personnel in an electronic format. The Principal Operations Inspector, however, would have to accept such procedures after reviewing the entire manual in coordination with the Principal Maintenance Inspector, and ensuring that the certificate holder had provided maintenance and ground operations personnel with sufficient technological resources to review effectively the applicable portions of the manual while performing their duties both at the principal operations base and while away from the base. *See* 14 C.F.R. §135.21(a), (f) (noting that the procedures set forth in the General Operations Manual must be acceptable to the Administrator, and that the applicable portions of the manual must be available to maintenance and ground operations personnel while working away from the principal operations base); *cf.* AC 120-78, Acceptance and Use of Electronic Signatures, Electronic Recordkeeping Systems, and Electronic Manuals (Oct. 29, 2002) (providing guidance on the use of electronic manuals).

We appreciate your patience and trust that the above responds to your concerns. If you have any questions, please contact my staff at (202) 267-3073. This response was prepared by Anne Bechdolt, Attorney, reviewed by Gary Michel, Manager, Airworthiness, Advanced Aircraft and Commercial Space Law Branch of the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division of Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations