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

Office of the Chief Counsel

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

NOV 13 2009

Stanley L. Bernstein
President
Regional Air Cargo Carriers Association
60 Clifford Road
Plymouth, MA 02360

Dear Mr. Bernstein:

This letter is in response to your July 13, 2009 request for legal interpretation of 14 C.F.R. § 135.63(d). You ask if that section places any requirements on what must be done with the duplicate copy of the load manifest that is prepared prior to takeoff pursuant to § 135.63(c), specifically, if you are required to leave the copy behind at the airport before take-off.

Section 135.63(d) requires the pilot in command to carry a copy of the load manifest in the aircraft to its destination. It also requires a certificate holder to keep copies of completed load manifests at its principal operations base, or at another location approved by the Administrator for at least 30 days. Section 135.63(d) does not specify what is to be done with the duplicate copy of the load manifest.

When the FAA proposed § 135.63(d), the proposed rule language would have required the pilot in command to arrange for mailing of the duplicate copy of the load manifest to the certificate holder, or for it to be retained at the airport until the flight was completed. *See* 42 Fed. Reg. 43490, 43515 (Aug. 29, 1977). However, the FAA removed that requirement after considering comments received on the proposed rule. *See* 43 Fed. Reg. 46742, 46764 (Oct. 10, 1978); Legal Interpretation to Nettie Dickerson, from Edward P. Faberman, Acting Assistant Chief Counsel (Nov. 5, 1980).

Nevertheless, although § 135.63(d) does not specify how the duplicate copy of the load manifest should be handled, the FAA advises certificate holders to incorporate procedures in their operations' manuals for the disposition of the duplicate copy. *See* Legal Interpretation to Nettie Dickerson (Nov. 5, 1980). The certificate holder should work with its principal operations inspector to develop such procedures. In the event of an accident in which the load manifest carried on-board the aircraft is destroyed, the duplicate copy of the load manifest could provide valuable information to investigators regarding passengers, crewmembers, and aircraft weight and balance.

This response was prepared by Dean Griffith, Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of Flight Standards Service. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200