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

Office of the Chief Counsel

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

JAN 5 2009

Ms. Sarah MacLeod
Aeronautical Repair Station Association
121 North Henry St.
Alexandria, VA 22314

Dear Ms. MacLeod,

This is in response to your email request for a legal interpretation regarding 14 C.F.R. §121.709(b) and §135.443(b). Specifically, you question whether a certificated part 145 repair station may issue an airworthiness release or log entry approving the work it performs on an aircraft for return to service on behalf of a certificate holder operating under part 121 or part 135.

Pursuant to §121.709, "no certificate holder may operate an aircraft after maintenance, preventive maintenance or alterations are performed on the aircraft unless the certificate holder, *or the person with whom the certificate holder arranges for the performance of the maintenance, preventive maintenance, or alterations,* prepares or causes to be prepared (1) an airworthiness release; or (2) an appropriate entry in the aircraft log." 14 C.F.R. §121.709. As defined in 14 C.F.R. §1.1, a person is an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It may also be a trustee, receiver, assignee, or similar representative. Thus, a repair station, as a company, qualifies as a "person" defined in §1.1 and could prepare, or "cause to be prepared" an airworthiness release or an appropriate entry in the aircraft log. Such a release or aircraft log entry is limited to the work the repair station is rated to perform and actually performs on an aircraft for certificate holders operating under parts 121, 125, and 135, as well as for foreign carriers or foreign carriers operating U.S.-registered aircraft in common carriage under part 129. *See* 14 C.F.R. §145.201(a)(3).

However, in preparing the airworthiness release or aircraft log entry, the person, or in this instance, the certificated part 145 repair station, must comply with the procedures set forth in the part 121 or 135 certificate holder's manual for preparing the airworthiness release or aircraft log entry. *See* 14 C.F.R. §§121.709(b)(1) ("The airworthiness release or log entry required by paragraph (a) of this section must (1) Be prepared in accordance with the procedures set forth in the certificate holder's manual."); 135.443(b)(1) ("The airworthiness release or log entry required by paragraph (a) of this section must (1) Be prepared in accordance with the certificate holder's manual"); *see also* §145. 205(a)("A certificated repair station that performs maintenance, preventive maintenance, or alterations for an air carrier . . . must follow the air carrier's or commercial operator's program and applicable sections of its maintenance manual."). Because there is no reference to "person" in

§121.709(b) or §135.443(b), the "certificate holder" refers not to the repair station (*i.e.* the person performing the maintenance for the certificate holder), but the part 121 or 135 certificate holder for whom the repair station is performing maintenance. This provision corresponds to the part 121 and part 135 certificate holder's duty under §121.367 and §135.425 to ensure that not only are competent personnel performing maintenance on their fleets, but that each aircraft released to service is airworthy.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Anne Bechdolt, an attorney in the Operations Law Branch of the Regulations Division 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, AGC-200