Federal Aviation Administration

Memorandum

Date: MAR 17 2011

To: Thomas Durrant, Supervisory PMI, SWA CMO

From: Rebecca MacPherson, Assistant Chief Counsel for Regulations, AGC-200

Prepared by: Nancy Sanchez, Attorney, AGC-200

Subject: 14 CFR §121.139 Requirements for manual aboard aircraft: Supplemental operations

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The following memo is in response to a November 15, 2010 request for a legal interpretation submitted by the Southwest Airlines Certificate Management Office (CMO) through Thomas Durrant, Supervisory Principle Maintenance Inspector (PMI). In your request, you posed four specific questions regarding 14 CFR § 121.139 Requirements for manual aboard aircraft: Supplemental operations. Background information and responses to those questions follow below.

§ 121.139(a) requires each certificate holder conducting supplemental operations to carry the appropriate parts of its manual on each airplane when away from its principal place of operations.[1] Those parts must be available for use by ground or flight personnel. § 121.139(b) provides an exception to the general rule, stating if a certificate holder conducting supplemental operations is able to perform all scheduled maintenance at specified stations where it keeps maintenance parts of the manual, it does not have to carry those parts of the manual aboard the aircraft en route to those stations.

1. "Can a certificate holder whose manuals are normally accessed via a web portal or internet connection not carry the appropriate parts of the manual on each airplane when away from the principle base of operations?"

   Generally, no. § 121.139(a) requires each certificate holder conducting supplemental operations to carry the appropriate parts of its manual on each airplane when away from

[1] § 121.139(a) also allows a certificate holder to carry aboard all or any portion of the maintenance part of its manual in other than printed form if it carries a compatible reading device that produces a legible image of the maintenance information and instructions or a system that is able to retrieve the maintenance information and instructions in the English language.

its principal place operations. § 121.139(b), however, provides an exception to the general rule that applies *only if* the air carrier conducting supplemental operations is able to perform all scheduled maintenance at specified stations where it keeps maintenance parts of the manual (either in paper format or accessible via a web portal). The certificate holder would not be required to carry the maintenance parts of its manual aboard the aircraft en route to those stations. Please note, however, that the specified stations must have policies and procedures in place so that the relevant portions of the maintenance manual can be obtained if, for some reason, the web portal is not accessible (i.e. during a web service outage). *See* Legal Interpretation to Michael J. Keller from Rebecca MacPherson, Assistant Chief Counsel for Regulations (Oct. 20, 2010); *see also* Legal Interpretation to Christian Toro from Rebecca MacPherson, Assistant Chief Counsel for Regulations (Oct. 19, 2009).

2. "If the certificate holder conducting supplemental operations has procedures that require verification that a web portal or internet access connection is available at their destination, can that certificate holder not carry the appropriate parts of the manual on each airplane when away from the principle base of operations?"

   Generally, no, with the understanding that §121.139(b) may provide a limited exception to the general rule (*see* explanation in question 1 above).

3. "What would be considered 'appropriate parts of the manual?' If the certificate holder only carried the portion of the manual that outlines the procedures that detail how to gain access to the manuals through a web portal or internet access connection, would that meet the intent of the rule for carrying the appropriate parts?"

   No. § 121.139(a) requires each certificate holder conducting supplemental operations to carry the appropriate parts of its manual on each airplane when away from its principal place operations. *See also* § 121.135 for manual content requirements. Again, the FAA notes that § 121.139(b) only provides a limited exception to this rule. Thus, an air carrier conducting supplemental operations would only be exempt from carrying *maintenance portions of the manual* while en route to a specified station where scheduled maintenance will occur (so long as it keeps maintenance parts of the manual readily accessible at that specified station). The air carrier must carry all other appropriate parts of the manual on each airplane when away from its principal place operations as specified by §§ 121.135 & 121.139(a).

4. "If the certificate holder is conducting supplemental operations to cities where it keeps the maintenance part of its manual, then they would be exempt from the requirement to carry only the maintenance part of its manual, but does § 121.139(b) exempt the certificate holder from carrying the other manuals (i.e. ground handling manual, de-ice manual, fueling manual, etc.) required for the proper servicing and ground handling of the aircraft, if those manuals were available at the destination via a web portal or internet connection?"

No. § 121.139(b) only exempts the certificate holder conducting supplemental operations from carrying the *maintenance parts of the manuals* aboard the aircraft when en route to specified stations where scheduled maintenance will be performed, provided that the specified stations keeps maintenance parts of the manual (either in paper format or accessible via web portal). Please note, however, that 14 CFR § 121.133 requires each operator to prepare and keep a current "manual." The manual mentioned is often referred to as a General Maintenance Manual (GMM) or General Practices and Procedures (GPP), and the FAA requires that the manual contain guidance for ground and management personnel during the conduct of the operator's maintenance. See FAA Order 8900.1, Vol. 3, Ch. 32, § 8, para. 3-3306(A). Title 14 only requires an operator to produce a single manual. In practice, however, a system of manuals is usually necessary, even for relatively simple operations. Operators have wide latitude in structuring their manuals. See FAA Order 8900.1, Vol. 3, Ch. 32, § 1, para. 3-3127(B). Therefore, the GMM or GPP may collectively contain fueling, de-icing, and maintenance portions, and thus it is the operator's responsibility to determine which "maintenance part of its manual" it would be exempt from carrying en route to the appropriate station.

This response was prepared by Nancy Sanchez, an attorney in the Regulations Division in the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division of Flight Standards Service. If you have additional questions regarding this matter, please contact us at (202) 267-3073.