U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

OCT 16 2012

Mr. Dane B. Jaques
Dombroff, Gilmore, Jaques & French
Penthouse
1676 International Drive
McLean, VA 22102

Dear Mr. Jaques,

This letter responds to your inquiry of May 3, 2012 regarding certain procedures in the AirTran Flight Attendant Manual relating to the requirement in 14 C.F.R. § 121.137(b) that a crewmember "shall have the manual or appropriate parts of it accessible when performing assigned duties."

The FAA recently clarified the application of § 121.137(b) as is relates to flight attendant manuals in a Legal Interpretation to Bruce Montigney from Rebecca B. McPherson, Assistant Chief Counsel for International Law, Legislation and Regulations, AGC-200 (Sep. 2012):

> If a certificate holder issues personal copies of the manual to crewmembers, the crewmembers are then required to keep the manual current and carry it with them while serving as a crewmember. When a crewmember discovers that a manual that has been issued is not current or is missing, the crewmember must obtain a personal copy of the manual prior to operating the flight.
>
> The scenarios described above (procedures for sharing manuals or e-readers) would not be in compliance with the regulation. If a crewmember is missing his or her manual, "sharing" one copy of the e-reader or printed copy of the manual among two or more flight attendants would not satisfy the requirements of § 121.137(b).

On January 20, 2012, in a letter to Mr. Barry Brown, Associate General Counsel for Southwest Airlines, from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations, the FAA granted approval for the issuance of a single operating certificate (SOC) to Southwest Airlines (SWA). As part of that approval, the FAA required that Southwest and AirTran continue to work with the Joint Implementation Team and their respective CMOs to assure that all requirements are satisfied, particularly with regards to

the AirTran Partition as provided for in the Transition Plan and Southwest Bridging Manual.

The Transition Plan referenced above provides, in Section 4, Harmonization and Integration Processes, procedures for submitting manual revisions and materials for approval to the FAA. This process is the appropriate forum for addressing your question consistent with the Montigney legal interpretation cited above. Both entities should continue to operate under the provisions of the Transition Plan until the final merger and the elimination of the AirTran Partition. If further questions result during the approval process, they can be addressed at that point.

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 Robert H. Frenzel, Manager, Operations Law Branch, AGC-220, Office of the Chief Counsel and coordinated with the Air Transportation division of the Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for International
Law, Legislation and Regulations, AGC-200