Federal Aviation Administration

Memorandum

Date: SEP 26 2012

To: Bruce Montigney, Manager, Indianapolis FSDO

From: Rebecca MacPherson, Assistant Chief Counsel for International Law, Legislation, and Regulations, AGC-200

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Subject: 14 CFR § 121.137(b) Distribution and availability of manuals

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The following memo is in response to a request for a legal interpretation received by our office on June 1, 2012 submitted by Republic Airlines through the Indianapolis Flight Standards District Office (FSDO). You pose questions regarding 14 C.F.R. § 121.137(b) requirements for distribution and availability of manuals to crewmembers.

Background

Section 121.137(a) requires that each certificate holder furnish copies of the manual required by § 121.133 or appropriate parts of the manual to its crewmembers. Section § 121.137(b) provides that each person to whom a manual or appropriate parts of the manual are furnished shall keep it up-to-date with the changes and additions furnished to that person and shall have the manual accessible when performing assigned duties. An electronic version of the manual is sufficient and satisfactory provided that there is a means to view it during the performance of assigned duties. *See* Legal interpretation to Robert Sweet from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Nov. 7, 2011).[1]

You specify that the certificate holder's plan is to issue a personal e-reader to each flight attendant and that the certificate holder has been developing procedures requiring that each flight attendant ensure that the manual downloaded on the e-reader is current and that the e-reader is fully charged prior to reporting for duty each day. You further specify that if the flight attendant's e-reader is lost, stolen, malfunctioning, broken or otherwise not available before a

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[1] Additionally, crewmember use of an electronic manual requires operational approval through the issuance of Operations Specification A061 by the certificate holder's Principal Operations Inspector for Class I, II, and III Electronic Flight Bags. *See* FAA Advisory Circular (AC) 25.1581-1, Airplane Flight Manual (July 14, 1997); AC 120-76-B, Guidelines for the Certification, Airworthiness and Operational Approval of Electronic Flight Bag Computing Devices (June 1, 2012).

flight commences, one of two scenarios would occur. Scenario 1 states that if a replacement e-reader is not available to be issued to the flight attendant before the flight commences, then at least one approved e-reader with the current manual "will be onboard and easily accessible to all flight attendants." Scenario 2 states that if an e-reader manual is not available to be issued to that flight attendant before the flight commences then the flight will not depart until there is "one printed copy of the current, up-to-date manual onboard the aircraft and easily accessible to all flight attendants who are performing assigned duties on the flight."

Analysis

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 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). Having "one approved e-reader" or "one printed copy" "...on board the aircraft and easily accessible to all flight attendants" does not guarantee that the manual would be available to the crewmember that is missing the manual, or that it would simultaneously be available to all crewmembers at all times.

Therefore, if a crewmember is missing his or her personal e-reader manual, then the crewmember must obtain a replacement for that personal copy of the manual prior to the flight. If the "one approved e-reader with the current manual" or the "one printed copy of the current, up-to-date manual" referenced in the scenarios above is designated as that specific crewmember's replacement copy, this would be in compliance with the regulations. This single replacement copy cannot serve as one copy to be shared and "easily accessible to all flight attendants who are performing assigned duties on the flight," but rather must be used as a replacement copy for a specific crewmember.

If a certificate holder wishes to have an e-reader or printed copy of the manual as part of the "ship's library," then the certificate holder must have clearly established procedures in place describing the method to be used, the method for keeping the manual current, and the method for verifying that the manual is current before each flight of the ship's library copy. *See* Legal Interpretation 1988-7 (Mar. 10, 1988). A valid ship's library may serve as a back-up for a flight attendant's missing or malfunctioning manual as long as the procedures described above are in place. However, a personal copy of the manual assigned to a specific crewmember may not be instantly designated as the "ship's library" copy to be shared among crewmembers simply because a crewmember's personal manual is lost, malfunctioning or otherwise unavailable. Additionally, the FAA reiterates that having a replacement copy available is not the same as a "ship's library" copy, as a certificate holder must have specific procedures in place for a "ship's library." If the certificate holder wishes to use the ship's library method in lieu of assigning

personal copies of the manual to each crewmember, it may do so as long as those procedures are in place. *See* id.