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

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

JAN - 8 2014

Steve Hajnos
[redacted]

Dear Mr. Hajnos:

This letter responds to your July 1, 2013 request for a legal interpretation of 14 C.F.R. § 121.380(a)(2)(vi) in which you inquired about the agency's intent when enacting this provision. In particular, you asked whether all of the items of information identified in § 121.380(a)(2)(vi) must be maintained within a single consolidated record or whether it is permissible to maintain the requisite information within multiple, separate records. You contend that a "part 121 operator could indicate compliance with [§ 121.380(a)(2)(vi)] on as many records (or lists) as the operator deems appropriate per their system."[1] We agree with your contention and conclude that the information identified in § 121.380(a)(2)(vi) may be kept in multiple separate records, so long as all such records containing the requisite information are retained for the time period specified in § 121.380(c) and are available for inspection by the FAA or NTSB in accordance with § 121.380(d).

In general, certificate holders conducting operations under part 121 must have a program for airplane maintenance and alterations as provided in § 121.367 and must maintain a manual that includes certain information pertaining to these programs as provided in § 121.369(b).

Section 121.380(a) requires certificate holders to keep certain maintenance records within its recordkeeping system including "[r]ecords containing the following information:

> (vi) The *current status of applicable airworthiness directives*, including the date and methods of compliance, and, if the airworthiness directive involves recurring action, the time and date when the next action is required."

See § 121.380(a)(2)(vi) (emphasis added).[2] The records must be maintained in a "suitable system (which may include a coded system) that provides for preservation and retrieval of

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[1] Your request also referenced certain FAA tools for inspector use in determining compliance with part 121 regulatory requirements, which are available at http://fsims.faa.gov/home.aspx, including Element Performance Inspection (EPI) Data Collection Tool 1.3.6, questions 1.2 and 1.5). Although we do not discuss those tools in detail herein, we note that Question 1.2 directs inspectors to review the certificate holder's records for compliance with the requirement in § 39.27 and question 1.5 directs inspectors to review the certificate holder's records for compliance with § 121.380(a)(2)(vi).

[2] As you noted in your letter, parallel provisions for maintenance recordkeeping are also set forth in parts 91 and 135 at §§ 91.417(a)(2)(v) and 135.439(a)(2)(v).

information in a manner acceptable to the Administrator...," required under § 121.369(c). *See* § 121.380(a). Moreover, the maintenance records that must be kept in accordance with § 121.380 must be "available for inspection by the Administrator or any authorized representative of the NTSB." *See* § 121.380(d). Of note, § 121.380a further requires the transfer of "the record specified in § 121.380(a)(2)" from the certificate holder responsible for keeping the records for a particular aircraft upon the sale of that aircraft.[3] *See* § 121.380a.

The regulatory text of § 121.380(a)(2)(vi) does not indicate that the pertinent information pertaining to applicable airworthiness directives must be maintained in a single record. Moreover, the rulemaking history reflects an underlying intent consistent with the unambiguous regulatory text of § 121.380(a)(2)(vi). When the maintenance recording requirements in § 121.380 (as well as certain maintenance recording requirements within part 91) were amended in 1972, commenters expressed concern that "the data required to be retained under the present regulations may be set forth in a number of documents..." *See* Aircraft Maintenance and Related Records Final Rule, 37 Fed. Reg. 15981 (Aug. 9, 1972). In response, the FAA noted that "the owner or operator has the option of retaining those documents or establishing a new [consolidated] record containing only the required data." *Id.* Accordingly, it appears the Agency did not intend that the required data be kept in a single record.

Although keeping the maintenance records required under this provision in a single record is preferred in the interest of efficiency for inspection purposes, the information identified in § 121.380(a)(2)(vi) is not required to be kept in a single record. The operator is permitted to keep multiple records, so long as all such records contain the requisite information, are retained for the time period specified in § 121.380(c) and are available for inspection by the FAA or NTSB in accordance with § 121.380(d). Moreover, as we have previously stated, "it is the responsibility of the operator to substantiate that its recordkeeping system produces sufficient and accurate data..." to demonstrate compliance. *See* Legal Interpretation from Kenneth P. Quinn, Chief Counsel, to Mr. Callahan (Jun. 1, 1992).

This response was prepared by Bonnie C. Dragotto, an attorney in the International Law, Legislation and Regulations Division of the Office of the Chief Counsel, and was coordinated with the Aircraft Maintenance Division of the Flight Standards Service. If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law,
Legislation and Regulations, AGC-200

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[3] Although this section refers back to the recordkeeping requirement in § 121.380(a)(2) with regard to a single "record," we do not interpret the use of the singular in this manner as a strict limitation such that the information listed in § 121.380(a)(2) must be maintained in a single record. Indeed the rules of construction set forth at 14 C.F.R. § 1.3(a) provide that "words importing the singular include the plural" unless the context requires otherwise.