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

**Office of the Chief Counsel**

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

DEC -3 2015

Nelson Hochberg
[redacted]

Re: Meaning of "ensure" in 14 C.F.R. § 91.405(b)

Dear Mr. Hochberg:

This responds to your June 16, 2015 request for an interpretation on the meaning of the word "ensure" in § 91.405(b), which states that each owner or operator of an aircraft: "Shall ensure that maintenance personnel make appropriate entries in the aircraft maintenance records indicating the aircraft has been approved for return to service." One dictionary defines "ensure" to mean: To make certain or sure of."[1] You ask specifically that, if the operator must physically "view" the entry, does that mean that the mechanic may "fax, email or text" the entry to the operator to meet the rule's requirements? Our answer is yes, as this would provide the same level of assurance as if the operator viewed the entry in person.

In any case, judgment must be exercised in making this determination. If the photo that is faxed, emailed, or texted has sufficient indicia of accuracy or reliability that the entry is, in fact, in the aircraft's maintenance records, the owner or operator can be considered to have ensured that the mechanic made the entry. Some of this judgment may include the owner's or operator's degree of confidence in the integrity of the mechanic.

I trust this letter is responsive to your questions. This response was prepared by Edmund Averman, an attorney in the Regulations Division in the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division (AFS-300) in the FAA's Flight Standards Service. If you have additional questions regarding this matter, please call us on (202) 267-3073.

Sincerely,

Lorelei Peter
Acting Assistant Chief Counsel for Regulations, AGC-200

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[1] Webster's II New Riverside University Dictionary, The Riverside Publishing Company (Copyright 1984 by Houghton Mifflin Company).