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

Office of the Chief Counsel
800 Independence Avenue, S.W.
Washington, D.C. 20591

JAN - 6 2017

Wilder L. Morey
[redacted]

Re: Request for Legal Interpretation of 14 C.F.R. §§ 43.9(a) and 43.11(a) Concerning Documenting Maintenance and Inspection Records

Dear Mr. Morey:

This responds to your letter postmarked September 2, 2016, requesting a legal interpretation of the phrase "make an entry in the maintenance record of that equipment" as it is used in 14 C.F.R. §§ 43.9(a) and 43.11(a), for the purpose of documenting maintenance and inspections performed. You state that sometimes your customers for maintenance or inspections forget or refuse to bring their aircraft log books for the purpose of your making the requisite record entries. They prefer you write the information on a separate piece of paper that they can later insert into their own aircraft log books. You ask whether you must have the physical maintenance records (*e.g.*, aircraft log book) in which to make your maintenance or inspection entry, or are you permitted to simply make the entry, including an approval for return to service, on a piece of paper and provide that to the aircraft owner. As we explained in a 2008 legal interpretation[1] (copy enclosed) on a similar question, you may make your maintenance entry on a separate piece of paper. While the regulations at issue specify that the maintenance entries be made in "the maintenance record of that equipment," they do not specify what that record must be.

Also, as we explained in the 2008 interpretation, it is incumbent on the aircraft owner under 14 C.F.R. § 91.417 to keep maintenance records for the requisite period of time in order to document that required maintenance and inspections have been accomplished. You may wish to keep copies of all of your maintenance record entries, both for your own purposes, and to assist your customers in the event they lose the document.

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[1] Legal interpretation letter dated August 15, 2008, to Michael D. Busch from the FAA's Assistant Chief Counsel for Regulations.

I hope our answer is useful to you. It was prepared by Edmund Averman, an attorney in the Regulations Division of the FAA's Office of the Chief Counsel. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

Enclosure

Wilder L. Morey

[redacted]

Request for interpretation of 14 C.F.R. 43.9(a) and 43.11(a)

To whom it may concern,

I would like to formally request interpretation of 14CFR 43.9(a) and 43.11(a). I am an airframe and power plant rated mechanic who holds and inspection authorization as well as the floor supervisor at a small maintenance shop in Minnesota, all of our customers are part 91 operators and come from all over the world as we work on a pretty specific airframe that requires experience. Only one of our customers is local. Very frequently when customers bring their aircraft here for an annual inspection they either forget refuse to bring (due to the risk of losing them), is their logbooks. Whenever we get ahold of customer logbooks we scan everything we can to make logbook research easier for us in the future and in the scenario that customer forget their logs in the future, but one thing I have always made clear to customers is that when it comes time to return their aircraft to service, I must have their logbooks to make the appropriate maintenance entry.

14CFR part 43.9(a) states "each person who maintains, performs preventive maintenance, rebuilds, or alter an aircraft, airframe, aircraft engine, propeller, appliance, or component part shall make an entry in the maintenance record of that equipment". 14CFR part 43.11(a) states "the person approving or disapproving for return to service an aircraft, airframe, aircraft engine, propeller, appliance, or component part after any inspection performed in accordance with part 91, 125, 135.411(a)(1), or 135.419 shall make an entry in the maintenance record or that equipment".

I currently have a customer stating that he can find nowhere in the regulations that clearly define that I must personally input a record of maintenance I have performed on his aircraft directly into his physical logbooks. My concern is that in the past, when I have provided only a logbook label on a sticky back piece of paper to a customer, the entry was lost and the aircraft owner was then flying in an aircraft with undocumented maintenance performed by me. My personal interpretation of the instructions laid out in 14CFR 43.9 & 43.11 is that there is no way for me to document maintenance performed by myself unless I have the physical/appropriate aircraft logbooks in front of me, and that simply giving the customer a sticky paper with my entry on it would not be an acceptable form of maintenance entry. Must I have the physical maintenance records in order to comply with part 43.9 & 43.11, or can I simply give the customer a note of the maintenance performed and airworthiness release?

Your assistance in this matter is greatly appreciated

Wilder Morey

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