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

Office of the Chief Counsel

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

DEC 14 2007

Martin L. Siff
314 Exeter Close
Easley, S.C.
29642-8804

Dear Mr. Siff:

This is in response to your letter of December 6. Your question lacked the specificity necessary to give a definitive response. Nonetheless, we offer the following:

If the carrier conducts operations under Part 121 and those operations are all-cargo or charter passenger-carrying operations, then Subpart S rules apply. Such all-cargo operations or charter passenger-carrying operations that are conducted within the 48 contiguous states are not "domestic operations" subject to Subpart Q. Such operations are "supplemental operations" (as defined in Section 119.3) and are still subject to Section 121.517 and those Subpart S rules that precede Section 121.513.

A "domestic operation" under the Federal Aviation Regulations, is, in relevant part, a scheduled passenger-carrying operation on certain airplanes. See Section 119.3 definitions of "domestic operation" and "scheduled operation". A "scheduled operation" under our rules relates only to passenger-carrying operations, not all-cargo operations. Thus, certain scheduled passenger carrying operations conducted under Part 121 are subject to Subpart Q. Supplemental operations (as defined in Section 119.3), including all-cargo and charter passenger-carrying operations in certain airplanes, are subject to the flight, duty and rest rules of Subpart S.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel
Regulations Division, AGC-200