U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

Mr. Salvatore Salibello, P.C.
[redacted]

AUG 17 2010

Dear Mr. Salibello,

This is in response to your request for a legal interpretation regarding the applicability of the flight and duty time limitation provisions in subpart S of part 121 for supplemental operations. You question how Southern Air Cargo may schedule flightcrew members under either the provisions of §121.505-§121.509, or §121.521-§121.525, for operations in a B777.

We note that it is not the type of aircraft that is flown in these operations that dictate which flight and duty time limitations that apply, but rather, the nature of the operation. Section 121.513 permits certificate holders conducting international or overseas supplemental operations to elect to comply with either the provisions in §121.503-121.511, or the provisions in §121.515, and §121.521-§121.525 in scheduling these operations. In order to be able to elect between these provisions, the operation must be:

(1) Between a place in the 48 contiguous United Sates and the District of Columbia, or Alaska, and any place outside thereof;
(2) Between any two places outside the 48 contiguous States, the District of Columbia, and Alaska; or
(3) Between two places within the State of Alaska or the State of Hawaii.

14 C.F.R. §121.513(a)-(c).

Provided that Southern Air Cargo's planned operations in the B777 meet the criteria in §121.513 outlined above, it may elect to comply with the flight time limitations found in §121.503-§121.511, or the provisions in §121.515 and §121.521-§121.525. *See also* Legal Interpretation to Martin L. Siff, from Rebecca MacPherson, Assistant Chief Counsel of Regulations (Dec. 14, 2007); Legal Interpretation to Arthur J. Schmidt, from Donald P. Byrne, Assistant Chief Counsel of the Regulations and Enforcement Division (Apr. 9, 1991).

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Anne Bechdolt, Acting Manager, Operations Law Branch of the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air

Transportation Division of Flight Standards Service. If you require further assistance, please contact my staff at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200