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

Office of the Chief Counsel

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

NOV 30 2012

Airlines for America
1301 Pennsylvania Ave., NW
Suite 1100
Washington DC 20004

Dear Airlines for America:

This is in response to questions you and other stakeholders posed about the newly-created 14 C.F.R. part 117. Part 117 will go into effect on January 4, 2014, and it will replace the existing flight, duty, and rest regulations, contained in Subparts Q, R, and S, of part 121 for passenger operations and all-cargo operations that choose to operate under part 117. This letter addresses your questions about how the concepts of theater and acclimation work and how they interact with Tables B and C in part 117.

The terms "theater" and "acclimated" are defined in § 117.3. A theater is defined as a "geographical area in which the distance between the flightcrew member's flight duty period departure point and arrival point differs by no more than 60 degrees longitude."[1] A flight duty period departure point is the location at which a flightcrew member begins a series of flight duty periods (FDPs). If a flightcrew member remains acclimated, a series of FDPs consists of FDPs that take place between the 30 hours of rest specified in § 117.25(b). However, if a flightcrew member becomes unacclimated, then (1) the first FDP that takes place in the new theater would commence a new series of FDPs subject to the non-acclimated provisions of § 117.13(b) and § 117.17(b); and (2) the first FDP that takes place after the flightcrew member reacclimates would also commence a new series of FDPs that would not be subject to § 117.13(b) and § 117.17(b).

A flight duty period arrival point is the location at which the flightcrew member ends a flight segment. Thus, a flightcrew member does not change theaters unless the location at which the FDP series began is more than 60 degrees longitude away from the location at which a flight segment ends.

Under § 117.3, a flightcrew member is acclimated upon being in a theater for 72 hours or being given at least 36 consecutive hours of rest in that theater. While a theater can have multiple time zones, for purposes of determining acclimation, those time zones are irrelevant. What matters is whether a flightcrew member has spent 72 hours in the theater or has had 36 consecutive hours of rest in the theater. Otherwise, the flightcrew member remains acclimated to the last point of acclimation. Once a flightcrew member

[1] 77 FR at 28764.

has spent the requisite amount of time in the theater, the flightcrew member is acclimated to that theater – not to any specific time zone inside the theater.

If a flightcrew member is unacclimated, the applicable FDP limits are determined using the location at which the last-acclimated FDP series began.[2] If a flightcrew member is acclimated, then the FDP limits in Tables B and C are determined using the local time at the location where the FDP series begins. However, if a flightcrew member is acclimated to a theater that encompasses the flightcrew member's home base, then the certificate holder can use home base time to determine the appropriate FDP limits. Once this designation is made, then the flightcrew member's FDP limits for the entire FDP series are determined using home base time. In addition,, for purposes of determining a change in theaters, the flight duty period departure point is the location at which the FDP series actually begins, even when a certificate holder uses home base time to determine the appropriate FDP limits as described above.

We also note that, because acclimation is used to determine the appropriate departure time and because departure time cannot be changed once an FDP has started, a flightcrew member's acclimation status is locked in once the flightcrew member begins an FDP and remains unchanged until that FDP ends.[3] Thus, if an acclimated flightcrew member changes theaters in the middle of an FDP, that flightcrew member will remain acclimated to the original theater until the FDP ends.

A. Theater

1. Determining FDP Departure and Arrival Points

As discussed above, for purposes of determining whether a flightcrew member has changed theaters, the FDP departure point is the location at which an FDP series begins and the FDP arrival point is the location at which a flight segment ends. Thus, a flightcrew member can change theaters during the course of an FDP as a result of intermediate stops. In addition, because a flightcrew member's acclimation status is locked in once the FDP begins, a flightcrew member cannot become unacclimated until the FDP ends.

Time zones are also irrelevant for changing-theater purposes because a change in theater is analyzed by simply examining the distance between the FDP departure and arrival points. The FAA notes that a flightcrew member does not need to be acclimated in order to change theaters. For example, a flightcrew member could end an FDP in a new theater, which would render that flightcrew member unacclimated. After receiving 10 hours of rest, that unacclimated flightcrew member could then be assigned to another FDP series containing an FDP that ends more than 60 degrees longitude away from the

[2] The applicable FDP limits for an unacclimated flightcrew member are also reduced by 30 minutes per §§ 117.13(b)(1) and 117.17(b)(1).

[3] *See also* 75 FR 55858, 55862 (Sep. 14, 2010) (stating that a flightcrew member is considered acclimated if he "enters the FDP" while being acclimated).

location at which the FDP series began. In this example, the flightcrew member would change theaters even though he was unacclimated at the beginning of his FDP.

2. Calculating 60 Degrees Longitude

As discussed above, a theater is determined by examining whether the location at which the FDP series begins is more than 60 degrees longitude away from the location at which a flight segment ends. For the purposes of this analysis, it is irrelevant what the flightcrew member does during the FDP or in which direction(s) the flightcrew member flies – all that matters is the distance in longitude between the locations at which the FDP series begins and a flight segment ends.

B. Acclimation

1. Determining Arrival in Theater and Acclimation

As discussed above, an FDP arrival point is the end of a flight segment. Accordingly, a flightcrew member arrives in a new theater at the end of a flight segment if that flight segment ends more than 60 degrees longitude away from the point at which the FDP series began. The arrival in a new theater acts to set in motion the time clock for determining when a flightcrew member who stays in a new theater will become acclimated to that theater. Under § 117.3, a flightcrew member becomes acclimated to a new theater when that flightcrew member has either (1) spent 72 hours in the theater, or (2) has had 36 consecutive hours of rest in the new theater. However, we emphasize that because acclimation status is locked in at the beginning of an FDP, a flightcrew member entering a new theater does not become unacclimated until the FDP that caused the change in theater ends.

A flightcrew member could also become unacclimated from the theater that encompasses the flightcrew member's home base. Due to the conditions for acclimation specified in § 117.3, a flightcrew member can only be acclimated to a single theater. If the theater to which the flightcrew member is acclimated does not encompass that flightcrew member's home base, then the flightcrew member would be unacclimated upon return to the home base. If the flightcrew member is unacclimated to the theater that encompasses the flightcrew member's home base, then that flightcrew member may not use the time at the home base to determine the appropriate FDP limits in Tables B and C.

2. Time Zones in a Theater

A flightcrew member is acclimated to a theater and not to a specific time zone within that theater. If a flightcrew member is acclimated, FDP limits are calculated using either (1) the local time at the location where the FDP series begins; or (2) the local time at the flightcrew member's home base if the flightcrew member is acclimated to a theater that encompasses the home base. If home base time is used to determine the pertinent FDP limit, then, for purposes of Tables B and C, the entire FDP series will be treated as if it commenced at home base.

For example, an acclimated flightcrew member beginning an FDP series in the Eastern time zone has 36 hours of rest in the Pacific time zone. Because this flightcrew member would receive over 30 hours of rest, the next FDP, which would be out of the Pacific time zone, would commence a new FDP series. Thus, this flightcrew member would enter Table B or C based on either Pacific time or home base time if the theater to which the flightcrew member is acclimated encompasses the home base.

3. Acclimating/Unacclimating During a Vacation

In order for a flightcrew member to change theaters, a flight segment flown during an FDP series has to end more than 60 degrees longitude from where the FDP series began. As such, a flightcrew member who travels during personal time off would not change theaters unless the flightcrew member flies on a flight segment, during an FDP, that causes a change in theaters. This understanding would also apply to a flightcrew member who is deadheading to a vacation destination because a deadhead is only part of an FDP if it is followed by a flight segment without an intervening rest period. However, if a flightcrew member does change theaters as part of an FDP, that flightcrew member could acclimate to the new theater during personal time off.

The following two examples help illustrate this concept. Suppose a flightcrew member is acclimated in Texas and wants to vacation in China. In the first example, the flightcrew member, on personal time, travels to China, spends two days in China, and then comes back to Texas. In this example, the flightcrew member is still acclimated to the Texas theater because the travel to China did not occur as part of an FDP series and thus, the flightcrew member never changed theaters. In the second example, a flightcrew member travels from Texas to China on an FDP, takes two days off to see China, and then travels back to Texas on another FDP. In this case, the flightcrew member would become unacclimated to the Texas theater because the flightcrew member has 1) changed theaters from Texas to China during the FDP, and 2) become acclimated to the China theater by spending two days of rest in China.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Alex Zektser, Attorney, Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for International Law,
Legislation, and, Regulations AGC-200