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

Office of the Chief Counsel

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

MAY 13 2014

Marc Anderson
General Counsel
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6100 Clarks Creek Rd., Suite 100
Plainfield, IN 46168

Dear Mr. Anderson,

This is in response to your February 6, 2014 letter asking whether a certificate holder can assign additional segments to a flightcrew member after that flightcrew member completes all of the flight segments that were originally scheduled for that flightcrew member's flight duty period (FDP).

Part 117 contains a set of flight, duty, and rest regulations that apply to all part 121 passenger operations and certain part 91 operations.[1] The regulations of part 117 govern, among other things, a flightcrew member's FDP and rest period.

Part 117 defines an FDP as "a period that begins when a flightcrew member is required to report for duty with the intention of conducting a flight, a series of flights, or positioning or ferrying flights, and ends when the aircraft is parked after the last flight and there is no intention for further aircraft movement by the same flightcrew member."[2] The FAA has previously stated that "the number of flight segments in an FDP can be changed after an FDP begins."[3]

In a recently-issued interpretation, the FAA stated that the termination of an FDP requires "an affirmative intent for no further aircraft movement."[4] The FAA elaborated that:

> This affirmative intent is lacking when the certificate holder is unsure whether there will be another flight or further aircraft movement. As a result, if the certificate holder intends or may intend to use the flightcrew member for another flight or further aicrcraft movement, the certificate holder may do so by holding the pilot on duty with the FDP clock running, making necessary adjustments based on any assignments to ensure that the pertinent FDP limits are not violated.[5]

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[1] 14 C.F.R. § 117.1.
[2] 14 C.F.R. § 117.3.
[3] *Clarification of Flight, Duty, and Rest Requirements*, 78 FR 14166, 14175 (Mar. 5, 2013).
[4] Letter to Don Wykoff & Douglas Mullen from Mark W. Bury, Assistant Chief Counsel for International Law, Legislation and Regulations, at 4-5 (Mar. 20, 2014).
[5] *Id.*

Once an FDP has ended, § 117.25(e) requires that a flightcrew member be provided with a 10-hour rest period that includes an 8-hour sleep opportunity immediately prior to commencing a new reserve or FDP. Since the preceding FDP has to end in order for a new reserve or FDP to begin, § 117.25(e) will not trigger until an FDP is terminated and a new FDP or reserve is contemplated.

Applying the above discussion to your question, if a certificate holder does not have an affirmative intent for no further aircraft movement at the conclusion of a flightcrew member's last-scheduled segment, then that flightcrew member's FDP has not ended. Until the FDP ends, the certificate holder can assign the flightcrew member additional flight segments as long as the flightcrew member's FDP does not exceed the pertinent FDP limits of part 117. However, once the certificate holder ends the flightcrew member's FDP, then per § 117.25(e), the certificate holder must provide the flightcrew member with a rest period prior to commencing a new reserve or FDP.

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, International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law, Legislation, and Regulations, AGC-200