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

Office of the Chief Counsel

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

FEB 14 2014

Garret Healy
Jeppesen Commercial & Military Aviation
381 Park Avenue South
New York, NY 10016

Dear Mr. Healy:

This is in response to your October 9, 2013 e-mail asking a question about section (G)(i) of a recently-issued FAA clarification of 14 C.F.R. part 117.[1] Our answer to your question is set out below.

Part 117 is a new part in title 14 of the Code of Federal Regulations that will go into effect on January 4, 2014. On March 5, 2013, the FAA issued a document clarifying certain issues with regard to part 117.[2] In section (G)(i) of the clarification document, the FAA stated that if a flight duty period "infringes on the window of circadian low (WOCL), § 117.21(d) requires that the flightcrew member receive a 12-hour notice of the change to the FDP start time."[3] Your e-mail points out that the regulatory text of § 117.21(d) uses different phrasing and asks for clarification of this sentence.

Long-call reserve is governed by the regulations in § 117.21(d). That subsection states that if a flightcrew member on long-call reserve is assigned to a flight duty period (FDP) "*that will begin before and operate into the flightcrew member's window of circadian low*, the flightcrew member must receive a 12 hour notice of report time from the certificate holder."[4] We note that the regulatory text provision in § 117.21(d) is different from the language used in the clarification, as the clarification refers to an FDP that infringes on the WOCL while § 117.21(d) refers to an FDP that begins before and operates into the WOCL. Because the actual regulatory text in § 117.21(d) controls the applicability of that subsection, the pertinent language in section (G)(i) of the clarification should be construed to require a 12-hour notification only in instances in which an FDP would begin before and operate into the WOCL.

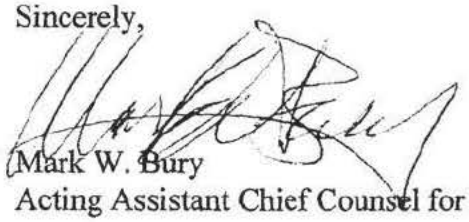
We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Alex Zektser, Attorney, International Law, Legislation and Regulations Division of the Office of

---

[1] Your e-mail also makes several suggestions to change the regulatory text of part 117. We cannot change existing regulatory text in this letter, and accordingly, we will not address those suggestions here.
[2] *Clarification of Flight, Duty, and Rest Requirements*, 78 FR 14166 (Mar. 5, 2013).
[3] *Id.* at 14171.
[4] Emphasis added.

the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,



Mark W. Bury
Acting Assistant Chief Counsel for International Law, Legislation and Regulations