



AIR LINE PILOTS ASSOCIATION INTERNATIONAL

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535 Herndon Parkway • PO Box 1169 • Herndon, VA 20172-1169 • 703-689-2270 • 888-FLY-ALPA

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*Submission by the Air Line Pilots Association, International
via <http://www.regulations.gov>*

The Air Line Pilots Association, International (“ALPA”) submits the following questions to clarify the application of 14 C.F.R. Part 117.

Captain Donald Wykoff
Chairman, Flight Time Duty Time Committee
Air Line Pilots Association, International

CLARIFYING QUESTIONS

1. **Part 117.3** defines “[t]heater” as a geographical area where a flightcrew member’s flight duty period (“FDP”) departure point and arrival point differ by no more than 60 degrees longitude. The Continental United States by this definition is one theater with four time zones. If a flightcrew member is based in SFO and operates SFO-EWR, he or she remains acclimated for purposes of Part 117.

QUESTION: If a flightcrew member is given a report time of 0600 EWR local (home base time is 0300), does the flightcrew member determine his or her FDP by entering local time or home base time on a FDP and flight-time Tables?

ALPA’s view is that the science would dictate the body clock (home base) time should be entered on a FDP and flight-time Tables unless an appropriate rest period (36 hours) was provided. It is ALPA’s belief that the flightcrew member would enter either home base or last acclimated time on Tables A, B and C.

2. **Part 117.1(c)** states that Part 117 applies to Part 91 Operations by a Part 121 certificate holder.

QUESTION: **(A)** If a certificate holder assigns a flightcrew member only Part 91 flying on a given day, does that flight time count towards his or her cumulative limits?

(B) If on the next day after the Part 91 flying the flightcrew member is assigned Part 121 flying, must he or she have a minimum 10-hour rest period prior to reporting for Part 121 flying?

ALPA's view is that the flight time would count towards the cumulative limits as it is duty performed for the certificate holder and a rest period of at least 10 hours must be given prior to any Part 121 flying.

3. **Part 117.25(e)** provides that a flightcrew member cannot be assigned or accept an assignment unless he or she has a minimum 10 hours rest before reporting.

QUESTION: **(A)** A flightcrew member is on days off with no obligation to answer the phone or perform any duties for the certificate holder. The certificate holder calls and when the flightcrew member answers he or she is given a flight assignment which he or she is obligated to accept. (This practice is called junior manning.) Can the air carrier contact a flightcrew member during a required rest period to give a flight assignment?

(B) Can the air carrier contact a flightcrew member when he or she is off duty (not on required rest) to give a flight assignment? If so, must the carrier provide at least 10 hours rest prior to the report time for the flight assignment?

(C) Can the flightcrew member on his or her days off elect to "pick up a trip" from open time if he or she will have the required 10 hours rest prior to the report time?

4. QUESTION: A carrier assigns a two-member crew to a series of flights and delays occur during a FDP. Can the carrier augment with a third flightcrew member to extend the block time and FDP?

In ALPA's view, a flightcrew cannot be augmented during a FDP when the original assignment is a two-member crew. The agency, in an August 24, 1999 interpretation, declared that a carrier could not begin a series of flights with a three-member crew and within the assignment change the crew to two members. That logic should apply equally to this question.

5. QUESTION: A flightcrew member actually reports to duty at the assigned time but the carrier advises the flightcrew member that the scheduled report time is delayed four hours due to aircraft maintenance. Once the flightcrew member has reported, can the carrier by reassigning a delayed report time by four hours change a FDP from the original scheduled FDP to a new FDP based on the later report time?

In ALPA's view, since the flightcrew member actually reported, a FDP would begin at the originally scheduled report time.

6. **Part 117.13 Flight duty period: Unaugmented operations – Table B.** The preamble of the Final Rule states: “[T]he FAA clarifies that FDP limits are determined by scheduled reporting times and not by actual reporting time. Thus, an air carrier can determine a flightcrew members' maximum FDP limit simply by looking at that flightcrew member's schedule.” 77 Fed. Reg. 330, 358 (Jan. 4, 2012) (emphasis added).

QUESTION: **(A1)** A flightcrew member is scheduled for a 1700 report time but is notified by the certificate holder less than 10 hours prior to his or her report time of a delayed “new” report time of 2300. If the reassigned report time is permitted, which report time would apply for purposes of FDP and block hour limits apply – 1700 or 2300?

(A2) Is the assignment of a new report time during a required rest permitted?

(B) If in Question A1 above a flightcrew member was scheduled at 1700 for a 12-hour FDP, and the revised report time is otherwise permitted, must the delayed FDP (2300 report time) be completed by 0500 even if the flightcrew member was notified in advance of the delayed report time?

(C) Does the answer to Question B above differ based on the nature of the delay (e.g., unforeseen circumstances)? Can the extension provisions be used?

(D) If the certificate holder notifies the flightcrew member by 1300 (e.g., 10 hours prior to 2300, but only four hours prior to the original 1700 report time), is that considered a reassignment by providing a new rest period allowing the certificate holder to “reset” the scheduled FDP time of start?

(E) Must the notification to the flightcrew member use a direct contact method or is a notification to a computer schedule, text, email, or voicemail sufficient notification?

7. **Part 117.13 Flight duty period: Unaugmented operations – Table B.**

QUESTION: If a crew is scheduled for four flight segments but due to a diversion requires a fifth flight segment, does the crew continue using the Table B limits for four legs or for five?

8. **Part 117.17(d) Flight duty period: Augmented flight crew.** The regulation limits augmented FDPs to no more than three flight segments.

QUESTION: (A) Is a flightcrew member in violation of this section in the event a diversion to an alternate airport occurs requiring a fourth flight segment?

(B) Is there a limit to the number of “additional” flight segments in this type of situation?

(C) Is the answer the same if the additional leg is for a fuel stop because of winds or other operational issues on that day?

9. **Part 117.19(a)(1) Flight duty period extensions.**

QUESTION: (A) Are all FDP extensions by the pilot in command automatically two hours in length? For example, could the pilot in command agree to only a one-hour extension, then determine further extension(s), if necessary?

(B) Can the certificate holder extend the one-hour extension to two hours without consulting with the pilot in command again?

ALPA’s view is that the pilot in command never surrenders his or her discretion under Part 117.19 to agree to an extension.

10. **Part 117.19 (b)(3) Flight duty period extensions.**

QUESTION: (A) If after takeoff a flightcrew member extends his or her FDP two hours, are his or her cumulative limits extended for only the remainder of that flight or looking forward for the entire cumulative period (168 or 672 hours)? Does the rest of his or her week (or month) need to be rescheduled?

(B) A flightcrew member who has had no other FDP extensions is scheduled at 59 in 168 and on the first trip during the 168 hour period needs to extend his or her FDP by two hours (situation arose after takeoff). The flightcrew member is now projected for 61 in 168. Is he or she permitted to fly the remaining FDPs without modification or must he or she be rescheduled below 60 in 168?

ALPA's view is that the flightcrew member must be rescheduled so that he or she does not actually violate the 60-in-168 rule prior to receiving a required 30 hour rest.

11. **Part 117.19(a) and (b) Flight duty period extension.** A flight duty period extension is allowed "*if unforeseen operational circumstances arise*"

QUESTION: **(A)** Consider a FDP scheduled near a FDP limit. The destination airport is forecast to be influenced by a typhoon. The certificate holder elects to operate the flight "as scheduled" while simultaneously "planning" with a high confidence level before takeoff for a diversion that would "knowingly" exceed a FDP limit. How or when does an unforeseen *operational circumstance* arise? Is the situation described above allowed?

(B) What length of FDP extension would be allowed – 117.19(a)(1), or (b)(1)?

(C) If the winds on a particular day were such that it is known at the time of departure that the flight could not be completed within the scheduled FDP, could the flight operate as scheduled, or would an extension be required?

In ALPA's view, Part 117 requires a decision prior to takeoff that the flight could be completed within the appropriate FDP. Forecast weather is not an unforeseen circumstance. *See* Part 117.3.

12. **Part 117.11 Flight Time Limitations.**

QUESTION: **(A)** If prior to departure it is expected that due to forecast weather or any other non-emergency reason on a particular day a flightcrew member will exceed the flight-time limits in Part 117(a), can the flight operate?

(B1) If a flight is diverted to an alternate airport can the flightcrew member depart for the original destination if the flight will exceed his or her flight-time limitation.

(B2) Would the answer to Question B1 above be different if the flight was augmented? *See* Part 117.11(a)(2-3).

ALPA's view in each situation above is that the crew cannot take off. The FAA in Part 117.11(a) states no flightcrew member may continue an assignment (before takeoff) if the daily flight-time limits will be violated. The preamble of the Final Rule states that "if a flightcrew member becomes aware, before takeoff, that he or she will exceed the applicable flight-time limit, that flightcrew member may not take off and must return to the gate." 77 Fed. Reg. at 363.

13. **Part 117.19(a)(1) and (b)(1) Flight duty period extension.** A flight duty period extension is allowed with the concurrence of the “*pilot in command and the certificate holder*”

QUESTION: **(A)** What is the regulatory mechanism to allow an FDP extension for only part of the flightcrew (i.e., the pilot in command can complete a FDP within limits but the reserve First Officer cannot)? Does this situation require concurrence of the pilot in command (under FDP limits) in addition to the reserve First Officer (FDP extension needed)?

(B) In this situation, can the pilot in command withhold his or her concurrence in the interest of maintaining the highest level of safety?

ALPA’s view is that the pilot in command never surrenders his or her discretion under Part 117.19 to agree to an extension. If the pilot in command determines that it is not in the highest interest of safety not to operate the flight, the flight may not operate. (The consent of the reserve First Officer is not required under the language of the rule for the Captain to exercise this authority. However the reserve First Officer may independently remove him or herself from the flight if he or she is not fit to continue.)

14. **Part 117.19 (b) Flight duty period extension.**

QUESTION: **(A)** Consider an “after takeoff” situation in which unforeseen operational circumstances require a diversion to an alternate airport without an exceedance of a FDP limits. Once at the alternate airport, completion of a FDP to the intended destination will require an FDP extension. Which exceedance provision applies – two hours, or to the extent necessary?

(B) Consider that certain foreign countries allow a U.S. registered aircraft to land only for re-fueling, without allowing a flightcrew member rest opportunity (i.e., a flight destined for India could land only for fuel in Pakistan).

(B1) Can the pilot in command and certificate holder exceed a FDP limits to continue to the scheduled destination? Which exceedance provision applies – two hours, or to the extent necessary?

(B2) Consider a FDP in which a FDP limits were exceeded diverting to an alternate airport, is the flight allowed to continue? Which exceedance provision applies - two hours, or to the extent necessary?

(B3) Would the provisions of Parts 117.29(b) or 119.57 be applied to this situation?

(B4) Are there any pre-flight dispatch limitations on the certificate holder's use of "alternate" airports given that a diversion would "knowingly" exceed a FDP or flight-time limits?

ALPA's view is that an FDP extension of up to two hours is possible if the flightcrew members are fit to extend; additional extensions may be available under Part 117.29 (emergency operations); otherwise, the crew must be replaced.

15. Part 117.21(c)(3) and (4) Reserve status.

QUESTION: (A) At what time does a flightcrew member enter FDP Table B or C to determine a FDP limit +4-hour value – the start time of the reserve availability period ("RAP") or scheduled time of start for the assignment?

(B) For example, suppose a flightcrew member begins his or her Short-Call RAP at 0200 and at 0400 is assigned a 0800 report time. Does the flightcrew member enter 0200 or 0800 on FDP Table B?

(C) Does he or she time out at 1500 (0200 plus 9+4) or at 1800 (0200 plus 16)?

ALPA's view is that the start of the RAP starts a FDP and the flightcrew member times out at a FDP Table B or C limit, + 4 or 14 hours, whichever is less.

16. Part 117.21(d) Reserve status. A long call reserve requires 12 hours' notice before a flight that touches the window of circadian low ("WOCL").

QUESTION: (A) Is the intent really 12 hours' *notice* or 12 hours of *rest*?

(B) Did the FAA intend that a short-call-reserve have this same 12-hour notice requirement if a flightcrew member's rest is being reset prior to conducting a flight that touches the WOCL?

ALPA believes that this provision was intended to apply equally to short- and long-call reserve. The FAA indicates that 12 hours is required to allow the flightcrew member to plan his or her rest prior to reporting. See 77 Fed. Reg. at 378.

17. Part 117.21(d) Reserve status. The certificate holder is required to provide a long-call reserve 12 hours' notice if a FDP "will begin before and operate into the flightcrew member's window of circadian low" In response to comments related to rest requirements for lineholders and long-call reserves, the FAA states that "[t]his provision simply requires that the affected [reserve] flightcrew member must receive 12 hours' notice that he or she will be on duty during the WOCL" 77 Fed. Reg. at 378.

QUESTION: (A) Could a long-call reserve be assigned a FDP that operates within the WOCL but a FDP starts after the start of the WOCL without receiving 12 hours' notice?

(B) Is the WOCL time period referenced to the time at a FDP start point, last acclimated point, home base time, or the location of the preceding rest opportunity?

18. **Part 117.1 (Theater).**

QUESTION: A flightcrew member is assigned the following series of flights: EWR-SFO-HNL-GUM-HKG-DEL-BAH-LHR. None of the legs exceed 60 degrees longitude. If the flightcrew member did not stay in any of the locations for 36 hours, would the flightcrew member at the start of each FDP enter EWR (home base) or the local time where he or she was physically located on a FDP chart?

It is ALPA's view that he or she would enter EWR (home base) time where he or she was last acclimated on a FDP chart.

19. **Part 117.23 (b) and (c) Cumulative limitations.**

QUESTION: The return segment of a trans-Oceanic flight is scheduled within all FDP and flight-time limits and the flightcrew member was scheduled within the cumulative limitations. Due to unforeseen circumstances, the flight holds for an extended period and then diverts to an alternate airport. The flight could continue after the diversion without any need for an FDP extension, but the flightcrew member would now exceed one of the cumulative flight-time or FDP limitations. (A) Is the certificate holder and/or flightcrew member allowed to exceed the cumulative flight-time or FDP limitations of this Part to complete the scheduled flight segment or FDP?

(B) Can the cumulative limits be extended and under what circumstances?

20. **Part 117.25(a)** provides that no certificate holder may assign and no flightcrew member may accept any assignment to duty during a rest period.

QUESTION: (A) Can a certificate holder require a flightcrew member to do a computer check or make a call to Scheduling during any rest period to determine if his or her assignment or report time has changed?

(B) If a flightcrew member is called by the certificate holder or hotel staff multiple times but does not answer the phone and because of the calls does not get an eight-hour sleep opportunity, is the flightcrew member obligated to advise the

certificate holder and remain in the rest facility until he or she has the eight-hour sleep opportunity?

(C) If the flightcrew member elects to answer the phone and receives a different report time and is then called a second time which would again interrupt his or her sleep opportunity, is the flightcrew member obligated to inform the certificate holder that he or she cannot report until he or she has had the eight-hour sleep opportunity?

(D) Does the one-phone call interpretation still apply in Part 117 operations?

ALPA believes the rule is clear that the mandatory minimum rest and sleep periods must be uninterrupted to be meaningful. Any requirement to answer a phone or mobile device, or check a schedule, is a responsibility for work which is a duty and would interrupt a required rest period. ALPA notes that the rule simply says that a flightcrew member must “notify” a carrier of interrupted rest without specifying how or when such notification should occur. In ALPA’s view, the present use of the term “notify” is adequate as circumstances will differ from carrier to carrier. In ALPA’s view, the current one-phone call rule has been plainly superseded by new Part 117’s “uninterrupted” rest requirement, although it is expected that carriers will continue to press to contact or require contact by the flightcrew member during required rest periods. In ALPA’s view, that is unacceptable and was one of the reasons that ALPA sought revisions to the rest rules. ALPA notes that under Part 117 a voluntary contact, or schedule or calendar check initiated by a flightcrew member is not prohibited.

21. Part 117. 1(a) applies only to passenger operations.

QUESTION: (A) Can a supplemental carrier who operates both cargo and passenger flights split the operations and operate the passenger portion under Part 117 and the cargo portion under supplemental flight-limitation rules?

(B) If the answer to Question A above is yes, can individual flightcrew members be assigned to fly in both operations?

(C) If flightcrew members can fly in both operations, how would the flight/duty limits be applied?

(D) Would the flight/duty limits be applied in the same manner as the current rules are applied when switching from domestic to flag and vice versa?

22. **Part 117.27** allows up to five consecutive FDPs that infringe the WOCL if the flightcrew member is provided an opportunity to rest at least two hours in a suitable accommodation.

QUESTION: Must that rest be given on the day the pilot first reports for duty if he or she is scheduled for five days of flight that infringes the WOCL? For example, the flightcrew member reports the first day at 0200 and flies during the WOCL. Thereafter, he or she flies an additional four days of night-time operations but on days 2-5 he or she receives at least two hours rest in a suitable accommodation. In this situation, can the flightcrew member accept a five consecutive night time assignment pursuant to Part 117.27?

23. **Part 117.1 Applicability.** The preamble of the Final Rule states: "In order to prevent manipulation of this voluntary provision, certificate holders who wish to operate their all-cargo operations under part 117 cannot pick and choose specific flights to operate under this rule." 77 Fed. Reg. at 336.

QUESTION: **(A)** Does the same limitation apply to certificate holders performing passenger operations?

(B) Can Part 117 be implemented piecemeal? For example, as an interim measure during the transition, could a carrier replace the FAR 121 30-in-7 rule with the FAR 117 60-in-168 rule, while retaining the remainder of FAR 121?

24. **Part 117.3** defines "[d]eadhead transportation" as "transportation of a flightcrew member as a passenger or non-operating flightcrew member, by any mode of transportation, as required by a certificate holder, excluding transportation to or from a suitable accommodation. All time spent in deadhead transportation is duty and is not rest. For purposes of determining the maximum flight duty period in Table B of this part, deadhead transportation is not considered a flight segment."

QUESTION: **(A)** Is there limit to how far the drive can be to still be considered transportation to/from a suitable accommodation? For example, if a crew lays over then is driven five hours to an airport to then fly immediately, when does a FDP begin?

(B) What if the drive is 30 minutes?

(C) How far away can suitable accommodations be not to count as duty? In other words, at what point does hotel transportation (local in nature) become a surface deadhead?

25. **Part 117.7 (a) Fatigue Risk Management System and Parts 121.473, 121.495, 121.527.** “No certificate holder may exceed any provisions of this part unless approved by the FAA under a Fatigue Risk Management System [FRMS]”

QUESTION: Can a passenger carrier utilize an approved FRMS to exceed the current FAR 121 rules without otherwise utilizing the FAR 117 rules?

26. **Part 117.7 Fatigue Risk Management System.** The preamble of the Final Rule states that “[a] certificate holder may decide to use FRMS as a supplement to the requirements adopted in the rule, or it may use the FRMS to meet certain elements of this rule for which the adopted regulatory standard is not optimal.” 77 Fed. Reg. at 353. “The FAA clarifies that a certificate holder may use an FRMS for any of the elements of the flight and duty requirements provided under this rule. ... The FAA encourages the use of an FRMS for certificate holders that can optimize their operations by doing so.” *Id.* at 354.

QUESTION: (A) Can a certificate holder use an FRMS to avoid an entire portion of Part 117 (e.g., all of Table A Maximum Flight-Time Limits)?

(B) Is an FRMS authorization applied on a route basis? Can it be applied to a “common” theater or similar routes (e.g, all late-night departures to India, or all two-segment All Night Flights)?

(C) Could route-specific data be used for similar city pairs or would another separate analysis of each city pair be required when using FRMS under Part 117?

(D) Must the data be taken only from the certificate holder, or can it be based in part or whole on another carrier’s study?

ALPA’s view is that the FRMS authorization must remain carrier and city-pair specific.

27. **Part 117.11 Flight time limitations.** The preamble to the Final Rule states that “the FAA has decided to set firm flight-time limits to ensure that flightcrew members do not fly an aircraft for longer than 8 or 9 hours.” 77 Fed. Reg. at 361. “Eight and a half hours of manning the duty station falls within the 8-to-9 hour flight-time range that, as discussed above, the FAA considers to be safe.” *Id.* at 363.

QUESTION: (A) Is there any restriction on how much time a flightcrew member can actually be at the controls on an augmented crew? For example, could flightcrew members be at the controls for the entire flight?

(B) Must the landing crew use the available rest period in non-emergency circumstances?

28. **Part 117.17(c) Flight duty period: Augmented flightcrew.** In response to a question from Boeing the FAA states that “if an FDP contains both an augmented and an unaugmented flight, that FDP is subject to the unaugmented FDP-limits set out in Table B and the unaugmented flight-time limits set out in Table A.” 77 Fed. Reg. at 368.

QUESTION: (A) At what point in time (prior to report or after report) do a FDP limits attach? Can the crew be augmented after report time to extend a FDP?

(B) Can additional augmentation occur after the crew has pushed and returned to the gate? For example, the crew is originally scheduled as three pilots however due to unforeseen circumstances the aircraft returns to the gate for additional fuel. It becomes apparent that the flight cannot be completed under the three-pilot limit in Table C. Can a fourth flightcrew member be added at any time after report time in order to extend the limit?

29. **Part 117.17 Augmented Flight Crew and Table C.** The length of a FDP for an augmented crew is dependent on the quality of the onboard rest facility.

QUESTION: (A) If an aircraft has a Class 3 rest facility and the designated rest seat is inoperative, can the flight continue to operate under the Class 3 augmented FDP limits with the seat placed on the Minimum Equipment List (“MEL”) or must the unaugmented FDP apply in this situation?

(B) Assume an aircraft has a Class 2 rest facility and the designated rest seat has a non-functioning curtain but the seat otherwise meets the criteria for a Class 3 rest facility. Can the flight continue to operate under the Class 2 augmented FDP limits with the curtain placed on MEL or must it operate as a Class 3 rest facility?

(C) Assume an aircraft has a Class 1 rest facility and a passenger seating area which would otherwise meet the Class 2 standards except no privacy curtain is installed. If the required Class 1 crew rest smoke detention system becomes inoperative: can the flight continue to operate under the Class 1 augmented FDP limits using the passenger seating area without privacy curtains; in a degraded state under the Class 2 augmented FDP limits using the passenger seating area without privacy curtains; or does the crew revert to the Class 3 augmented FDP limits?

It is ALPA’s view that the augmented FDP limits for the Class of crew rest facility as restricted by any MEL items would apply. In Question A above, if the designated seat is inoperative, then no augmentation would be allowed. In Questions

B and C above, if the designated seat meets the Class 3 provisions then the Class 3 limits would apply.

30. **117.15 Flight Duty Period - Split duty and 117.27 Consecutive nighttime Operations.** Part 117.15(d) states: "The rest opportunity that the flightcrew member is actually provided may not be less than the rest opportunity that was scheduled."

QUESTION: (A) A flightcrew member is scheduled for a FDP of 13 hours. During that FDP, the flightcrew member is assigned a flight, followed by 3.5 hours of airport standby (i.e., short-call reserve), then a 3.0 hour mid-duty rest (for a total of for 6.5 assigned hours at the airport) followed by a second flight assignment. Is it permissible to mix airport standby and a 117.27 mid-duty rest in this manner during a single FDP?

(B) Would the answer change if a similar mix of airport standby time and a minimum 2.0 hour mid-duty break was assigned each required night to meet the five-consecutive nighttime operation mid-duty rest requirement of 117.27?

31. **Part 117.25 Rest Period.** Part 117.25(d) provides: "If a flightcrew member travels more than 60° longitude during a flight duty period or a series of flight duty periods that require him to be away from home base for more than 168 consecutive hours, the flightcrew member must be given 56 consecutive hours rest upon return to home base. This rest must encompass three physiological nights' rest based on local time."

QUESTION: (A) A pilot who starts in MEM (Memphis, TN) has a FDP to BGR (Bangor, ME) then has a layover followed by a FDP to EINN (Shannon, Ireland), 59.9 degrees of longitude from BGR. After a minimum FAR rest period, he then flies back to BGR and continues a series of rest periods and FDPs within the Continental U.S. and is gone from home base more than 168 hours. This flightcrew member was never technically in a new "theater" nor did he ever acclimate to a new theater but he did go 81 degrees of longitude away from his MEM base during his series of FDP's. Is the 117.25(d) rest required?

(B) A flightcrew member flies a series of two 144-hour time away from base trips which both leave the theater but the two trips are separated by a 10-hour rest period in home base. Does this situation trigger the rest requirement of Part 117.25(d) before start of the second series of FDPs (i.e., between pairings), or is this rest requirement triggered upon completion of the second series of FDPs?

(C) Some airports have runways which are miles apart and depending on which runway is used that fact could affect the longitude measurement. Are the degrees of

longitude between a departure point and arrival point determined using the airport reference point?

ALPA's view is that in Question A above the flightcrew member was subject to circadian de-synchronization and thus needs the rest required by Part 117.25(d) to reset his or her body clock.

ALPA's view of Question B above is that such scheduling would be allowed by the rule though there is some possibility for circadian de-synchronization.

ALPA's view of Question C above is that the airport reference point should be used.

32. **Part 117.3 (Acclimated)** "means a condition in which a flightcrew member has been in a theater for 72 hours or has been given at least 36 consecutive hours free from duty." **Part 117.3 (Theater)** "means a geographical area where local time at the flightcrew member's flight duty period departure point and arrival point differ by more than 60 degrees longitude."

QUESTION: **(A)** Once a flightcrew member has been in a theater for 72 hours to what time is he or she acclimated, the first layover city in the new theater or first layover city after he or she passes 72 hours in the theater? Consider a flightcrew member who departs ATL (Atlanta, GA) and flies to CDG (Paris, France), which is more than 60 degrees longitude. After landing in CDG he or she has a layover then flies within Europe, the same theater, for several FDPs with no layovers greater than 36 hours (e.g., CDG-FRA (Frankfurt) layover FRA-CDG). Then he or she flies from CDG to DXB (Dubai), which is 55 degrees of longitude. During that flight he or she passes 72 hours in the European (CDG) theater. For his or her next FDP beginning in DBX, where does he or she enter Table B, CDG time or DXB time?

(B) For the same crew, what time determines the WOCL for Part 117.27 consecutive nighttime operations, ATL time until completing the CDG-DXB leg, and then CDG, or DXB?

(C) For purposes of determining the "arrival point," under Part 117.3 (Theater) do intermediate stops during a FDP ever count, or is the last stop in a FDP always the arrival point? Is the first point of departure in a FDP always the "departure point"?

(D) If the crew had a 36-hour layover in CDG and was thus acclimated to CDG if they then proceeded to fly to DXB, receiving another 36-hour layover there, are they then acclimated to DXB?

ALPA's view on Question A above is that the crew would acclimate to CDG time and enter Table B using CDG time provided they did not layover more than 36 hours in DXB. This comports with the science that acclimation occurs at the rate of an hour a day or so and for trips which move in a single direction around the world and would make the rule easier to apply.

ALPA's view of Question B above is that ATL time would be used to determine WOCL incursions until the crew acclimates to CDG time upon arrival in DXB.

ALPA's view of Question C above is that intermediate stops (with no layovers) do not count in determining acclimation. ALPA's view is that the first point of departure in a FDP is always the departure point.

ALPA's view of Question D above is that logically if 36 hours acclimates a flightcrew member in a new theater then it would also acclimate one to a different time zone within the same theater.