December 23, 1991

Ms. Rachel Goedken
Northwest Airlines, Inc.
5101 Northwest Drive
St. Paul, MN 55111-3034

Dear Ms. Goedken:

This is in response to your letter of November 27, 1991, to Richard Beitel, Manager, Operations Law Branch of the Office of Chief Counsel, Federal Aviation Administration (FAA), concerning an interpretation of Federal Aviation Regulations (FAR) §121.471(d) and (e). Your question is set out below followed by the applicable sections of the FAR and our interpretation.

You state that a pilot has alleged that Northwest Airlines (NWA) has violated 14 C.F.R. §121.471(d) and (e) by failing to provide a 24 hour duty-free period during a 7 day training period. The training period consists of ground school and simulator training and no airborne flying is involved.

Your question, in pertinent part, states:

> "Does Subpart Q, Flight Time Limitations and Rest Requirements: Domestic Air Carriers apply to pilots while they participate in ground school training?
>
> Is a pilot who participates in ground training 'engaged in scheduled air transportation' for the purpose of 14 C.F.R. 121.471(d)?"

The applicable section of the FAR states, in pertinent part:

> "§121.471(d): Each domestic air carrier shall relieve each flight crewmember engaged in scheduled air transportation from all further duty for at least 24 consecutive hours during any 7 consecutive days.
>
> §121.471(e): No domestic air carrier may assign any flight crewmember and no crewmember may accept assignment to any duty with the air carrier during any required rest period."

The answer to your first question is no. Subpart Q does not apply to pilots while they participate in ground school and simulator training unless the air carrier attempts to treat the ground training as a rest period. This would be the case when there is a required rest period that is affected by the training.

The answer to the second question is also generally no. Ground school training and other non-flight duty are not within the meaning of "scheduled air transportation." We have consistently interpreted §121.471(d) as being a "flight time limitation" rather than a "duty time limitation." Therefore, the regulation would not require a domestic air carrier to give a flight crewmember 24 hours free of duty on the 7th consecutive day solely because the flight crewmember had been in ground school training for the previous 6 consecutive days.

It is our practice to give legal interpretations based upon actual factual situations or realistic hypothetical facts. If you have more specific facts that you would like us to consider, please don't hesitate to contact us for further assistance.

This interpretation was prepared by Francis C. Heil, Attorney, Operations Law Branch; Richard C. Beitel, Manager. I hope this information satisfies your request.

Sincerely,

Donald P. Byrne
Assistant Chief Counsel
Regulations and Enforcement Division