

carrier would not be able to conduct this operation as a non-stop flight under these sections of the rules.

III. Overseas and International Supplemental Operation Flight Time Limitations

The next question is whether the flight could be conducted under the “international rules” found in § 121.515 and §§ 121.521 through 121.525 if the certificate holder makes that election under § 121.513. In connection with that question is the issue of when and under what circumstances “adequate sleeping quarters” are required.

First, § 121.521 states that an airman may not be scheduled to be “aloft as a member of the flight crew in an airplane that has a crew of two pilots and at least one additional flight crewmember for more than 12 hours during any 24 consecutive hours.” Because the hypothetical flight in question is scheduled to be aloft for 12.5 hours, it could not be conducted with only two pilots and one additional flight crewmember because a certificate holder may only schedule this crew complement for 12 total hours aloft or less.

Next, § 121.523 establishes the flight time limitations for a crew of three or more pilots and additional airmen as required. Unlike § 151.521, this section allows flights lasting longer than 12 hours. In consideration of the longer flights, § 121.523 requires a crew of at least three pilots and additional airmen as required, provides additional rest provisions, limits flight deck duty time for flight engineers and navigators, and requires the certificate holder to “provide adequate sleeping quarters on the airplane whenever an airman is scheduled to be aloft as a flight crewmember for more than 12 hours during any 24 consecutive hours.” § 121.523(b). Because the operation in question is scheduled with a four-pilot complement, it would meet the crew requirements under this section. However, in order to operate under this provision, the certificate holder would need to comply with all of the provisions of § 121.523, including the need to provide adequate sleeping quarters on the airplane.⁴

purpose of § 121.503(b) “is to assure an adequate rest period when such deviations do occur”).

⁴ The FAA has consistently interpreted “adequate sleeping quarters on the airplane” to mean a bunk or a berth, but that it is a matter of safety policy to consider each air carrier’s means of compliance on its individual merits. See *Legal Interpretation* to Daniel J. Wells, from Donald P. Byrne, Assistant Chief Counsel for Regulations (Sept. 22, 2003); *Legal Interpretation* to William W. Edmunds, Jr., from John Cassady, Assistant Chief Counsel, Regulations and Enforcement Division (Apr. 22,

IV. Conclusion

Therefore, the hypothetical supplemental air carrier operation in which four pilots are scheduled to conduct a non-stop flight lasting 12.5 hours, between a point outside the contiguous United States and a point in the contiguous United States, or other locations permitting the § 121.513 election, could only be operated under the flight time limitations of § 121.523 (including the required crew rest facilities on board the aircraft). It could not be conducted as proposed under the provisions of §§ 121.503, 121.509 or 121.521.

Issued in Washington, DC, on March 25, 2013.

Mark W. Bury,

Acting Assistant Chief Counsel for International, Law, Legislation and Regulations, AGC-200.

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DEPARTMENT OF LABOR

Office of the Secretary of Labor

29 CFR Part 15

Employment and Training Administration

20 CFR Parts 638 and 670

RIN 1290-AA25

Administrative Claims Under the Federal Tort Claims Act and Related Statutes

AGENCY: Office of the Secretary, Employment and Training Administration, Department of Labor.

ACTION: Withdrawal of proposed rule.

SUMMARY: With this document, the Department of Labor (DOL) is withdrawing its proposed rule that accompanied its direct final rule revising the regulations governing administrative claims under the Federal Tort Claims Act and related statutes.

DATES: Effective April 2, 2013 the proposed rule published on April 13, 2012 (77 FR 22236), is withdrawn.

FOR FURTHER INFORMATION CONTACT: Catherine P. Carter, Counsel for Claims and Compensation, Office of the Solicitor, U.S. Department of Labor, Room S-4325, 200 Constitution Avenue NW., Washington, DC 20210, Telephone: 202-693-5320 (this is not a toll-free number). Individuals with

1986). A passenger seat, even if it reclines, is not considered to be adequate sleeping quarters. *Id.*

hearing or speech impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: On April 13, 2012, DOL published a direct final rule (77 FR 22204) and concurrent notice of proposed rulemaking, proposing to amend the regulations governing administrative claims under the Federal Tort Claims Act and related statutes. In both the direct final rule and notice of proposed rulemaking, DOL explained that if no significant adverse comments were received to the notice of proposed rulemaking, DOL would withdraw the proposed rule and the direct final rule would become effective on July 12, 2012 without further notice. DOL has received no comments regarding either the direct final rule or the notice of proposed rulemaking. Accordingly, DOL is not proceeding with the proposed rule and is withdrawing it from the rulemaking process. DOL is also confirming the effective date of the direct final rule as July 12, 2012.

Signed at Washington, DC, the 28th of February, 2013.

M. Patricia Smith,
Solicitor of Labor.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2013-0145]

RIN 1625-AA08

Special Local Regulations; St. Thomas Carnival Watersport Activities, Charlotte Amalie Harbor; St Thomas, USVI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation on the waters of Charlotte Amalie Harbor in St Thomas, USVI during the St. Thomas Carnival Watersport Activities, a high speed boat race. The event is scheduled to take place on Sunday, April 21, 2013. Approximately 40 high-speed power boats will be participating in the races and it is anticipated that 50 spectator crafts will be present during the races. The special local regulation is necessary for the safety of race participants,