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

800 Independence Ave., SW.
Washington, DC 20591

DEC 28 2006

Barry C. Lloyd
[redacted]

Dear Mr. Lloyd:

You asked several questions regarding 14 CFR 91.169(c)(2). We are enclosing guidance material because it does not appear that an interpretation of the regulation is necessary. For purposes of this response, we are assuming that you are posing questions based on facts that "require" a person to file an IFR flight plan with an alternate airport. First, we assume that the person has not been "otherwise authorized by ATC" pursuant to 14 CFR 91.169(a). Second, we assume that paragraph 91.169(a) (2) applies because the exception in paragraph 91.169(b) does not apply. According to the regulation, 91.169(a)(2) does not apply if part 97 of chapter 1 prescribes a standard instrument approach procedure to, or special instrument approach procedure issued by the Administrator to the operator for the first airport of intended landing; and the forecast weather at the destination airport, from a time period of plus or minus one hour from the estimated time of arrival (ETA), includes ceilings at least 2,000 feet above the airport elevation and the visibility will be at least 3 statute miles.

We believe the FAA's Instrument Procedures Handbook (IPH) provides the information necessary to answer your specific questions. Enclosed please find page 2-11 of Chapter 2, of the FAA's IPH. On page 2-11, under the heading "IFR ALTERNATE MINIMUMS," the FAA states "(n)ot all airports can be used as alternate airports. An airport may not be qualified for alternate use if the airport NAVAID is unmonitored, is Global Positioning System (GPS) based, or if it does not have weather reporting capabilities." As to your question about whether an airport may be listed as an alternate on an IFR flight plan, when the instrument approach procedure chart for the airport says "NA" for use as an alternate, (if the forecast weather at the ETA allows descent from the MEA through approach and landing under basic VFR), the answer is no if an alternate airport is required. On page 2-11 of the FAA's IPH, the FAA explains, "(a)irports that do not qualify for use as an alternate airport are designated with an N/A."

If a person meets the requirements of 91.169(b), then paragraph 91.169(a)(2) –information about an alternate airport is not required but development of that information may be useful for planning purposes.

This response was prepared by Cecile O'Connor, Attorney in the Regulations Division of the Office of the Chief Counsel and has been coordinated with the Office of the Flight Standards Service. If you have additional questions regarding this matter, please contact me at (202) 267-3073.

Sincerely,

Rebecca Byus MacP

Rebecca B. MacPherson
Assistant Chief Counsel
for Regulations, AGC-200

Attachments