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

Office of the Chief Counsel

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

September 22, 2008

Ms. Leisha Bell
Manager, Regulatory Affairs
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, Maryland 21701-4798

Subject: Legal Interpretation of Known Icing Conditions

Dear Ms. Bell:

In a letter dated November 21, 2006, to the Federal Aviation Administration (FAA) Office of the Chief Counsel, Mr. Luis M. Gutierrez, then-Director of Regulatory and Certification Policy for the Aircraft Owners and Pilots Association (AOPA), requested the rescission of a letter of interpretation regarding flight in known icing conditions, issued by the FAA's Office of Regional Counsel for the Eastern Region on June 6, 2006 (the Letter). The Letter was issued without adequate internal coordination and was in error. Accordingly, it is hereby withdrawn in its entirety.

The Letter responded to a request by Robert J. Miller for a legal interpretation of "known ice" as it relates to flight operations. We construed the request as seeking clarification of the meaning of "known icing conditions" as that term appears in the Airplane Flight Manuals (AFM) or Pilot Operating Handbooks for many general aviation aircraft.

On April 3, 2007, we published a draft interpretation in the *Federal Register* that we anticipated would replace the Letter (72 FR 15931). As you may be aware, the Office of the Chief Counsel may seek public comment on a request for legal interpretation when it believes the response to such a request may have a significant impact on the regulated community. In view of the controversy and confusion surrounding the Letter, we decided to seek public input in this instance. Due to the numerous comments received on the draft interpretation, we have decided that certain additional revisions are appropriate. We are finalizing that interpretation and expect to issue it by the end of October.

I apologize for the delay in responding to AOPA's November 21, 2006 request.

Sincerely,

Kerry B. Long
Chief Counsel