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

Office of the Chief Counsel

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

JUN 27 2011

Mr. Bob Frisch
Managing Director, Flight Operations
Air Wisconsin Airlines Corporation
W6390 Challenger Drive, Suite 203
Appleton, Wisconsin 54914-9120

Dear Mr. Frisch,

This letter responds to your request for an interpretation of the applicability of Exemption 3585 for dispatch release to a destination airport outside the United States. Specifically you ask whether Air Wisconsin Airlines Corporation (hereinafter referred to as "Air Wisconsin") may use Exemption 3585 for flights (1) to destinations and alternates outside the United States and (2) from outside the United States to destinations and alternates inside the United States. We understand that Air Wisconsin is authorized to conduct flights between certain foreign airports outside the 48 contiguous United States as a domestic operation under OpSpec paragraph A012. For ease of reference, we address each question separately.

Question #1

Exemption No. 3585, as amended, provides relief from 14 C.F.R §§ 121.613, 121.619(a),[1] and 121.625 for ATA-member airlines and other similarly situated part 121 operators to dispatch airplanes under instrument flight rules "when conditional language in a one-time increment of the weather forecast states that the weather at the destination, alternate airport, or both airports could be below the authorized weather minimums when other time increments of the weather forecast state the weather conditions will be at or above the authorized weather minimums."[2]

In granting Exemption 3585, the FAA did not specifically authorize the use of the exemption for destination and alternate airports located outside the United States. As a general rule, unless specifically petitioned for and approved, exemptions are not applicable outside the United States. *See* 14 C.F.R 11.83 and enclosed Legal Interpretation to Capt. John Vestal from Rebecca MacPherson (January 5, 2011). Therefore, the answer to the first question is "no."

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[1] Note that §121.619 is expressly limited to domestic alternate airports. Alternate airports for destination airports when flag operations are being conducted are set forth in §121.621. Exemption 3585 does not provide relief from §121.621.

[2] Exemption No. 3585R

Question #2

Exemption 3585 grants relief from §§ 121.613, 121.619(a), and 121.625 for weather conditions at the "destination, alternate airport, or both airports." For a flight originating outside the United States to a point within the United States, the relevant weather conditions are those existing at the time of departure for the alternate and destination airports located within the United States. Because Exemption 3585 is inapplicable to operations outside the United States, both the destination and alternate airports must be located within the United States.

This interpretation was prepared by Lorna John, Senior Attorney, in the Regulations Division of the Office of the Chief Counsel and was coordinated with the Air Transport Division (AFS-200), Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

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