U.S. Department
of Transportation

**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

October 20, 2021

Exemption No. 17605B
Regulatory Docket No. FAA-2009-0443

Mr. Ted A. Riegel
Director of Operations
Omni Air International
3303 N. Sheridan Rd. Hangar 19
Tulsa, OK 74115

Dear Mr. Riegel:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 17605A. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

The Basis for the FAA's Decision

By letter dated September 13, 2021, you petitioned the FAA on behalf of Omni Air International (OAI) for an extension of Exemption No. 17605A. That exemption from §§ 121.623(a) and (d) and 121.645(d) of Title 14, Code of Federal Regulations (14 CFR) allows OAI to conduct its supplemental operations within the 48 contiguous United States and the District of Columbia using the flight regulations for alternate airports as required by § 121.619 and fuel reserve requirements as required by § 121.639 that are applicable to domestic operations.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested extension of the exemption would not set a precedent and any delay in acting on this petition would be detrimental to OAI.

The FAA has determined that the justification for the issuance of Exemption No. 17506A remains valid with respect to this exemption and is in the public interest. The conditions and limitations have been revised to standardize these requirements with similar exemption relief. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113, 44701, and 44807, which the FAA Administrator has delegated to me, I hereby grant Omni Air International an exemption from 14 CFR §§ 121.623(a) and (d) and 121.645(d) allows OAI to conduct its supplemental

AFS-22-00194-E

operations within the 48 contiguous United States and the District of Columbia using the flight regulations for alternate airports as required by § 121.619 and fuel reserve requirements as required by § 121.639 that are applicable to domestic operations, subject to the following conditions and limitations.

Conditions and Limitations

1. Prior to initiating operations under this exemption, Omni Air International. must amend its operations specifications to comply with the following regulations applicable to domestic air carrier operations—

    a. Part 121, Subpart E: All sections;

    b. Part 121, Subpart G: § 121.135;

    c. Part 121, Subpart M: §§ 121.385 and 121.395;

    d. Part 121, Subpart P: All sections;

    e. Part 121, Subpart T: §§ 121.533, 121.541, 121.551, 121.555, 121.557, and 121.569;

    f. Part 121, Subpart U: §§ 121.593, 121.599, 121.601, 121.607, 121.619, 121.627, 121.635, 121.637, 121.639, 121.659, and 121.663; and

    g. Part 121, Subpart V: §§ 121.683, 121.685, 121.687, 121.695, and 121.711.

2. Omni Air International must ensure that its aircraft dispatchers hold aircraft dispatcher certificates issued under subpart C of part 65 and are properly qualified under part 121, subpart P, before permitting those persons to serve in operations conducted under this exemption.

3. Omni Air International must conduct its supplemental operations under this exemption—
    a. Only within the 48 contiguous United States and the District of Columbia; and

    b. Except as required in § 121.637 for unlisted airports, Omni Air International shall be limited to supplemental air carrier operations conducted under this exemption to, from, or between those regular, provisional, refueling, and alternative airports listed in its operations specifications or listed in a separate current listing, if that listing is referenced in its operations specifications and is authorized by the Administrator.

4. Where a destination alternate airport is required, carry the amount of fuel required to enable the airplane to:
    a. Perform a missed approach at the destination airport;
    b. Climb to the expected cruising altitude;
    c. Fly the expected routing;
    d. Descend to the point where the expected approach is initiated; and
    e. Conduct the approach and landing at the destination alternate airport.

AFS-22-00194-E

5. When no alternate is required, the certificate holder must carry additional fuel to account for a possible missed approach and return to land at the destination airport.

6. The fuel required accounting for known delays (planned contingency fuel), and missed approach fuel (if no alternate is required), IAW § 121.647, alternate fuel and 45 minute reserve fuel must be included in the minimum fuel calculation.

   a. As applicable, the flight shall be dispatched in accordance with § 121.619, Alternate Airport for Destination: Domestic Operations. Additionally, if the destination airport has only one usable runway, an alternate airport must be listed on the dispatch release.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. 17605A to 17605B and extends the termination date to October 31, 2023, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2009-0443 (*http://www.regulations.gov*). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,
/s/
Robert C. Carty
Acting Executive Director, Flight Standards Service

AFS-22-00194-E