

January 27, 2004

Exemption No. 8238  
Regulatory Docket No. FAA-2003-16038

Mr. Greg Crum  
Vice President, Flight Operations  
Southwest Airlines  
P.O. Box 36611  
Dallas, TX 75235-1611

Dear Mr. Crum:

By letter dated August 7, 2003, you petitioned the Federal Aviation Administration (FAA) on behalf of Southwest Airlines for an exemption from §§ 121.623(a) and (d), 121.643, and 121.645(e) of Title 14, Code of Federal Regulations (14 CFR) to permit Southwest Airlines to conduct 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 the fuel reserve regulations as required by § 121.639 that are applicable to domestic operations.

The FAA issued a partial grant of exemption to FedEx Express in circumstances similar in all material respects to those presented in your petition. In Partial Grant of Exemption No. 5264, as amended, (copies enclosed), the FAA found that significant fuel savings would result if FedEx Express could be relieved from the requirement to carry fuel to fly to an alternate airport when weather conditions are such that, under the domestic rules of part 121, operators would not be required to carry alternate airport fuel. The FAA also found that an exemption providing relief from the fuel supply and associated flight following system requirements applicable to supplemental air carriers, and establishing in their place those requirements applicable to the operations of domestic air carriers would be in the public interest. However, the FAA determined that FedEx Express would need to comply with certain additional requirements, specifically those of establishing a dispatch system, to ensure safety would not be adversely affected.

AFS-03-604

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by FedEx Express in the enclosed grant of exemption. In

addition, I have determined that the reasons stated by the FAA for granting Exemption No. 5264, as amended, also apply to the situation you present.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Southwest Airlines is granted an exemption from 14 CFR §§ 121.623(a) and (d), 121.643, and 121.645(e) to conduct 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 the fuel reserve regulations as required by § 121.639 that are applicable to domestic operations, subject to the following conditions and limitations:

1. Before initiating operations under this exemption, Southwest Airlines 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.
  - (g) Part 121, subpart V, §§ 121.683, 121.685, 121.687, 121.695, and 121.711.
2. Southwest Airlines must ensure that its aircraft dispatchers hold aircraft dispatcher certificates issued under 14 CFR part 65, subpart C, and are properly qualified under part 121, subpart P, before permitting those persons to serve in operations conducted under this exemption.
3. Southwest Airlines must conduct its supplemental operations under this exemption—

- (a) Within the 48 contiguous United States and the District of Columbia, and
- (b) Except as provided in § 121.637 for unlisted airports, to, from, or between those regular, provisional, refueling, and alternate airports listed in its operations specifications or in a separate current listing, if that listing is referenced in its operations specifications and is authorized by the Administrator.

This exemption terminates on January 31, 2006, unless sooner superseded or rescinded.

Sincerely,

/s/

John M. Allen

Acting Director, Flight Standards Service