



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

FEB 23 2007

Mr. Tom Poberezny
President
Experimental Aircraft Association
3000 Poberezny Road
Oshkosh, WI 54902

Dear Mr. Poberezny:

The Federal Aviation Administration published a new rule on February 13 that revised the rules for commercial air tour and charitable, nonprofit, or community events. The Flight Standards Service is aware of concerns raised by the Experimental Aircraft Association about this rule and hopes by this letter to clarify the requirements for the rule as applicable to certain Young Eagle flights.

- Section 91.146 applies to charitable, nonprofit, and community events that “raise funds.”
- EAA has explained that while some of EAA Young Eagle flights raise funds, most do not.
- We understand that often times a pilot will offer a child a “free” ride (e.g., the pilot is not reimbursed for fuel, oil, aircraft expenses, or the pilot’s time) in order to spark a child’s interest in aviation. Such flights are not subject to section 91.146 or 91.147 or part 136.
- When a donation or other contribution is provided in return for a Young Eagle flight, the “Air Tour” rule is intended to capture this situation, thus section 91.146 and part 136, subpart A apply.
- Exemptions issued to EAA that are replaced by this rule will eventually be canceled/not renewed since they will not be needed.

If you have any questions in this matter, please contact Inspector Alberta Brown of the Commuter, On-Demand and Training Center Branch, AFS-250, at the address above, by telephone at (202) 267-8321, or by electronic mail at alberta.brown@faa.gov.

Sincerely,

James J. Ballough
Director, Flight Standards Service