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

Office of the Chief Counsel

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

MAR 6 2008

Mr. Ryan Koepp
[redacted]

Dear Mr. Koepp,

This is in response to your November 5, 2007, request for an interpretation of "other commercial flying time" as it applies to the following four scenarios involving "off duty" flight instruction and the flight time limitations of part 121.

1. Providing flight instruction while not acting as a required crewmember and without compensation (i.e., providing instruction to your spouse for a CFI certificate);
2. Providing flight instruction while acting as a required crewmember but without compensation (i.e., providing instruction to a spouse for a private pilot certificate);
3. Providing flight instruction while not acting as a required crewmember but receiving compensation (i.e., with money, gifts, or merely the benefits from logging hours); and
4. Providing flight instruction while acting as a required crewmember and receiving compensation.

"Other commercial flying" means any nonmilitary flying as a required crewmember, other than in air transportation, for which the crewmember is paid for his or her services. *See* Legal Interpretation 1990-32 (Oct. 31, 1990). In the first two scenarios, because no compensation is received for the flight instruction, this is not considered "other commercial flying" time. Therefore, such time should not be included in the calculation of flight time for the purposes of determining Part 121 flight time limitations.

Unfortunately, without additional facts or further clarification, we are unable to provide an answer at this time to your third and fourth scenarios. If you have additional information or questions, please contact my staff at (202) 267-3073. We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Anne Bechdolt, Attorney, and reviewed by Joe Conte, Manager, Operations Law Branch of the Office of the Chief Counsel.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations