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

Office of the Chief Counsel

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

SEP 26 2011

Frank Fiorillo
[redacted]

Dear Mr. Fiorillo:

This is in response to your July 7, 2011 letter requesting an interpretation as to the applicability of Subpart F of part 91 to the following factual scenario.

Your letter stated that you lease a Cessna 414A aircraft. You recently received an inquiry from a corporation that wishes to use your aircraft to transport its employees between its various facilities. In your letter, you indicate that you would prefer that the above corporation use your aircraft under the rules specified in Subpart F of part 91. You acknowledge that your leased Cessna aircraft is neither a large airplane nor a fractional ownership program aircraft, but you ask whether the aircraft can nevertheless operate under Subpart F if it either: (1) complies with the conditions specified in Exemption No. 7897D, or (2) becomes part of a fractional ownership program.

Subpart F sets out operating rules for (1) "large airplanes," (2) "turbojet-powered multiengine civil airplanes," and (3) "fractional program ownership aircraft...that are operating under Subpart K" of part 91. 14 C.F.R. § 91.501(a). If an aircraft does not fit into one of these categories, the only way that it can operate under Subpart F is pursuant to an FAA-issued exemption. One such exemption is Exemption No. 7897D, which permits members of the National Business Aviation Association, Inc. (NBAA) to operate their aircraft under Subpart F subject to certain conditions listed in the exemption.[1]

Because your Cessna 414A aircraft is currently neither a large aircraft nor a fractional program ownership aircraft, it cannot be operated under Subpart F without an exemption. *See* § 91.501(a). Turning to exemptions, Exemption No. 7897D only applies to members of the NBAA, and as such, if you are not a member of the NBAA, you may not utilize that exemption even if you comply with the other conditions listed in the exemption.

In light of the above discussion, if you wish to operate your Cessna aircraft under Subpart F, you may use one of the following options. First, you could transform your lease/operational control of the Cessna aircraft into a fractional ownership program that operates under Subpart K of part 91. A fractional ownership program governed by part 91, Subpart K can operate its aircraft under Subpart F without an exemption. *See* § 91.501(a). Second, you could join the NBAA, and, as one of the NBAA's members, you

[1] Copies of Exemptions 7897 and 7897D are attached to this letter.

would be able to use Exemption No. 7897D to operate your aircraft under Subpart F as long as the operation meets the conditions set out in that exemption. Finally, you could petition the FAA for a separate exemption to allow you to operate your Cessna aircraft under Subpart F. The process for petitioning for an exemption from the FAA is described in 14 C.F.R. §§ 11.61-11.101.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Alex Zektser, Attorney, Regulations Division of the Office of the Chief Counsel, and coordinated with the General Aviation and Commercial Division of Flight Standards Service.

Sincerely,

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