



August 13, 2008

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Ave., SE  
West Building, Ground Floor, Room W12-140  
Washington, DC 20590-0001

Dear Sirs:

***Reference: EAA and NAFI comments to DOT Docket No. FAA-2007-29015, Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors with a Sport Pilot Rating***

EAA (Experimental Aircraft Association) is the world leader in recreational aviation. With an international membership of 160,000 people in more than 112 nations, EAA brings together aviation enthusiasts, pilots and aircraft owners who are dedicated to Sharing the Spirit of Aviation by promoting the continued growth of aviation, the preservation of its history and a commitment to aviation's future. EAA programs, activities and events are known throughout the world for *Preserving* the heritage of aviation, *Promoting* access to flight, *Protecting* the right to fly, *Preparing* the future of aviation, and of our *Passion* for aviation safety and education.

NAFI (National Association of Flight Instructors) is the international organization dedicated exclusively to raising and maintaining the professional standing of the flight instructor in the aviation community, NAFI has served as the voice of aviation education since inception in 1967. NAFI serves the full spectrum of the flight instructor community and recognizes flight instructors as the front line for quality control in the aviation world.

During the eight-year period between 1996 and 2004, a tremendous volume of work, by both government and the private sector, was devoted into creating and moving the very complex Sport Pilot (SP) and Light-Sport Aircraft (LSA) proposed rule through the DOT and OMB regulatory process. Between 2004 and today, an equal volume of work has been done by the same parties, plus international aircraft manufacturers, to create the

very successful rule that exists today. The continued partnership has been highly successful as the sport pilot and light-sport aircraft industry is the fastest growing segment of aviation - with more aircraft designed, manufactured and certificated, and new pilots certificated over the past four years than in any other four-year span in CAA/FAA history.

Because of that work and the industry desire not to see the original intent of the rule harmed, EAA and NAFI will be reviewing this proposed rule change using three primary focus points:

1. Maintaining the original intent of the Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft rule, docket no. FAA-2001-11133.
2. Ensuring the continued growth of the technology that is creating a new generation of light-sport aircraft, sport pilots who fly them, sport pilot instructors and examiners who train the pilots, and Part 65 LSA repairmen who repair and maintain the aircraft.
3. Ensuring the continued reduction of economic and regulatory barriers to participating in recreational/general aviation activities.

EAA, NAFI and our members are extremely satisfied with the work the FAA has performed in developing these 22 proposed changes to the SP and LSA rules. The majority of the proposed rule changes fix long-standing barriers to participating in recreational aviation activities.

The NPRM, FAA-2007-29015, proposes to change twenty-two 14 CFR part 61 and 91 rules. The following comments will discuss each one of those changes individually.

1. Replace sport pilot privileges with aircraft category and class ratings on all pilot certificates (*§§61.1, 61.3, 61.5, 61.7, 61.23, 61.31, 61.51, 61.52, 61.63, 61.87, 61.303, 61.309, 61.311, 61.313, 61.317, and 61.321*)

EAA Comment #1: On the surface, EAA and NAFI do not oppose this proposed change. We do have serious concerns that this proposal will create hardships for existing sport pilots who will not be provided with any means to examine their FAA pilot certificate records prior to the FAA issuance of the new category and class style sport pilot certificate.

- a) In the NPRM, the FAA states that, "The FAA is experiencing difficulties in obtaining documentation from authorized instructors indicating that proficiency checks have been successfully completed. These difficulties significantly hinder the ability of a person to demonstrate that privileges to operate a specific category and class of aircraft have been awarded if that

person's logbook containing the appropriate endorsements for the operation of that category and class of aircraft is lost, destroyed, or otherwise unavailable."

- b) EAA and NAFI concern's over this proposal is that the FAA will be issuing new sport pilot certificates from a database that they have acknowledged is lacking critical sport pilot category and class information. *"...the FAA is experiencing difficulties in obtaining documentation from authorized instructors indicating that proficiency checks have been completed.* It is EAA's opinion that this FAA difficulty will be passed directly to sport pilots who will receive new SP certificates with category and class omissions. This *"...experiencing difficulties..."* issue does not need to occur. As proposed, SP's will be required to visit their local FSDO's in order to correct known lapses in the FAA airmen registry database.
- c) Since the individual sport pilot has no way to know what their sport pilot instructors submitted to the FAA, they will not become aware of the FAA database error until their new sport pilot certificate arrives in the mail.
- d) These are significant public economic burdens that will be placed on a large percentage of sport pilots – a burden that can be avoided.
- e) In 2004 and 2005, the FAA converted experimental exhibition aircraft operator Letters of Authorization (LOA) into experimental aircraft authorizations on pilot certificates. That conversion process was highly successful, with a zero error rate, because the FAA established a highly acclaimed partnership precedent by inviting the public (LOA holders) to participate in the pilot certificate conversion process.
- f) In view of the above, EAA and NAFI are recommending the FAA consider a three-pronged approach to the conversion requirement. Using this three-pronged approach, the FAA could still complete the conversion process within their proposed two-year limit. EAA and NAFI recommends the FAA establish a fixed end date to the conversion time limit. Since most recreational flying takes place in the spring, summer and fall of each year, we recommend that the end date coincide with September 30, 2011 (the end of the FAA FY). A SP would be able to select the best option, based on his location and availability, to complete the SP certificate conversion:
  - 1. A converting sport pilot applicant may request the new category and class certificate by mail to the FAA Airmen Certification Branch (AFS-760).

- a. The application packet for the category and class certificate would include three items:
  1. A letter requesting the new certificate;
  2. A copy of the applicants existing certificate;
  3. A notarized copy of the appropriate logbook pages containing make and model and/or category and class rating endorsements.
- b. To assist with the logbook to pilot certificate conversion process, EAA would develop a detailed application packet for our members to use.

Or,

2. FAA conduct a similar public outreach program for this conversion. The recommended program would include:
  - a. FSDO Operations Inspectors and/or the Airmen Certification Branch (AFS-760) specialists attend key aviation events around the country for the sole purpose of issuing converted sport pilot category and class certificates. These events would include, but would not be limited to: AirVenture Oshkosh, U.S. Sport Aviation Expo, and major recreational/general aviation Fly-Ins. The FAA should also seek out locations and events where a large number of sport pilots would attend, examples would be: The WPPA Fly-In (a large regional powered parachute event), and the Wings n' Wheels Fly-In.
  - b. Sport Pilots attending those events would be invited to present their logbook containing their endorsements to the inspectors or aircraft registration specialists.
  - c. The inspectors/specialists and the individual pilots would review the FAA airmen certification database in comparison with the logbook endorsements. Then per the NPRM, "the sport pilot would complete an airmen certificate and/or rating application (FAA Form 8710-11) and present it along with evidence of the endorsement (the logbook entries) to a DPE or FAA inspector, and the FAA would then issue that person a certificate with corresponding category and class ratings."

- d. This would be an on-the-spot issuance, with reduced chance of error and with no additional or unnecessary economic burden on the public.

Or,

- 3. A converting sport pilot applicant may contact any FAA DPE or PPE to conduct the conversion through their direct interface with the Integrated Airman Certification and Rating Application (IACRA) program.
  - a. The converting sport pilot applicant would bring their logbook(s) containing their endorsements to the closest DPE or PPE.
  - b. The DPE or PPE would then enter the appropriate category and class rating information into IACRA and process the new certificate application.

**EAA Comment #2:**

- a) EAA and NAFI oppose this proposed change to the sport pilot regulations.
- b) EAA and NAFI strongly urge the FAA to retain the proficiency test requirements in §61.311. EAA and NAFI are not opposed to the FAA strengthening the sport pilot instructor endorsement requirements to address the concerns that caused this proposed regulatory change to be introduced.
- c) Despite the best efforts of the industry and the FAA since September 1, 2004 (the effective date of the SP & LSA rule), there continues to be a critical shortage of sport pilot examiners and designated pilot examiners qualified in the categories and classes of light-sport aircraft. To date, the FAA has designated over 200 designees for the fixed-wing airplane sport pilot examiner (DPE) rating. However, the appointment of sport pilot DPEs for the other light-sport aircraft category and class aircraft has lagged far behind, as there are only six for gyroplanes; 19 for weight-shift-control; 19 for powered parachute aircraft, and 24 for gliders – all critical industry-wide shortages should this proposed rule change be adopted.
- d) Compounding this is the fact that the vast majority of the light-sport aircraft training fleet is comprised of converted ultralight trainers that are now certificated as experimental-LSA (E-LSA). There continues to be many DPEs and FAA FSDO operations inspectors who refuse to fly in experimental aircraft. This fact further reduces the number of DPEs willing to conduct such category and class rating evaluation flights.

- e) As proposed, this change would create an instant and severe burden on the public and make it extremely hard for new or existing pilots to obtain LSA category and class ratings.
- f) Other than stating in the NPRM "...the FAA is experiencing difficulties in obtaining documentation from authorized (sport pilot) instructors...", the FAA has failed to show any flight training or flight safety reasons for this proposed change.
- g) One of the primary reasons noted in the NPRM for this proposed change is the statement, "...authorized (sport pilot) instructors are not directly supervised by any FAA personnel." This statement is also true for all part 61, Subpart H instructors and the endorsements they are authorized to provide. As with all instructors, the FAA supervision is provided by instructors attending refresher courses, etc.
- h) In view of the above, EAA and NAFI recommend the FAA adopt the following three options to address this issue:
  - (1) Option 1 - EAA and NAFI are aware that the FAA pilot certification process is moving at a rapid pace into a paperless, web-based, certification application process – the IACRA process. Because of this, EAA and NAFI strongly urge the FAA to train (via on-line web based or in person training course), and then authorize sport pilot instructors access to the IACRA system per FAA Order 8900.1, volume 5, chapter 2, section 4. This will eliminate the "not submitting the paperwork" issue currently facing the FAA.
    - i. This option would "force" sport pilot instructors to conform to new certificate issuance standards.
    - ii. In this option, EAA and NAFI recommend the FAA establish a deadline of September 30, 2011 (the end of the FAA FY) for existing sport pilot instructors to complete their IACRA training.
    - iii. EAA and NAFI would make training facilities available in Oshkosh to assist the FAA in meeting the training requirements.
    - iv. This IACRA training and qualification option would allow sport pilots to continue receiving category and class ratings from qualified sport pilot instructors.
    - v. Upon completion of the IACRA training, EAA recommends those sport pilot instructors be designated sport pilot PPE's and managed out of the national sport pilot branch (AFS-600).

- (2) Option 2 – Develop an FAA Sport Pilot Proficiency Examiners (PPE’s).
- i. EAA and NAFI urge the FAA to select sport pilot instructor(s) in each category and class, within each FSDO district, and designate them Pilot Proficient Examiners (PPEs) per FAA Order 8900.1, volume 13, chapter 6.
  - ii. Sport Pilot instructors so designated could use the advanced authorizations as a stepping stone to become a FAA DPE.
  - iii. This option of designating PPE’s would double the number of PPC, WSC, Gyroplane and lighter-than-air examiners available to conduct category and class rating practical exams.
  - iv. Sport Pilot PPE’s would be limited to providing evaluations to Sport Pilots, therefore EAA strongly feels that the FAA could offer initial PPE classroom training, that would include IACRA training, in a short two-day program.
  - v. EAA and NAFI would make training facilities available in Oshkosh to assist the FAA in meeting the training requirements.
- (3) Option 3 – Until such time as the critical force structure of sport pilot DPE’s and PPE’s is resolved, sport pilot instructors to be allowed to continue issuing category and class endorsements.
- i. This option retains the original intent of DOT Docket No. FAA-2001-11133 and keep this grass roots program growing as the successful initiative that it has proven itself to be.
  - ii. EAA and NAFI recommend the FAA develop an improved document management program designed to provide greater FAA oversight of sport pilot instructor document submissions.

EAA Comment #3: One of the many issues with the DPE only proposal is highlighted in FAA Designator Locator web page - <http://av-info.faa.gov/DesigneeSearch.asp>. Within this entire DPE locator file there is not a single DPE listed with the authority to perform DPE duties in powered parachutes, gyroplanes or weight-shift-control aircraft. This oversight alone would cause an immediate failure of this conversion process.

2. Replace sport pilot flight instructor privileges with aircraft category ratings on all flight instructor certificates (§§61.181, 61.183, 61.185, 61.187, 61.191, 61.195, and part 61 subpart K)

EAA Comment(s): EAA and NAFI are concerned about the proposed issuance of new sport pilot certificates and the need to ensure the fixes do no harm to the sport pilot and sport pilot instructor rules. See the Comments to item # 1 for those concerns.

3. Remove current provisions for the conduct of proficiency checks by flight instructors and include provisions for the issuance of category and class ratings by designated pilot examiners (§61.413)

EAA Comment #1: EAA and NAFI are opposed to this change. This proposed rule changes the basic intent of the original sport pilot rule for no clear purpose. If this change is enacted, EAA feels the sport pilot movement will be harmed. See the comments to item #1, above, for further clarification.

EAA Comment #2: One of the major problems facing the sport pilot industry today is the lack of geographically available sport pilot instructors and DPE's qualified in all category and class LSA. To highlight this issue, EAA and NAFI urge the FAA to read the real-world problems EAA member Dirk Leeward faced trying to simply obtain a sport pilot student pilot certificate, Docket No. FAA-2007-29015-0107. This truly illustrates the concerns and issues facing the industry if the FAA were to mandate that only DPE's could issue sport pilot certificates. The industry has not matured enough to support such a drastic change of direction from the original intent of DOT Docket FAA-2001-11133.

4. Place all requirements for flight instructors under a single subpart (subpart H) of part 61 (Part 61 subpart H heading, §§61.5, 61.181, 61.183, 61.185, 61.186, 61.187, 61.189, 61.191, 61.193, 61.195, 61.197, 61.199, and §§61.401 through 61.431)

EAA Comment #1: EAA and NAFI agree with this proposed change. EAA and NAFI are concerned that the FAA has not completed detailed due diligence when developing the change from subpart K to subpart H to examine all possible consequences to this proposed action.

EAA Comment #2: Proposed change to §61.187(b)(8)(xi), the FAA needs to clarify the proficiency requirements for this maneuver – (xi) Soaring Techniques – as it is not applicable to all category and classes of light-sport aircraft.

EAA Comment #3: One of the primary reasons for placing all flight instructors under subpart H is for standardization, yet the proposed change continues to promote separation of instructor authorizations. For example, the proposed change prohibits a flight instructor with a sport pilot rating from teaching basic flight maneuvers to a student pilot seeking a private pilot or recreational pilot certificate – even through the PTS requirements for those basic maneuvers are identical for sport pilot, recreational pilot, and private pilot. It is understood that at some point in the initial private pilot training process the student must transition into a non-qualifying light-sport aircraft for private pilot specific maneuvers, but a sport pilot instructor must be allowed to teach the basics and sign off those maneuvers as a means to advance aviation and to help reduce the total cost of obtaining those higher certificates. Therefore, EAA and NAFI recommend §61.193(b) be rewritten as follows:

“§61.193(b): ...

- (1) A student pilot certificate seeking a pilot certificate;
- (2) A pilot certificate;
- (3) A flight instructor certificate;
- (4) An aircraft category and class rating;
- (5) A flight review;
- (6) An operating privilege or recency-of-experience requirement of this part for a person exercising the privileges of a sport pilot;
- (7) A practical test for a sport pilot certificate, a sport pilot category and class aircraft rating, a private pilot certificate with a powered parachute or weight-shift-control or gyroplane aircraft rating, or a flight instructor certificate with a sport pilot rating;
- (8) A knowledge test for a sport pilot certificate, a private pilot certificate with a powered parachute or weight-shift-control or gyroplane aircraft rating, or a flight instructor certificate with a sport pilot rating; and
- (9) A sport pilot ground instructor certificate.”

EAA Comment #4: One of the changes recommended above is item (9) A sport pilot ground instructor certificate. To advance sport pilot training to a higher level of professionalism, EAA and NAFI advocate that the FAA create a ground instructor certificate for the sport pilot level training. The current regulation, §61.213(a)(4)(i), mandates that a basic ground

instructor must be able to pass a knowledge test in all §§61.97, 61.105, and 61.309 areas – this exceeds the knowledge required for sport pilots. Therefore, EAA and NAFI recommend §61.213(a)(4) be modified by adding a new subparagraph (iv):

“(iv) For a basic sport pilot ground instructor rating §61.309.”

EAA Comment #5: EAA and NAFI are concerned that the FAA has not completed detailed due diligence when developing the change from subpart K to subpart H to examine all possible consequences to this proposed action.

a) EAA and NAFI contend the existing §61.195 requirement that an instructor must wait two years does not provide the most appropriate level of safety for the sport pilot industry.

b) Therefore, EAA and NAFI recommend the FAA add a new paragraph “(k)” to §61.195 that would read:

“(k) Qualifications of the sport pilot flight instructor for training first-time sport pilot flight instructor applicants.

(1) The ground training provided to an initial applicant for a sport pilot instructor certificate must be given by an authorized instructor who holds a current ground or flight instructor certificate with an appropriate rating.

(2) The flight training provided to an initial applicant for a sport pilot instructor certificate must be given by an authorized instructor who holds a current flight instructor certificate with the appropriate rating and has:

a. Endorsed at least 5 applicants for practical tests with a pass rate meeting or exceeding 80%; or

b. Given at least 50 hours of dual flight instruction; or

c. Been certified as a sport pilot instructor for a period greater than 12 calendar months.

EAA Comment #6: EAA and NAFI understand that the time limits established by §61.195 were established based on the complexity of the training required. For example, PTS ground training program for a CFI (commercial pilot level) certificate must include advanced VFR, instrument, and night maneuvers; therefore a greater level of experience is required. Whereas a sport pilot instructor needs to concentrate on basic VFR PTS skill training. This less complex PTS training standard should be reflected in the §61.195 sport pilot minimum requirements.

EAA Comment #7: The majority of all light-sport aircraft are not certificated/ authorized to perform stall or spin maneuvers. This makes it very difficult for a sport pilot candidate to comply with the §61.49(b)(2)

requirement to bring a spin qualified aircraft to the re-testing site. To address this concern, EAA and NAFI recommend the FAA add a new paragraph (c) to §61.49.

“(c) An applicant for a sport pilot flight instructor certificate with an airplane or glider rating, who has failed the practical test due to deficiencies in instructional proficiency on stall awareness, stall entry, spins, or spin recovery must:

- (1) Must obtain a logbook endorsement from a qualified instructor specifying that the applicant has received additional training in stall and spin awareness and that they are competent and have the instructional proficiency required for the retest.
- (2) If an additional retest is required in stall and spin awareness, the applicant must receive additional stall and spin awareness training and bring an aircraft to the retest that is of the appropriate aircraft category and is certificated for spins.”

5. Require one hour of flight training on the control and maneuvering of an airplane solely by reference to instruments for student pilots seeking a sport pilot certificate to operate an airplane with a maximum airspeed in level flight with maximum continuous power ( $V_H$ ) greater than 87 knots calibrated airspeed (CAS) and sport pilots operating airplanes with a  $V_H$  greater than 87 knots CAS (§§61.89, 61.93, and 61.327)

EAA Comment(s): EAA and NAFI are opposed to this change.

- a) The original basis for the sport pilot rule was day VFR flight only – which is why the student pilot cross country requirements in §61.93(e)(12) (single-engine airplane) was not incorporated into the sport pilot rule. Neither the FAA nor the NTSB has shown any supporting flight safety documents to justify this proposed change.
- b) In the NPRM, the FAA states, “These requirements are detailed in §61.93 and are applicable to persons seeking a student pilot certificate to operate any category and class of aircraft.” This is in error. FAR 61.93 does not impose these requirements on the category and class of aircraft noted in §61.93(g) (helicopters); §61.93(h) (gyroplanes); §61.93(j) (gliders); §61.93(l) (powered parachutes); and §61.93(m) (weight-shift-control).
- c) FAA accident statistics show that there have been 35 LSA fatal accidents since September 1, 2004 and not a single fatal accident has had either an FAA or NTSB finding of loss of control or mid-flight breakup due to flight into below VFR minimum weather conditions. Further FAA data for experimental amateur-built

aircraft, a similar recreational flying community, shows that unlike traditional general aviation flight from VFR into IMC conditions is not a significant contributor to accidents. EAA and NAFI are not aware of any FAA or NTSB safety data to support the need for instrument training for sport pilots.

- d) EAA and NAFI strongly urge the FAA not to implement this proposal and remain within the basic intent of the sport pilot rule – Day VFR flight.
- e) As an alternative to this proposal, EAA and NAFI recommend the FAA adopt §91.155(a) Class E weather minimums as the basic minimal in-flight weather conditions for sport pilots flying airplanes with a  $V_H$  greater than 87 knots CAS. This recommendation would add a new §61.327(c):
  - “(c) Must meet the weather minimums prescribed in §91.155(a) Class E, less than 10,000 feet MSL for all flights.”
- f) If the FAA insists on imposing such a requirement it should at the very least extend the transition time for this requirement. In the NPRM, the FAA states, “To provide those persons with a reasonable period of time to obtain this training, the agency is proposing that the training be completed by one year after the effective date of the final rule.” This means that FAA Inspectors (AFS-610) must train all the sport pilot examiners to these standards, then all the sport pilot examiners must train all the sport pilot instructors to these standards, who in turn must train all the sport pilots to these same standards – and this entire process must be completed within one year after the effective date of the final rule. We must also ensure weather (Midwest floods, western wildfires, northern winters, and southern hurricanes) does not cause any delays in the mandated year timetable. This is an unrealistic proposal.

- 6. Remove the requirement for persons exercising sport pilot privileges and flight instructors with a sport pilot rating to carry their logbooks while in flight (§61.51)

EAA Comment(s): EAA and NAFI agree with this proposed change. As noted on our comments to item # 1, above, EAA recommends:

- (1) The proposed 27 month implementation date be changed to September 30, 2011, the end date of the FAA FY, and
- (2) Sport pilots and flight instructors with sport pilot ratings should be permitted to stop carrying their logbook immediately upon receipt of their revised sport pilot category and class certificate and not be forced to wait until the 27

month window expires. The proposed change does not clearly state this.

(3) EAA and NAFI recommend §61.31(i)(3) be changed to read:

“(3) A sport pilot must-

- (i) Carry his or her logbook or other evidence of authorized instructor endorsements on all flights (this authority expires on September 30, 2011); or
- (ii) Carry a sport pilot certificate containing category and class authorization(s).”

7. Remove the requirement that persons exercising sport pilot privileges have an aircraft make-and-model endorsement to operate a specific set of aircraft while adding provisions for endorsements for the operation of powered parachutes with elliptical wings and aircraft with a VH less than or equal to 87 knots CAS (§§61.315, 61.319, 61.324, and 61.327)

EAA Comment #1: EAA and NAFI agree with the proposed change to eliminate the make-and-model endorsements.

EAA Comment #2: EAA and NAFI oppose the change to add a specific endorsement for operating powered parachutes with elliptical wings (chutes). EAA agrees that this specific endorsement would have been a good flight safety addition when the sport pilot rule was issued in 2004; however, second and third generation elliptical wings (chutes) that are in the market place today fly essentially the same as a square wing (chute). Therefore, no additional endorsement is required. There is no flight safety value added by mandating this additional endorsement requirement.

EAA Comment #3: While EAA and NAFI agree with this proposed change we are also cognizant of the overall purpose and intent of the NPRM – to *“align the certification requirements for sport pilots and flight instructors with a sport pilot rating with those requirements currently applicable to other airmen certificates.”* Because no other pilot certification requires pilots to receive ground and flight instruction when transitioning between aircraft within the same category and class (except for complex, high performance, or other provisions of §61.31), EAA would strongly argue that both §§61.327(a) and 61.327(b) could be eliminated without affecting flight safety. Initial certification as a single-engine land airplane (SEL) sport pilot should be sufficient to fly other SEL airplanes within the LSA definition.

8. Remove the requirement for all flight instructors to log at least five hours of flight time in a make and model of light-sport aircraft before providing training in

any aircraft from the same set of aircraft in which that training is given  
(§61.415)

EAA Comment(s): EAA and NAFI agree with this proposed change.

9. 14 CFR part 61.89(c)(3) and 61.315(c)(11) - Permit persons exercising sport pilot privileges and the privileges of a student pilot seeking a sport pilot certificate to fly up to an altitude of not more than 10,000 feet mean sea level (MSL) or 2,000 feet above ground level (AGL), whichever is higher. (§§61.89 and 61.315)

EAA Comment(s): EAA and NAFI recommend this change be modified as noted below.

- a) EAA and NAFI recommend §§61.89(c)(3) and 61.315(c)(11) be changed to read: “At an altitude more than prescribed by part 91.211(a)(1) of this chapter.”
  - b) Adopting this recommended change will provide greater flight safety as it will allow pilots to take all pre- and in-flight flight issues (winds, glide distance, density altitude, alternate airports, alternate safe landing areas, etc.) into consideration during these operations.
  - c) AIM, page 822, paragraph 7-4-6 requests pilots maintain a minimum altitude of 2,000 feet AGL over U.S. Wildlife Refuges, Parks, and Forest Service Areas. The FAA proposed change will not allow sport pilots to comply with this fly neighborly program while flying through mountain passes in the western U.S.
  - d) §91.211(a)(1) is the FAA standard for altitude restrictions when operating an aircraft that does not have supplemental oxygen available to the flight crew – flight between 12,500 feet MSL to 14,000 feet MSL is limited to 30 minutes.
  - e) One of the primary FAA safety tools in accident prevention is standardization of knowledge and procedures. Because the sport pilot certificate is an initial step in becoming a commercial pilot and because §91.211 is used for all other pilot certificates, EAA strongly recommends this standard be applied to these sections of the sport pilot rule.
  - f) EAA is not aware of any engine, airframe, or ASTM F37 standard that would prevent a sport pilot from operating a light-sport aircraft at 91.211(a)(1) limits.
10. Permit private pilots to receive compensation for production flight testing of powered parachutes and weight-shift-control aircraft intended for certification in the light-sport category under Sec. 21.190 (§61.113)

EAA Comment #1: EAA agrees with this proposed change.

EAA Comment #2: In addition to the FAA proposed change to §61.113, EAA and NAFI strongly recommend the FAA recognize graduates of FAA or DOD-approved test pilot schools for their expertise. Therefore, EAA and NAFI recommend the proposed §61.113(h) be changed to read:

“(h) “A private pilot may act as pilot in command for the purpose of conducting a production flight test in a light-sport aircraft intended for certification in the light-sport category under §21.190 of this chapter, provided that –

(1) The aircraft is a powered parachute, a weight-shift-control or gyroplane aircraft; and

(2) The person has at least 100 hours of pilot-in-command time in the category and class of aircraft flown.

(3) Successful completion of an FAA-approved or DOD-approved test pilot course may be substituted for the 100 hours of pilot-in-command time requirement and the private pilot certificate requirement.”

EAA Comment #3: On October 12, 2007, Future Flight LLC submitted DOT Docket No. FAA-2007-0007, asking the FAA to modify the FAA-2001-11133 final rule and allow gyroplanes to be accepted by the FAA as special light-sport aircraft. EAA and NAFI strongly endorse this industry request. Because of this, EAA and NAFI recommend two changes to the rule:

a) The proposed §61.113(h)(1) be changed to read:

“(1) The aircraft is a powered parachute, a weight-shift-control, or a gyroplane aircraft.”

b) §21.190(a) be changed to read:

“(a) Purpose. The FAA issues a special airworthiness certificate in the light-sport category to operate a light-sport aircraft.”

11. Revise student sport pilot solo cross-country navigation and communication flight training requirements (§61.93)

EAA Comment(s): EAA and NAFI agree with this proposed change.

12. Clarify cross-country distance requirements for private pilots seeking to operate weight-shift-control aircraft (§61.109)

EAA Comment(s): EAA and NAFI agree with this proposed change.

13. Revise aeronautical experience requirements at towered airports for persons seeking to operate a powered parachute or weight-shift-control aircraft as a private pilot (*§61.109*)

EAA Comment(s): EAA and NAFI agree with this proposed change.

14. Remove the requirement for pilots with only a powered parachute or a weight-shift-control aircraft rating to take a knowledge test for an additional rating at the same certificate level (*§61.63*)

EAA Comment(s): EAA and NAFI agree with this proposed change.

15. Revise the amount of hours of flight training an applicant for a sport pilot certificate must log within 60 days prior to taking the practical test (*§61.313*)

EAA Comment(s): EAA and NAFI agree with this proposed change.

16. Remove expired ultralight transition provisions and limit the use of aeronautical experience obtained in ultralight vehicles (*§§61.52, 61.301, 61.309, 61.311, 61.313, 61.329, and 61.431*)

EAA Comment #1: EAA agrees with the FAA proposal to remove §61.329(a)(1) and §61.431 because their date-limited periods have expired.

EAA Comment #2: EAA and NAFI do not agree with the other changes, specifically to remove §61.329(a)(2) in its entirety.

- a) In this proposed NPRM rule change the FAA states the reason for this specific change and establishing a deadline of January 31, 2012 is “the FAA did not intend for these transition provisions to be indefinite in duration.”
- b) EAA and NAFI disagree with this statement. The original NPRM (FAA-2001-11133) states on page 265, that the FAA intended to allow §61.329(a)(2) transitions to continue without setting an end date.
- c) §103 still exists, individuals continue to belong to the four recognized ultralight associations, and those same individuals continue to fly ultralights daily, building experience with every flight.
- d) The original intent of FAA-2001-11133 was, and continues to be, to allow ultralight pilots an opportunity to advance their

aeronautical skills beyond their introductory ultralight vehicle in order to become tomorrow's commercial or military pilots.

- e) That intent has not changed. Therefore, EAA and NAFI urge the FAA to retain §61.329(a)(2) without change either within §61.329 or by moving this section to §61.52.

17. Add a requirement for student pilots to obtain endorsements identical to those proposed for sport pilots in Sec. 61.324 and 61.327 (§61.89)

EAA Comment(s): EAA and NAFI agree that make and model endorsements should be replaced by category and class endorsements. Refer to item 7, comment #2, above, for further discussion.

18. Clarify that an authorized instructor must be in a powered parachute when providing flight instruction to a student pilot (§61.313)

EAA Comment # 1: EAA and NAFI do not agree with this proposed change. A structured professional training program for Powered Parachutes benefits from including supervised solo with an authorized instructor using established radio communications as he/she observes from the ground. For instruction in powered parachutes, this training ideally takes place during the first few lessons prior to the instructor being on board the aircraft. The increased performance with a single pilot not only enhances safety but makes for a better training environment. Once the student has reached an acceptable level of competency with the added cushion of single pilot aircraft performance, then the instructor continues the training syllabus with several lessons of actual (in the aircraft) dual instruction. This is a more efficient and effective transfer of learning and is an enhancement to safety.

EAA Comment #2: EAA and NAFI need the FAA to clarify the loggable time when powered parachute dual flight instruction is being conducted. EAA feels that loggable time begins when the instructor and student start to prepare to taxi the aircraft with the intent to fly and ends with the completion of the last PIC duties. This would include any taxi to the final take-off area, setting up and inspecting the wing (chute), the takeoff, the flight, the landing, and the post flight inspection/stowage of the wing.

19. Remove the requirement for aircraft certificated as experimental aircraft in the light-sport category to comply with the applicable maintenance and preventive maintenance requirements of part 43 when those aircraft have been previously issued a special airworthiness certificate in the light-sport category (§43.1)

EAA Comment #1: EAA agrees with this proposed change.

EAA Comment #2: In addition to the proposed FAA change to §43.1(b), EAA also recommends the FAA change §43.3(g) and §43.7(f) to further support the proposed preventative maintenance change.

- a) EAA recommends §43.3(g) be changed to read:  
*§43.3 “(g) Holders of a pilot certificate issued under part 61 may perform preventative maintenance on any aircraft owned or operated by that pilot which is not used under part 121, 129, or 135 of this chapter.”*
- b) EAA recommends §43.7(f) be changed to read:  
*§43.7 “(f) Holders of a pilot certificate issued under part 61 may approve an aircraft for return to service after performing preventative maintenance under the provisions of §43.3(g).”*
- c) Adopting this change will further support the primary reason for FAA-2007-29015, and per the NPRM that is, **“These changes would align the certification requirements for sport pilots and flight instructors with a sport pilot rating with those requirements currently applicable to other airmen certificates.”**
- d) By rule, a sport pilot is authorized to act as pilot in command of any aircraft that meets 14 CFR part 1 definition requirements – whether it be certificated as standard, restricted, limited, primary, or experimental. All these type of aircraft meet the basic FAA definition of a light-sport aircraft – a **small, simple-to-operate, low performance** aircraft – all with very similar preventative maintenance checks. To ensure all pilots can meet the mandated pilot in command safety requirements noted in §§ 91.3, 91.5 and 91.7, the above changes need to be made – to **“align the...requirements for sport pilots...with those requirements currently applicable to other airmen certificates.”**

20. Require aircraft owners or operators to retain a record of the current status of applicable safety directives for special light-sport aircraft (§91.417)

EAA Comment #1: EAA agrees with this proposed change.

EAA Comment #2: While EAA agrees that this change is necessary, we also ask the FAA clarify the word “applicable” as found in §91.417(a)(2)(v) “...applicable airworthiness directives (AD) and safety directives...”

- a) In the final rule (FAA-2001-11133) the Section IV Comparative Tables, Light-Sport Aircraft Maintenance and Certification Requirements, the FAA did an excellent job in explaining the applicability of ADs and safety directives against experimental light-sport and amateur-built aircraft. However, the table

information was never transferred into regulatory language, resulting in confusing guidance to the public from within AVS divisions and FAA Regional Headquarters. Therefore,

- b) EAA recommends §91.417(a)(2)(v) be clarified by changing it to read: *“(v) Except as otherwise provided within 14 CFR, the current status of applicable airworthiness directives and safety directives including, for each, the method of compliance, the AD or safety directive number and revision date. If the AD or safety directive involves recurring action, the time and date when the next action is required. Safety directives are not applicable to amateur-built aircraft or light-sport aircraft for which the FAA has issued an experimental certificate, or components and products installed on said aircraft.”*
- c) An additional regulatory change is needed to support the above change. EAA recommends §39.1 be clarified by adding the following sentence to it: *“This part does not apply to any light-sport or amateur-built aircraft for which the FAA has issued an experimental certificate, or components and products installed on said aircraft.”*

21. Provide for the use of aircraft with a special airworthiness certificate in the light-sport category in training courses approved under part 141 (§141.39)

EAA Comment(s): EAA agrees with this proposed change.

22. Revise the minimum safe-altitude requirements for powered parachutes and weight-shift-control aircraft, and balloons (§91.119)

EAA Comment(s):

- a) EAA and NAFI concur with this proposed change for powered parachutes and weight-shift-control aircraft.
- b) In the NPRM, the FAA states, “The FAA recognizes that the operational characteristics (lower maximum gross weights, slower speeds, and lower climb rates) of powered parachutes and weight-shift-control aircraft enable them to safely operate over other than congested areas at altitudes lower than those at which other aircraft are routinely operated.” And, “in the event of a forced landing, the slower speeds, lower weights, and greater maneuverability of these aircraft allow for shorter landing distances and lower impact forces.” EAA and NAFI strongly argue that these flight and public safety characteristics also apply to gyroplanes, and therefore gyroplanes should also be added to this proposed change. EAA recommends the proposed change to §91.119(d) be modified as shown below.

- c) EAA and NAFI recommend that, because of their slow speeds and maneuverability, plus the flight safety requirement to “avoid the flow of fixed wing airplanes” that powered parachutes also be granted the same minimum safe altitude authorization as helicopters. This is a critical safety of flight issue. Therefore, EAA recommends the proposed change to §91.119(d) be modified as shown below.
- d) EAA and NAFI would also strongly argue that all light-sport aircraft operating with a equal to or less than 87 knots CAS would meet the same flight safety parameters that were mentioned in the NPRM.
- e) Therefore, EAA recommends the proposed change to §91.119(d) be modified as follows:  
*“(d) Helicopters, powered parachutes, weight-shift-control, and gyroplane. If the operation is conducted without hazard to persons or property on the surface –*
- (1) *\*\* (no change)*
  - (2) *A powered parachute may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the powered parachute complies with ATC instructions, and/or unless sufficient altitude is maintained to effect a safe landing in the event of an engine failure.*
  - (3) *A weight-shift-control or gyroplane aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.”*
- f) In the preamble of this NPRM, the FAA titled this section *“Revise the minimum safe-altitude requirements for powered parachutes and weight-shift-control aircraft, and balloons”* In the NPRM discussion of this proposed change the FAA did not provide supporting information on balloons and did not add balloons to the proposed change to §91.119. EAA acknowledges that balloons fit the intent of FAA reasoning for this change – lower maximum gross weights, slower speeds, and lower climb rates – therefore EAA and NAFI have no objections to adding balloons to the proposed §91.119(d)(3) change:  
*“(3) A weight-shift-control, gyroplane, or balloon aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.”*

Thank you for granting EAA and NAFI this opportunity to comment on this very important change to the sport pilot and light-sport aircraft rule.

Questions concerning the issues addressed above may be addressed to Jason Blair, Executive Director National Association of Flight Instructors (NAFI) (920-426-6801), or the undersigned (920-426-6522).

Sincerely,

A handwritten signature in black ink, appearing to read "Randy", written in a cursive style.

Randy Hansen  
EAA Government Relations Director