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September 30, 2008

Mr. Miguel L. Vasconcelos
Production and Airworthiness Division
AIR-200, Room 815
800 Independence Ave., SW
Washington, DC 20591

Dear Miguel:

Re: Policy Revisions to Amateur-Built Aircraft

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization representing the interests of more than 415,000 pilots and aircraft owners. AOPA has reviewed the Federal Aviation Administration's (FAA) proposed changes to the percentage of fabrication and assembly that must be completed by an amateur builder to obtain an Experimental Airworthiness Certificate for an amateur-built aircraft. The FAA's proposed policy changes are unnecessary and the existing policy, when properly enforced, is adequate.

AOPA is concerned that the proposed changes in the draft policy revisions would have a harmful impact on the amateur built community by introducing an unnecessary level of complexity and place an unreasonable burden on the individual amateur builder. In order to avoid harm, the FAA should first enforce existing policies already in place in a manner that encourages the safe and continued growth of this segment of general aviation.

FAA Proposed Changes to Meaning of "Majority"

The policy changes proposed by the FAA are an attempt to address concerns over a specific segment of the amateur built market – the commercial builder assistance programs. Additionally, the proposed changes are aimed at addressing the increasing sophistication of aircraft designs and materials available to the amateur builder. The FAA believes the proposed new guidance will help ensure that amateur builders complete the majority, 51 percent, of their aircraft before applying for an experimental-amateur built airworthiness certificate from the FAA.

Current FAA guidance outlined in FAA Order 8130.2F, titled Airworthiness Certification of Aircraft and Related Products, states that amateur builders must complete a major portion of the aircraft. Currently, major portion is defined as "more than 50 percent of the fabrication and assembly operations." The FAA is proposing to change this interpretation to require that amateur builders complete a minimum of 20 percent of the assembly and 20 percent of the fabrication of the aircraft. The remaining 11 percent needed to qualify as an amateur built aircraft can be accomplished by completing either additional assembly or fabrication at the discretion of the individual builder.

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Existing Policies Provide Sufficient Guidance

Amateur built aircraft represent an important and rapidly growing segment of the general aviation industry. Proper enforcement of the existing policies should adequately address the FAA's stated concerns without imposing additional burdens on the amateur built community. The FAA should work to enforce its existing policies in lieu of implementing its proposed, complex and potentially harmful policies. Doing so would promote and develop an environment of safe and continued growth in this segment of the general aviation community.

The existing FAA policies have provided sufficient guidance to the amateur building community for over five decades. With proper enforcement by the FAA, these policies will continue to provide sufficient guidance well into the future and allow for continued growth and advancement in the amateur built community.

Sincerely,



Robert E. Hackman
Senior Director
Regulatory Affairs