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Docket Management Facility
U.S. Department of Transportation
400 Seventh Street, SW
Room PL-401
Washington, DC 20590-0001

RE: Docket No. FAA-2007-27758 Known Icing Conditions

The Aircraft Owners and Pilots Association (AOPA) representing over 411,000 members submits the following comments regarding the Federal Aviation Administrations' (FAA) latest letter of interpretation (LOI) regarding the definition of known icing conditions.

AOPA Requested FAA Revert to Previous Definition of Known Icing Conditions

In a letter dated November 17, 2006, AOPA requested that FAA's Office of Chief Counsel rescind a previous LOI issued by the FAA Eastern Region, Office of Regional Counsel. This LOI, issued on June 6, 2006 modified the long-standing definition of known icing conditions by adding the ambiguous language of "high relative humidity" as an additional factor. As pointed out in AOPA's letter and other comments from industry, this change was not only contrary to existing FAA guidance, it also stood to have a significant negative safety impact on the industry.

This most recent LOI removes the reference to high relative humidity as requested by AOPA.

AOPA Concerned About Enforcement Action

The FAA states in the LOI that,

> "Permutations on the type, combination, and strength of meteorological elements that signify or negate the presence of known icing conditions are too numerous to describe exhaustively in this letter. Any assessment of known icing conditions is necessarily fact-specific. However, the NTSB's decision making reflects the common understanding that the formation of structural ice requires two elements: visible moisture and an aircraft surface temperature at or below zero degrees Celsius. ***Even in the presence of these elements, there are many variables that influence whether ice will actually form on and adhere to an aircraft.*** (Emphasis added) The size of the water droplets, the shape of the airfoil, or the speed of the aircraft, among other factors, can make a critical difference in the initiation and growth of structural ice."

The LOI goes on to state,

> "Whether a pilot has operated into known icing conditions contrary to any limitation will depend upon the information available to the pilot, and his or her proper analysis of that information in connection with the particular operation (e.g., route of flight, altitude, time of flight, airspeed, and aircraft performance characteristics), in evaluating the risk of encountering known icing conditions."

It also states,

> "If the composite information indicates to a reasonable and prudent pilot that he or she will encounter visible moisture at freezing or near freezing temperatures ***and that ice will adhere to the aircraft along the proposed route and altitude of flight, then known icing conditions likely exist***. If the AFM prohibits flight in known icing conditions and the pilot operates in such conditions, the FAA could take enforcement action."

AOPA is concerned that the LOI could be used to pursue enforcement action against any pilot who encounters ice. As addressed in the letter, the factors that actually lead to the accumulation of ice on an aircraft are numerous and varied. With this in mind, the actual encounter of ice should not be the sole determining factor of whether or not a pilot is in violation of any regulations. When determining whether an enforcement action is warranted we ask that the FAA evaluate all relative information regarding the pilot's preflight and in-flight actions and evaluate whether the decisions made by the pilot were reasonable based on the available information.

In closing, removing the reference to high relative humidity from the discussion of known ice is a prudent course of action for the FAA to take.

Sincerely,

Robert E. Hackman
Senior Director
Regulatory Affairs