



U.S. Department
of Transportation

**Federal Aviation
Administration**

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

January 22, 2008

Exemption No. 9587
Regulatory Docket No. FAA-2007-0382

Mr. Randy Hansen
EAA Government Relations Director
Experimental Aircraft Association, Inc.
P.O. Box 3086
Oshkosh, WI 54903

Dear Mr. Hansen:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

The Basis for Our Decision

On December 17, 2007, you petitioned the Federal Aviation Administration (FAA) on behalf of Experimental Aircraft Association, Inc. (EAA), for an exemption from § 21.191(i)(1) of Title 14, Code of Federal Regulations (14 CFR). That exemption, if granted, would allow EAA members to obtain an experimental certificate for the purpose of operating a light-sport aircraft after January 31, 2008.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to EAA.

The FAA has issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 6080H (copy enclosed), the FAA found it in the public interest to permit members of Aero Sports Connection, Inc., to obtain experimental certificates for the purpose of operating a light-sport aircraft after January 31, 2008, subject to certain conditions and limitations.

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This finding is based on the fact that it is in the public interest to obtain the safety benefits resulting from the certification of ultralight-like aircraft under § 21.191(i)(1) after January 31, 2008, provided that an applicant has taken specific action to register his or her aircraft. Additionally, the FAA finds that there is no adverse effect on safety by permitting those aircraft that meet the conditions and limitations specified in this exemption to be issued an airworthiness certificate after the date specified in § 21.191(i)(1). Ultralight-like aircraft that meet the definition of a light-sport aircraft will no longer be permitted to conduct operations without airworthiness certificates under exemptions to § 103.1 after January 31, 2008, and ultralight-like aircraft that have been registered are not permitted to be operated until airworthiness certificates have been issued for those aircraft.

Having reviewed your reasons for requesting an exemption, I find that—

- they do not differ materially from those presented by the petitioner in the enclosed grant of exemption;
- the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present; and
- a grant of exemption is in the public interest.

Our Decision

Under the authority contained in 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I hereby grant Experimental Aircraft Association, Inc., an exemption from 14 CFR § 21.191(i)(1) to the extent necessary to allow EAA members to obtain an airworthiness certificate for their light-sport aircraft under the provisions of that paragraph after January 31, 2008, subject to the following conditions and limitations.

Conditions and Limitations

1. An aircraft issued an airworthiness certificate in accordance with the provisions of this exemption must not have previously been issued a U.S. or foreign airworthiness certificate or meet the provisions of § 103.1.
2. Upon application for an airworthiness certificate, a person who seeks to exercise the privileges of this exemption must provide evidence acceptable to the Administrator indicating that the aircraft has been registered in the United States with an effective date of registration on or before January 31, 2008. In accordance with § 47.39, the FAA considers the effective date of an aircraft's registration to be the date the FAA Aircraft Registry receives the documents required by §§ 47.33 or 47.35. If an applicant is unable to provide such evidence, the applicant may alternatively provide evidence acceptable to the Administrator that an Application for Aircraft Registration was received by the FAA's Aircraft Registry for that aircraft on or before January 31, 2008. (Persons making application immediately prior to that

date may specifically wish to consider the use of express mail or mail delivery services that guarantee delivery to the FAA's Aircraft Registry on or before January 31, 2008).

3. Any person applying for an airworthiness certificate for an aircraft under the provisions of this exemption must present a copy of this exemption at the time of application for the airworthiness certificate. The applicant must also provide evidence that he or she is a member of EAA and authorized to exercise the privileges of this exemption.
4. A person whose aircraft has been registered in the United States must not operate that aircraft until the aircraft has been issued an airworthiness certificate and the applicable requirements of 14 CFR have been met. A person may not operate an aircraft that exceeds the parameters of § 103.1 unless it has been issued an airworthiness certificate or is operated under an exemption to that section.
5. EAA must provide the FAA with a list of those members seeking to exercise the privileges of this exemption and a list of those members whose aircraft have been issued airworthiness certificates under the provisions of this exemption since the previous list was submitted. Each list shall contain the person's name and address and the make, model, and registration number of aircraft for which an airworthiness certificate is sought or has been issued. These lists will be submitted quarterly to the FAA's Light-Sport Aviation Branch (AFS-610) on or before the last day of March, June, September, and December while this exemption remains in effect.

This exemption terminates on January 31, 2010, unless sooner superseded or rescinded.

Sincerely,

/s/

James J. Ballough
Director, Flight Standards Service

Enclosure