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Requested to: james.e.newberger@faa.gov

Request submitted to docket: <https://www.regulations.gov/commenton/FAA-2023-1377-0001>

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RE: Docket No. FAA-2023-1377 – Modernization of Special Airworthiness Certification
Industry Request for Extension of Comment Period

Dear Mr. Newberger,

The undersigned respectfully request the Federal Aviation Administration (FAA) extend the comment period for the above referenced Docket No. FAA-2023-1377 an additional ninety (90) days from the current October 23, 2023 deadline.

The organizations and companies requesting this extension represent a large cross-section of the aviation industry directly and significantly impacted by the actions and requirements contemplated by the notice of proposed rulemaking (NPRM).

In its deliberations on granting this request, the agency needs to consider:

(1) The Summary significantly understates the extent and nature of the proposal. The focus of the NPRM may be on “light-sport aircraft”; however, it makes universal changes to 14 CFR parts 1, 21, 36, 43, 45, 61, 65, 91, and 119. The preamble may provide an explanation for the proposed light-sport aircraft design standards and the sport pilot changes but there is little to no justification for the proposed changes impacting all design and production approval holders, holders of maintenance certificates under part 43, including individual mechanics and repairmen, and repair station, civilian pilots, in both private and commercial operations, as well as air carrier personnel subject to 14 CFR. Particularly troublesome are the amendments to “the special purpose operations for restricted category aircraft” and “the duration, eligible purposes, and operating limitations for experimental aircraft” that will have an impact on current and future type certificates well outside the “light-sport” category.

(2) The NPRM discusses the benefit of the modernized certification process without acknowledging that newer, larger, more complex varieties in the light-sport classification will compete with type certificated aircraft. The agency must consider the significant

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technical, administrative, and financial impact on the small businesses that support the aviation certification process under other provisions of 14 CFR part 21.

(3) The Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes; (FAA–2015–1621) was implemented to resolve most of the issues this NPRM is attempting to address. This proposal even tries to use information and reasoning the agency rejected during promulgation of its performance-based part 23 in 2016.¹ The current version was issued specifically to “replace the weight-and-propulsion-based prescriptive airworthiness standards in part 23 with performance- and risk-based airworthiness standards for airplanes with a maximum seating capacity of 19 passengers or less and a maximum takeoff weight of 19,000 pounds or less. The standards will maintain or increase the level of safety associated with the current part 23, while also facilitating the adoption of new and innovative technology in general aviation (GA) airplanes.”² (Emphasis added.)

(4) The economic analysis merely contemplates the cost of changes to “manufacturers, pilots, and repairmen of light-sport aircraft and experimental aircraft.” The proposal, however, amends how type certificates are issued to restricted category aircraft, changes application of the noise standards, modifies pilot and maintenance personnel requirements, and alters operating requirements for private and commercial certificate holders and operators. Most persons directly impacted by the universal changes are small businesses that may not consider commenting on a rule claiming to merely amend “light-sport” aircraft requirements.

(5) The proposal has been issued just as the comment period on the NPRM for power-lift aircraft operations (FAA-2023-1275) closed; another rulemaking that proposed universal changes to parts 1, 43, 61, and 91. The amendments in both proposals must be reviewed for inconsistencies, consequences, and cumulative economic impact.

(6) This NPRM amends the repairman certification requirements without considering the Aviation Rulemaking Advisory Committee’s Repairman Working Group’s deliberations. The FAA provided ARAC with the task of reviewing the repairman certification regulations, guidance, and implementation to determine if the certificate could become more portable to enhance training standards, safety, and workforce and career development in aviation maintenance. The agency has had a representative on that Working Group fully engaged in modernizing the repairman certificate. This proposal must be evaluated considering the information in the agency’s possession relating to the Working Group’s conclusions and recommendations.

¹ 81 Federal Register [96572](#), December 30, 2016; 81 FR [13451](#), March 14, 2016. Promulgated to address the Congressional mandate in the Small Airplane Revitalization Act of 2013.

² See, 81 FR [96574](#), Dec. 30, 2016.

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(7) The docket includes 17 supporting documents, 129 footnotes with numerous standards and 26 Federal Register cites, and 7 policy documents equating to well over a thousand pages of directly relevant information. This data must be reviewed in detail to understand the necessity for the proposal, the immediate and long-term impact of the proposed rule, the standards and the proposed guidance to ensure there is a need for new or amended regulatory language and that the proposal is consistent with other mandates in 14 CFR.

The additional time will allow for careful review, consideration, and coordination among and between relevant stakeholders. The time is needed for the industry to provide the FAA with useful feedback that has been vetted across the impacted groups represented by the undersigned.

We look forward to the agency's favorable response on this issue and the enhanced opportunity to provide comprehensive and meaningful comments on the rulemaking.

Sincerely,

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