



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

**ORDER
1110.143A**

Effective Date:
11/04/2008

SUBJ: Amateur-Built Aircraft Aviation Rulemaking Committee

1. Purpose of this order.

a. This order renews the Amateur-Built Aircraft Aviation Rulemaking Committee (ARC) to consider and give advice on the following:

(1) Recommended responses for FAA's consideration regarding disposition of public comments received from the proposed changes to FAA Order 8130.2F, Airworthiness Certification of Aircraft and Related Products and Advisory Circular 20-27G, Certification and Operation of Amateur-Built Aircraft.

(2) Definition of the term "fabrication" as it differs from "assembly" of amateur-built aircraft within the scope of the major portion (51%) requirement of Title 14 of the Code of Federal Regulations (14 CFR), §21.191(g).

(3) Recommended process to minimize the impact of the proposed policy on the amateur-built kits evaluated by the FAA before February 15, 2008.

b. The committee is designated and established by the Administrator's authority under Title 49 of the United States Code (49 U.S.C.), §106(p) (5).

Note: The FAA will not reconsider its proposal to require a minimum level of fabrication and assembly (e.g., requiring that an amateur builder fabricate a minimum of 20 percent of an aircraft and assemble a minimum of 20 percent of the aircraft) within the major portion requirement.

2. Audience. This order is written for the FAA's Office of Rulemaking, Flight Standards Service and Aircraft Certification Service.

3. Where to Find This Order. You can find this order on the FAA's Regulatory and Guidance Library (RGL) website at <http://rgl.faa.gov> or the My FAA Employee website at https://employees.faa.gov/tools_resources/order_notices.

4. What This Order Cancels. This order cancels FAA Order 1110.143, Amateur-Built Aircraft Aviation Rulemaking Committee, dated 07/26/2006.

5. Effective Date And Duration. This committee will be reconstituted on the date this order is signed. The committee will exist for 6 months unless sooner terminated or extended by the Administrator.

6. Deliverables. The ARC will deliver its recommendations within 60 days following conclusion of its meeting(s).

7. Procedures.

a. The committee provides advice, guidance and recommendations to the Director of the Aircraft Certification Service. The committee acts solely in an advisory capacity.

b. The committee will discuss and present advice, guidance and recommendations presented by its members that address the tasks identified in paragraph 1 above. The committee co-chairs will determine the earliest time that the committee members are able to convene to discuss these matters. The committee co-chairs will conduct such meetings of the committee as are deemed appropriate to dispose of the issues tasked to it.

8. Organization and Administration.

a. The Director of the Aircraft Certification Service is solely responsible to appoint members or organizations to the committee. The committee, as chosen in June 2006, consists of members of the aviation community, including the public and other Federal government entities, which represent various viewpoints. The FAA will provide administrative support.

b. The Director of the Aircraft Certification Service is the sponsor of the committee. The previously selected co-chairs (chosen by the Director from the committee membership) will continue at the pleasure of the Director. The designated co-chairs will:

(1) Determine, in coordination with the other members of the committee, when a meeting is required and where it will be held;

(2) Notify all committee members of the time and place for each meeting;

(3) Form an agenda for and conduct each meeting; and

(4) Ensure that detailed minutes are kept for each meeting and certify accuracy of the minutes.

c. The Director of the Aircraft Certification Service may wish to have a representative from the FAA's Office of the Chief Counsel in attendance at committee meetings to provide legal advice regarding any recommendations that may be made. The Director may also wish to have a representative from the FAA's Office of Policy and Planning present to provide economic advice. To promote international harmonization, the Director may also wish to have observers from other civil aviation authorities attend committee meetings.

9. Membership. The FAA selected the committee membership in June 2006 from industry associations and organizations (Aircraft Certification Service's Production and Airworthiness Division and Manufacturing Inspection District Offices; Flight Standards Service's General Aviation and Commercial Division and Aircraft Maintenance Division; Experimental Aircraft Association; kit manufacturers, etc.). The membership is balanced in points of view, interests, and knowledge of the

objectives and scope of the committee's tasks. Additional participants may be added as subject matter experts to support sub-committees or work groups, or to provide support to committee members. Each member or participant should represent the identified interest of the affected community.

10. Cost and Compensation. The estimated travel cost to the Federal government for the ARC is approximately \$20,000 (\$15,000 for travel and \$5,000 for contract fees). Non-government representatives serve without government compensation and bear all costs related to their participation on the committee.

11. Public Participation. Interested persons or organizations who are not committee members but plan to attend a meeting must first acquire approval from the Director of the Aircraft Certification Service, or his/her delegate. While the committee's meetings are generally not open to the public, anyone in attendance may make comments or provide input. However, such comments or input must be made through one of the committee members.

12. Availability Of Records. Subject to the conditions of the Freedom of Information Act, Title 5 of the United States Code §522, records, reports, agendas, working papers, and other documents given to or prepared by the committee will be available for public inspection and copying at this address: Federal Aviation Administration, Aircraft Certification Service, 800 Independence Avenue, SW, Washington, DC 20591. Fees will be charged for information furnished to the public per the fee schedule in part 7 of Title 49 CFR.

13. Public Interest. The formation of the ARC is in the public interest in connection with the performance of duties imposed on the FAA by law.

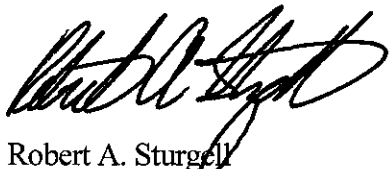
14. Distribution. This order is distributed to the Associate Administrator for Aviation Safety, and to the director level in the Aircraft Certification Service, the Office of Rulemaking, Office of the Chief Counsel, and Flight Standards Service.

15. Background.

a. The original Order 1110.143, Amateur-Built Aircraft Aviation Rulemaking Committee was established July 26, 2006. Of primary concern to the FAA was that the typical amateur-built aircraft project and the industry as a whole had radically changed over the last three decades in terms of the materials, methods and technology used. With the introduction of light-weight materials (i.e., fiberglass and composites) and sophisticated construction techniques, the state of the art amateur-built project had far exceeded that which was imagined when the governing regulations were promulgated. Further, the FAA was concerned with the development of builder/commercial assistance programs which had grown in popularity among amateur-built kit builders. If the level of technical expertise of aircraft construction requires that an amateur-built aircraft be fabricated with the commercial assistance contribution exceeding 50% of the aircraft construction, the amateur builder will fail to comply with 14 CFR §21.191(g). This regulation requires that a "major portion" of the amateur built aircraft be "fabricated and assembled by persons who undertook the construction project solely for their own education or recreation." With these concerns, the ARC met to review and advise on the following:

- (1) 14 CFR §21.191(g);
- (2) FAA Order 8130.2;
- (3) Advisory circulars: AC 20-27, *Certification and Operation of Amateur-Built Aircraft*, AC 20-139, *Commercial Assistance During Construction of Amateur-Built Aircraft*, and AC 90-89, *Amateur-Built Aircraft and Ultralight Flight Testing Handbook*;
- (4) Definition of builder and commercial assistance when fabricating and assembling an amateur-built aircraft;
- (5) Definition of minor portion as it is used in amateur-built aircraft so the combination of prefabricated parts and builder/commercial assistance do not exceed 49% of the total aircraft construction; and
- (6) Identification and recommended regulatory, directive and policy changes required for the FAA to properly perform oversight of builder/commercial assistance to the amateur builder, and also to convey respective responsibilities of all parties involved in the highly evolved amateur-built industry.

b. The ARC made several recommendations which are detailed in the final report published in the Federal Register on February 15, 2008. The FAA subsequently published the proposed changes to FAA Order 8130.2 Airworthiness Certification of Aircraft and Related Products and AC 20-27 Certification and Operation of Amateur-Built Aircraft on July 15, 2008, to address the items reviewed by the ARC. The period for public comment ran from July 15, 2008, to September 30, 2008.



Robert A. Sturgell
Acting Administrator