

**Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft;
Modifications to Rules for Sport Pilot and Flight Instructor with a Sport Pilot Rating
Final Rule**

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating and authorizing the collection of information.

Currently FAA regulations (§91.327 (b)(4)) specify that no person may operate an aircraft that has a special airworthiness certificate in the light-sport category unless the owner or operator complies with each safety directive applicable to the aircraft that corrects an existing unsafe condition. Although owners and operators must comply with these safety directives, there currently is no requirement to retain a record of the current status of applicable safety directives or transfer that information at the time of sale of the aircraft.

Without a requirement to retain and transfer this information, owners, operators, and FAA safety inspectors are not be able to easily determine whether maintenance actions critical to flight safety have been accomplished on special light-sport aircraft. The FAA is therefore amending its regulations (§91.417 (a)(2)(v)) to require owners or operators to retain these records.

This change will promote the goal of safety.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information will be used by FAA safety inspectors in determining whether required maintenance actions were accomplished on aircraft. The information will also be used when investigating accidents.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses and the basis for the decision for adopting this means of collection.

The information will not be submitted to the FAA either electronically or otherwise. Rather, the owner or operator of a previously owned aircraft will retain the record of the current status of applicable safety directives and make it available to the FAA upon request.

4. Describe efforts to identify duplication. Show specifically why any similar information already available can be used for the purpose described in Item 2 above.

Since the FAA does not maintain records of the current status of applicable safety directives on file, an FAA safety inspector will not have access to the information other than by requesting the owners and operators to show it upon request.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The record maintenance requirement will not impact small businesses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

There will be no regular schedule for information collection. FAA inspectors will need access to the records only on a case-by-case basis.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 1320.5(d)(2)(i)-(viii).

N/A

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any) and on data elements to be recorded, disclosed, or reported.

The FAA published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on April 15, 2009 (73 FR 20181) to seek public comment.

The following discusses comments received and the FAA's responses.

All but one of the commenters who addressed this proposal, including ASC, AOPA, and EAA, supported it. The Aircraft Owners and Pilots Association said the change would help ensure that light-sport aircraft remain airworthy and allow aircraft owners and operators to better track the current status of applicable safety directives. The Aircraft Owners and Pilots

Association went on to say the change also would help ensure that people buying a light-sport aircraft would have a complete record of all the safety directives complied with on the aircraft.

One commenter said even through the manufacturer says some item must be completed, the owner should have the final say on whether the upgrade is needed; otherwise the light-sport aircraft owner would be at the mercy of the manufacturer. The FAA did not propose to revise current §91.327 to permit an owner or operator to independently decide whether to comply with a safety directive that corrects an existing unsafe condition. However, the FAA notes that an owner or operator may use the procedures specified in current §91.327 (b)(4) to obtain an FAA waiver from the provisions of a manufacturer's safety directive.

The commenter went on to say that the FAA should avoid creating another Airworthiness Directive (AD) compliance system for light-sport aircraft. The FAA did not propose to create another AD compliance system or propose any revisions to the process by which safety directives are issued or accomplished.

The Experimental Aircraft Association requested that the FAA also include regulatory language addressing the applicability of safety directives and airworthiness directives. The EAA also requested the FAA revise §39.1 to address the applicability of part 39 to experimental light-sport and amateur-built aircraft. The FAA considers these recommendations to be outside the scope of this rulemaking. The FAA is adopting the change as proposed.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

It is not necessary to provide assurance of confidentiality to respondents. The information will be used by FAA inspectors only. Currently §91.417 requires recordkeeping on the status of applicable airworthiness directives. That collection was approved for the Flight Standards Service's AFS-800 General Aviation division under Control Number 2120-0005. This final rule will simply add "safety directives" applicable to light-sport aircraft to the kinds of records required to be maintained. However, as oversight of light-sport aircraft is the responsibility of the AFS-610 Light Sport Aviation Branch, the FAA requests separate OMB information collection approval for this new requirement. The amendment is underlined below:

§91.417 Maintenance records.

(a) * * *

(2) * * *

(v) The current status of applicable airworthiness directives (AD) and safety directives including, for each, the method of compliance, the AD or safety directive number and revision date. If the AD or safety directive involves recurring action, the time and date when the next action is required.

11. Provide additional justification for any questions of a sensitive nature.

Not applicable. No questions of a sensitive nature are contained in records of the current status of applicable safety directives.

12. Provide estimates of hour burden of the collection information. This information should: Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated.

The final rule will require owners and operators of special light-sport aircraft (SLSA) to save and transfer the current status of applicable safety directives. There are currently 953 registered SLSAs (expected to increase by 2.86 percent per year). However, the FAA does not know the exact numbers of owners and operators. The FAA expects the number of owners and operators would be fewer than 953.

Owners and operators of SLSAs would retain and transfer records on the status of safety directives only when safety directives have been issued on their SLSAs. The FAA estimates that it would take an owner operator 2 hours per year to comply with the requirement.

For owners and operators, the total hour burden would be 21,688 hours over a 10-year period. For the requested approval period of 2010-2013, the average burden would be 1,989 hours, as shown in the table below.

Year	Number of SLSA Aircraft	Hours Per Aircraft	Total Hour Burden
2010	953	2	1906
2011	980	2	1960
2012	1008	2	2016
2013	1037	2	2074
2014	1066	2	2132
2015	1096	2	2192
2016	1127	2	2254
2017	1159	2	2318
2018	1192	2	2384
2019	1226	2	2452
Total			21688
Average 2010-2013			2169
Average	995		1989

13. Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

The total cost burden, assuming the value of an owner or operator's time is \$31.50 per hour, would be \$683,200 (\$472,400 discounted) over a 10-year period.

14. Provide estimates of annualized cost to the Federal government.

There will be no annualized cost to the federal government. The FAA is not involved in carrying out this requirement; thus, there will be no significant expenditure of time by a federal employee resulting from this requirement.

15. Explain reasons for program changes or adjustments reported in Items 13 or 14 of OMB Form 83-I.

This is a new collection, therefore it is a program change.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used.

Not applicable. Results will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

N/A

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

No exceptions.