



May 28, 2008

Docket Operations  
U.S. Department of Transportation  
West Building, Ground Floor  
Room W12-140, Routing Symbol M-30  
1200 New Jersey Ave., SE  
Washington, DC 20590

Dear Sirs:

*Reference: Comments to FAA-2008-0188, Re-Registration and Renewal of Aircraft Registration.*

EAA (Experimental Aircraft Association) is the world leader in recreational aviation. With an international membership of 160,000 people in more than 112 nations, EAA brings together aviation enthusiasts, pilots, and aircraft owners who are dedicated to *Sharing the Spirit of Aviation* by promoting the continued growth of aviation, the preservation of its history and a commitment to aviation's future. EAA programs, activities and events are known throughout the world for *Preserving* the heritage of aviation, *Promoting* access to flight, *Protecting* the right to fly, *Preparing* the future of aviation. The EAA community is renowned for our *Passion* for aviation safety and education.

EAA opposes the increased mandates being placed on the public by the FAA within this Notice of Proposed Rulemaking (NPRM), FAA-2008-0188. EAA feels that this proposed rule represents an unwarranted user fee proposal designed to place the aircraft registration burden on the backs of the public by replacing two existing 14 CFR regulations, part 47 and part 13 – both regulatory processes that have been successful in managing the aircraft registration process.

The FAA has failed to provide sufficient evidence that revising the aircraft registration and re-registration requirements are warranted. Within the NPRM the FAA even questions itself when it answers its own question, "How accurate are the records today?" The answer "...about one-third are **possibly** no longer eligible for registration."

After conducting an in-depth review of the NPRM to determine the roots of the statement "...about one-third are **possibly** no longer eligible for registration," EAA identified several facts suggesting that the number of "possibly no longer eligible" aircraft could easily be much smaller than the 104,000 aircraft the FAA has presented in the NPRM.

FAA's own data show that this number is more accurately 67,700 aircraft after subtracting the 4,700 aircraft that the FAA reports have registrations pending, the 14,700 aircraft that have had their certification revoked and the 17,000 aircraft that have been sold to purchasers who have failed to register the aircraft.

Furthermore, EAA contends that simply by cross-checking the FAA database with the various state registration databases the resulting 67,700 aircraft that are "possibly no longer eligible" could be significantly reduced. This data would indicate that the issue is much smaller than presented by the FAA and that a major change in the FAA registration system is not warranted.

Of paramount concern to EAA is the FAA Civil Aircraft Registry office's failure to use all resources available to ensure the accuracy of the aircraft registry database. The primary alternate civil aircraft registry database available to the FAA that was not mentioned within the NPRM is the database maintained by individual state Department of Transportation aviation and/or tax offices. Examples:

1. Wisconsin: Requires all aircraft, flyable or non-flyable, to be registered and then re-registered on an annual basis at a fee ranging from \$50.00 to \$3,125.00. <http://www.dot.wisconsin.gov/drivers/vehicles/aircraft.htm>
2. Washington: Requires all aircraft to be registered and then re-registered on an annual basis at a fee ranging from \$35.00 to \$140.00. Non-flyable aircraft must submit a registration exemption form. <http://www.wsdot.wa.gov/aviation/Registration/Program.htm>
3. Ohio: Requires all aircraft, flyable or non-flyable to be registered and then re-registered on an annual basis at a fee currently set at \$15.00 per seat. <http://www.dot.state.oh.us/Aviation/aircraft%20registration.htm>
4. Massachusetts: Requires all aircraft to register then re-register on an annual basis at a fee ranging from \$100.00 to \$300.00. <http://69.2.40.186/webforms/aircraftregistration.aspx>

Only after purging the FAA Civil Aircraft Registry database against individual state Department of Transportation aircraft registry databases can the FAA make a better informed count of those aircraft that are *possibly* no longer eligible for registration.

Once that number is determined, EAA urges the FAA Civil Aircraft Registry office to publish a public legal notice in the Federal Register 1) listing all the suspect registration numbers; 2) giving the public 180 days to comply with the 14 CFR part 47.51 triennial report requirements; and

3) stating that at the end of the 180 day period the FAA will enforce revocation of aircraft certificate of registrations in accordance with 14 CFR parts 47.51(d) and 13, to include cancelling the assignment of the N-number.

EAA has a longstanding safety and security partnership with the FAA and TSA. When the FAA publishes the recommended public notice of suspect registration numbers, EAA will ensure the public notice is disseminated to our membership. We are also reasonably sure that the other general aviation associations will do likewise.

EAA recommends the FAA retain the current aircraft registration system as is, but enforce the Sec. 47.51 triennial aircraft registration report requirements. There is no cause to burden the public with additional costly aircraft registration requirements when simply enforcing the current 14 CFR part 47 requirements will allow the FAA to update the existing civil aircraft registry database.

EAA understands the need to maintain an accurate Civil Aircraft Registry; however, we are opposed to the method proposed within FAA-2008-0188 to accomplish this.

Reviewing the specific proposals of the NPRM, EAA would like to provide these additional comments:

- *“The expiration of all certificates for currently registered aircraft with re-registration requirements for those aircraft that remain eligible for registration.”*
  - The FAA has failed to prove that there is a reason to cancel all aircraft registration certificates or to mandate that aircraft owners re-register every three years. This is a very costly burden on the public that the FAA can accomplish using other means (i.e., compare against state databases followed by public legal notices published in the Federal Register).
  - The proposed 3-year re-registration requirement is also an additional and very costly burden on the public. The FAA simply needs to enforce Sec. 47.51(d) requirements through a public legal notice published in the Federal Register every three years.
  
- *“The periodic expiration of all certificates issued after the effective date of the proposed rule with a registration renewal process.”*
  - The proposed 3-year re-registration requirement is also an additional and very costly burden on the public. EAA recommends the FAA simply enforce Sec. 47.51(d) requirements through a public legal notice published in the Federal Register every three years.

- *“Limits on the time an aircraft may remain in the sale reported category (without an application being made for registration) before its assigned N-Number is cancelled.”*
  - This is a reasonable request by the FAA and will help reduce the FAA's administrative burden of maintaining the estimated 17,000 aircraft records in this category.
  - This NPRM addresses this as a change to Sec. 47.15(i)(4). EAA feels these changes should be moved to Sec. 47.35, *Aircraft last previously registered in the United States*. By doing this, a new owner can see at a glance what their certificate requirements are vs. having to look at several different sections to find the information.
  - EAA feels the recommended six month time limit is a reasonable period of time to complete the transfer of the certificate.
  - This recommended change does not contain authorization wording in case the transfer cannot take place within the stated six month period. During this period of record overseas military deployments, EAA feels it is critical for the FAA to add a deviation authorization to this section. Therefore, EAA recommends the FAA add a new sentence to Sec. 47.35 that states: “The applicant may obtain an extension of this six month period from the registry if the applicant shows the delay is due to circumstances beyond the applicant’s control.” This is the exact same wording found in the proposed Sec. 47.15(a)(4).
  
- *“Limits on the time an applicant or successive applicants for registration have to complete the registration process and provisions for preserving the aircraft’s N-Number if the aircraft is not registered at the end of this time.”*
  - EAA is confused by the FAA's selection of the 90 day limit in the proposed Sec. 47.15(a)(4).
    - In the above comments concerning Sec. 47.15(i)(4), EAA agrees that the new owner of an aircraft being transferred has a six month period to complete the transfer.
    - However, this proposed section indicates the new owner will lose their registration number after only 90 days.
    - EAA recommends the proposed 90 day limit be changed to six months or 180 days to coincide with the proposed Sec. 47.15(i)(4) change. The dates need to be kept consistent.
  - Sec. 47.15(f) proposes to limit the time an aircraft owner may use their temporary aircraft registration certificate from “no time limit” to 120 days.
    - EAA agrees that a time limit should be placed in this section, but we disagree with 120 days.
    - The FAA has failed to prove that 120 days is the best number, offering no documentation as to how this number was arrived at.

- EAA recommends that the FAA establish the time limit as six months to coincide with other similar time limits.
- *“Elimination of the present Triennial Aircraft Registration Report program in its entirety.”*
  - EAA strongly recommends this highly successful program continue.
  - In this NPRM the FAA clearly states that the vast majority of 343,000 registered aircraft owners – at least 66 percent or greater than 233,000 registered aircraft owners – are complying with this requirement.
  - In addition, within this NPRM the FAA clearly states that of the *possible* 104,000 registered aircraft that are failing to meet Section 47.15 requirements:
    - 4,700 aircraft have registrations pending – this is not a Sec. 47.51 issue.
    - 14,700 aircraft have had their certification revoked – this is not a Sec. 47.51 issue.
    - 17,000 aircraft have been sold without their purchasers making application for registration – this is not a Sec. 47.51 issue.
    - The above numbers show that the correct number of *possible* aircraft registrations that fall under the Sec. 47.15 umbrella is 67,600 or less than 20 percent of the total fleet.
    - EAA estimates that of the 67,600, 2/3rds of the records could be completed when the list is purged against state DOT aircraft registry databases, leaving only 17,000 aircraft records *possibly* no longer eligible.
    - Publishing the less than 17,000 Sec. 47.51 “problem” aircraft registration (“N”) numbers in a public legal notice in the Federal Register should easily eliminate this problem without creating the additional public burden being imposed by this NPRM.
  - The FAA needs to enforce this program and add the recommended ending sentence to Sec. 47.51(d).
- *“Cancellation of the N-number of an aircraft registered under a Dealer’s Aircraft Registration Certificate (Dealer’s Certificate), if the Dealer’s Certificate has expired and application for registration has not been made under Sec. 47.31.”*
  - EAA has no objections to this proposed change.

This NPRM proposes to change Sec. 47.33 to read:

- Sec. 47.33(a)(2) “Submits with his Aircraft Registration Application, AC Form 8050-1, an Aircraft Bill of Sale, AC Form 8050-2, signed by the seller, an equivalent bill of sale, or other evidence of ownership authorized by Sec. 47.11.”

- EAA recommends this proposed section be changed to read: “Submits with his Aircraft Registration Application, AC Form 8050-1, an Aircraft Bill of Sale, AC Form 8050-2, signed by the seller, an equivalent bill of sale, ***an invoice from the manufacturer of an aircraft kit***, or other evidence of ownership authorized by Sec. 47.11.”
  - On May 20, 2004 EAA submitted comments to DOT Docket No. FAA-2004-17168(-0016) stating that the lack of the wording ***an invoice from the manufacturer of an aircraft kit***, causes an adverse administrative burden on the FAA and the aircraft builder.
  - This concern still exists today within the experimental amateur-built, experimental light-sport aircraft, and ultralight vehicles (seeking certification as E-LSA) aviation communities.
  - EAA urges the FAA to review the issues as stated in [FAA-2004-17168-0016](#), and make the change as part of this NPRM.

EAA is adding this comment because it considers it to be of critical public interest and concern. EAA is against the need for the re-registration and renewal requirements contained within this NPRM. That said, if this NPRM were to be implemented as is, EAA feels the proposed deadlines for initial re-registration is not realistic or appropriate. In the proposed Sec. 47.40 the FAA states that renewal notices will be sent to aircraft owners 120 days prior to the registration expiration date and owners need to submit their renewal requests at least 90 days prior to their registration expiration date. Yet the proposed timeline for the public to complete this action is listed in Sec. 47.40(a)(a) (table), and firmly states that an aircraft that was originally registered within the month of January has until December 31, 2008 to complete their renewal action. EAA does not anticipate this NPRM will be issued as a final rule until at least October 1, 2008 – thus giving these aircraft owners 90 days or less to submit renewal applications – by using a process (web or mail) that the FAA has yet to create. It would be an impossible burden on the public.

- The end date listed in this table, 9/30/2011 is appropriate if this action is needed (which it is not).
- EAA recommends the date shown in this table needs to be extended to January 1, 2010.
- This would allow the FAA to complete all re-registrations between the period January 1, 2010 and September 30, 2011, and not create a burden on the public.

Within the NPRM the FAA clearly states that an existing aircraft registration management process is in place within Sec. 47 and Sec. 13; however, this process “has proven” (in the FAA’s eyes) “to be expensive, time-consuming, and ineffective.”

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EAA urges the FAA to not address their congressional mandate by transferring it to the 233,000 member of the public that are fully complying with existing federal regulations. Don't change the regulations simply to address concerns caused by a minority of the public.

EAA would like to thank the FAA Flight Standards Service (AFS-1) and the FAA Civil Aircraft Registry office, AFS-701, for allowing the public to comment on this very important proposed change to 14 CFR part 47 regulation change concerning aircraft registration issues.

Please contact me with any questions you may have concerning these comments at 920-426-6522 or [govt@eaa.org](mailto:govt@eaa.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Randy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Randy Hansen  
EAA Government Relations Director