

FAA FINALIZES CHANGES TO '51-PERCENT RULE'



EAA and AOPA announced on October 12th that amateur builders should be happy with the FAA's revisions to the amateur-built aircraft certification policy, or 51-percent rule. One of the controversial proposed changes which would have required builders to perform "20 percent of the assembly and 20 percent of the fabrication of the aircraft, with the remaining 11 percent



falling into either category at the builder's discretion," was excluded from the final order.

FAA has finally published Advisory Circular 20-27G, which forms the approval basis for experimental/amateur-built aircraft. In the preamble, the FAA says that "This AC is not mandatory and does not constitute a regulation. This AC describes an acceptable means, but not the only means, to comply certification and operation requirements of amateur-built aircraft." However, virtually all Designated Airworthiness Representatives and FAA inspectors look to the AC for guidance. The good news for builders is that the basic revisions to the AC rules—such as the dreaded 20/20/11 rule, requiring 20% fabrication by the builder—have been dropped. In addition, the new AC has a more comprehensive and rational definition of fabrication than the one floated by the FAA in the summer of 2008.

In the AC, the FAA has established criteria by which builders can determine which set of rules apply to them. If the kit itself was evaluated before the rules change (and found to provide the builder 51% or more of the work to do), the kit itself has not changed since the approval, AND the builder has used no commercial assistance, then he can use the previous rules and checklists. If the kit has been changed or the builder used commercial assistance, then the new rules apply.

Among the additions to the AC is the requirement to document the use of commercial assistance. The AC says, "You must submit a notarized Form 8130-12, certifying the major portion was fabricated and assembled for your own education or recreation. This form also requires a builder to identify if and how much commercial builder assistance was used in the construction of the aircraft and to identify the source of the assistance. Evidence and records need to be available to support these statements and be provided to the FAA upon request."

FAA MAINTAINS STANDARD INSTRUMENT CURRENCY REQUIREMENTS



On August 21st the FAA announced that instrument-rated pilots won't need to perform more tasks to maintain their currency. In its final rule of an overhaul of FAR Part 61, 91, and 141, the FAA decided to maintain the existing instrument currency requirements. The FAA also extended the duration of student pilot certificates and changed the definition of cross-country. In 2007, the agency had proposed to add requirements that would have dramatically increased the amount of time and, consequently, cost required to stay instrument current. It would have required pilots to perform precision and nonprecision approaches; fly a missed approach; hold at a "radio station," intersection, or waypoint; and conduct a one-hour cross-country flight, in addition to the current requirements.