U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JUN 24 2008

Mr. Michael G. Pohl
[redacted]

Dear Mr. Pohl:

This is in response to your letter of February 22, 2008, addressed to the Office of Chief Counsel of the Federal Aviation Administration (FAA), in which you made certain inquiries relating to the renewal of an inspection authorization (IA) under FAA's regulations.

In order to renew an inspection authorization under 14 C.F.R. § 65.93, the holder must, among other things, "present evidence during the month of March of each odd-numbered year, at an FAA Flight Standards District Office or an International Field Office, that the applicant still meets the requirements of § 65.91(c)(1) through (4)." It is not enough for an IA renewal applicant to have met the requirements of § 65.91(c) (1) through (4) at the time that he made his original application for the IA. The renewal applicant must meet these requirements again at the time of the application for renewal, including the requirement of 14 C.F.R. § 65.91(c)(2) that an applicant for an IA "have been actively engaged, for at least the 2-year period before the date he applies, in maintaining aircraft certificated and maintained in accordance with this chapter [Chapter I of Title 14, Code of Federal Regulations]."

An IA authorizes the holder to exercise privileges greater than those afforded to the holder of an A&P mechanic certificate who does not have an IA. Thus, while the holder of an IA must meet the recent experience requirements of 14 C.F.R. § 65.83 in order to be permitted to exercise the privileges of his mechanic certificate, he must also meet the requirements of 14 C.F.R. § 65.93 (including the incorporated requirements of § 65.91(c) (1) through (4)) to renew his IA.

Your letter also inquired about the possibility of using time spent building amateur-built or kit aircraft to meet the recent experience requirements for a mechanic certificate under 14 C.F.R. § 65.83 and to meet the renewal requirements for an inspection authorization, under 14 C.F.R. § 65.93, including the "actively engaged" requirement of 14 C.F.R. § 65.91(c)(2). FAA Regulations do not expressly address whether time spent building amateur-built or kit aircraft may count for these purposes. AFS-300, Aircraft Maintenance, is the office responsible for setting FAA policy in this area. AFS-300 advises us that time spent in the construction or assembly of an amateur-built or kit aircraft can neither be applied towards the recent experience requirements of 14 C.F.R. § 65.83 nor towards the "actively engaged" requirement of 14 C.F.R. § 65.91(c)(2). Whether maintenance performed on such aircraft

after they are constructed or assembled may be applied towards either of these requirements is determined on a case-by-case basis by FAA inspectors. The determination is based the methods, techniques, and practices needed to perform the specific maintenance on the particular amateur-built or kit aircraft.

Given that the role of the Regulations Division of the Office of Chief Counsel in responding to interpretation requests is to interpret the meaning of provisions contained in FAA regulations, we decline to offer an opinion concerning the disability issues raised in your letter. If you wish to seek relief from any of the requirements of FAA's regulations based upon your particular circumstances, you may submit a petition for exemption. Information concerning petitions for exemption may be found in 14 CFR Part 11, Subpart A.

I hope that this information is helpful. If you have additional questions regarding this matter, please contact Michael Chase of the Regulations Division at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200