



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

800 Independence Ave., S.W.  
Washington, DC 20591

SEP 13 2002

Mr. Andrew V. Cebula  
Senior Vice President, Government  
and Technical Affairs  
Aircraft Owners and Pilots Association  
421 Aviation Way  
Frederick, MD 21701-4798

Dear Mr. Cebula:

This is in response to your July 15, 2002, letter in which you petitioned the Federal Aviation Administration (FAA) to amend the recreational pilot medical certification requirements in § 61.23 of Title 14, Code of Federal Regulations (CFR).

When the FAA responds to petitions for rulemaking, it must follow the requirements of 14 CFR Part 11, particularly those guidelines for processing petitions for rulemaking found in § 11.73. As stated in that section, the FAA uses the following criteria when making a decision whether to amend current regulations based on a petition for rulemaking: (1) the immediacy of the safety or security concerns the petition raises; (2) the priority of other issues the FAA must deal with; and (3) the resources we have available to address these issues.

The FAA currently is working on approximately 50 rulemaking projects that are all considered top priorities. These projects are tied to the agency's Strategic Plan. Some are congressionally mandated. Projects that also are tied to the Strategic Plan are worked on as resources permit. Resources to devote to rulemaking projects are scarce, so the FAA must be extremely selective when adding rulemaking projects to the regulatory agenda. Because of these resource constraints, the FAA cannot always take action on petitions for rulemaking.

As you are aware, the FAA is currently working on a related rulemaking action for sport pilots that will address similar issues raised in your petition. The comment period for that proposal closed on May 6, 2002, and over 2,400 comments were received for the FAA's consideration. The rulemaking team is in the process of reviewing the comments and drafting the final rule.

The FAA finds that it would be premature to actively consider your proposal for recreational pilots while the issue is still under consideration for application to sport pilots. Further, if the FAA adopts the pertinent provisions of the sport pilot proposal, it is likely that the agency would want to evaluate the conduct of operations of sport pilots using a current and valid U.S. driver's license in lieu of medical certification under 14 CFR part 67.

For these reasons, we are unable to consider your petition for rulemaking. Therefore, your petition for rulemaking is denied. Your suggestions and arguments will be placed in a database and may be considered in future rulemakings.

Accordingly, Docket No. FAA-2002-12857 is being closed.

Sincerely,

A handwritten signature in black ink, reading "James J. Ballough". The signature is fluid and cursive, with a long horizontal line extending from the end.

James J. Ballough  
Director, Flight Standards Service