

9.7 FAA EXEMPTION

This supplement contains a copy of the United States Department of Transportation Exemption No. 10829C. Per the exemption, a copy must be in the aircraft at all times.



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

June 22, 2023

Exemption No. 10829C
Regulatory Docket No. FAA-2012-0514

Jerry Meyer
Chief Executive Officer
ICON Aircraft
2141 ICON Way, Suite 100
Vacaville, California 95688

Dear Jerry Meyer:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 10829, as amended. This letter transmits the FAA's decision, explains its basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

The Basis for the FAA's Decision

By letter dated November 17, 2022, you petitioned the FAA on behalf of ICON Aircraft (ICON) for an extension of Exemption No. 10829, as amended. That exemption from §§ 21.181(a)(3), 21.190(a), 43.3(c), 43.7(g), 61.89(c), 61.303(a), 61.315(a), 61.411(a), 61.415, 61.429(b), and 65.107(b) and (c) of Title 14, Code of Federal Regulations (14 CFR) allows:

- ICON A5 aircraft with a maximum takeoff weight (MTOW) of 1,680 pounds to be eligible for the issuance of a special airworthiness certificate in the light-sport category.
- Persons exercising the privileges of a sport pilot certificate or student pilots seeking a sport pilot certificate to operate the ICON A5 and to permit flight time obtained in the ICON A5 to be considered flight time received in a light-sport aircraft.
- Persons exercising the privileges of a flight instructor certificate with a sport pilot rating to provide flight training in the ICON A5.
- Holders of sport pilot certificates and repairman certificates (light-sport aircraft) with a maintenance rating or an inspection rating to perform maintenance and preventive maintenance on ICON A5 aircraft as authorized within those sections.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption. Additionally, you request "an indefinite extension of the exemption (or for as long as possible)." You state that ICON is requesting the extension to remove the regulatory risk that hinders access to investment

capital needed to grow the industry, allow ICON to commit to and plan for sustained production, and reassure ICON A5 owners and customers that their aircraft will be supported in the future.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested extension of the exemption, as amended, would not set a precedent and any delay in acting on this petition would be detrimental to ICON.

While the FAA is granting ICON's request for an extension to its current exemption, the FAA finds that ICON's request for an indefinite extension of this exemption is not in the public interest and is more appropriate for general rulemaking. Accordingly, the FAA is granting an extension of this exemption for a 5-year period. This 5-year period corresponds to the time period specified in the original and current grants of exemption. This period also reflects the maximum period the agency deems possible commensurate with the exercise of its oversight responsibilities.

The conditions and limitations of Exemption No 10829, as amended, remain unchanged with the exception that Condition No. 9 was amended to reflect recent FAA organizational changes and now requires the reports referenced in that condition be made to the FAA LSA Program Manager.

The FAA has determined that the justification for the issuance of Exemption No. 10829, as amended, remains valid and is in the public interest. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113, and 44701 which the FAA Administrator has delegated to me, I hereby grant ICON an exemption from 14 CFR §§ 21.181(a)(3), 21.190(a), 43.3(c), 43.7(g), 61.89(c), 61.303(a), 61.315(a), 61.411(a), 61.415, 61.429(b) and 65.107(b) and (c) as necessary to allow:

- ICON A5 aircraft with a maximum takeoff weight (MTOW) of 1,680 pounds to be eligible for issuance of a special airworthiness certificate in the light-sport category.
- Persons exercising the privileges of a sport pilot certificate or student pilots seeking a sport pilot certificate to operate the ICON A5 and to permit flight time obtained in the ICON A5 to be considered flight time received in a light-sport aircraft.
- Persons exercising the privileges of a flight instructor certificate with a sport pilot rating to provide flight training in the ICON A5.
- Holders of sport pilot certificates and repairman certificates (light-sport aircraft) with a maintenance rating or an inspection rating to perform maintenance and preventive maintenance on ICON A5 aircraft as authorized within those sections.

This grant of exemption is subject to the following conditions and limitations.

Conditions and Limitations

1. This exemption applies to the ICON Aircraft model number A5, serial numbers 00001–99999.
2. ICON may issue the manufacturer's statement of compliance required by 14 CFR § 21.190(b)(1)(iii) for its model A5 aircraft indicating a maximum takeoff weight (MTOW) of up to 1680 pounds (762 kilograms), provided the aircraft meets all applicable requirements of 14 CFR § 21.190 and the conditions and limitations specified in this exemption.
3. ICON must supply each purchaser of an ICON A5 certificated under the provisions of this exemption with a copy of the exemption. A copy of this exemption must be carried on board each aircraft during its operation.
4. The manufacturer's statement of compliance required by 14 CFR § 21.190(b)(1)(iii) must:
 - a. State that the aircraft meets the provisions of the applicable consensus standard, and the design requirements specified in these conditions and limitations.
 - b. State that the aircraft meets the spin resistance standards of 14 CFR § 23.221(a)(2) without exceeding the pilot force limits of ASTM F2245 for temporary application.
 - c. State that the following safety design features have been incorporated into the aircraft:
 - i. An angle of attack (AOA) indicator that includes an indication of sensed AOA rate, allowing the pilot to identify the margin above the stall.
 - ii. Aerodynamic characteristics and reversible flight controls that provide stall recovery capability and spin resistance without the use of a stick pusher or other automatic flight control system.
 - iii. Design features that allow recovery from a wings-level power-off stall with an altitude loss of 300 feet or less.
 - iv. Aerodynamic characteristics that limit the vertical descent rate to 20 ft/s (1200 ft/min) or less during a fully developed wings-level power-off stall.
 - v. Interior panels separating and protecting occupants from flight controls, cables, and other systems.
 - vi. A ballistic recovery complete-aircraft parachute system in compliance with the latest FAA-accepted revision of ASTM International Standard F2316.
 - vii. Compliance with ASTM International Standard F2245-12c until superseded by a later FAA-accepted revision of F2245.

5. Any person who holds a sport pilot certificate who does not have airplane category and single-engine land and sea class privileges and seeks to obtain privileges to operate the ICON A5 aircraft must receive the logbook endorsements, complete the proficiency check, and complete the application specified in 14 CFR § 61.321.
6. Any person who holds a sport pilot certificate and seeks privileges to operate the ICON A5 aircraft at an airport within, or in airspace within, Class B, C, and D airspace or in other airspaces with an airport having an operational control tower must receive and log the ground and flight training and obtain the endorsement specified in 14 CFR § 61.325.
7. Any person who holds a sport pilot certificate and seeks to operate the ICON A5 aircraft must receive and log the ground and flight training and obtain the endorsement specified in 14 CFR § 61.327(b).
8. Any person who performs maintenance or preventive maintenance on the ICON model A5 under the provisions of this exemption must include a reference to this exemption in the maintenance record entry required to be made under the provisions of 14 CFR §§ 43.9 or 43.11, as applicable.
9. ICON must maintain a record of all failures, malfunctions, or defects of the ICON model A5 spin-resistant airframe and report any failure, malfunction, or defect of the airframe and any stall or spin-related accident or incident involving the model A5 to the FAA LSA Program Manager within 48 hours after learning of the occurrence.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. AIR-600 to 10829C and extends the termination date to June 30, 2028, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2012-0514 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days before the expiration date listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

BRIAN E
CABLE

Digitally signed by BRIAN
E. CABLE
Date: 2023.06.22
09:24:49 -04'00'

Brian Cable
Manager, Organization & System Policy Branch
Policy and Standards Division
Aircraft Certification Service