February 3, 2012

Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Ave., SE
West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

Reference: Comments to Docket No. FAA-2011-1279, Airborne Wind Energy Systems (AWES)

Dear Sirs:

EAA (Experimental Aircraft Association) is the world leader in recreational aviation. With an international membership of 179,000 people in more than 110 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* for the future of aviation, and of our *Passion* for aviation safety and education.

EAA is submitting the following comments:

1. Using the proposed Safety Risk Management component (subpart C) of the proposed 14 CFR part 5, *Safety Management Systems* (SMS) (docket FAA-2009-0671) as a guide, EAA believes that the general aviation risk mitigation factors require the FAA to mandate current and future AWES systems (single or multiple installations) have adequate marking and lighting controls placed on them. The safety and lighting markings should be of equal level to those required of MET towers and other airborne obstacles per AC No. 70/7460.1.

2. Using the proposed Safety Risk Management component (subpart C) of the proposed 14 CFR part 5, *Safety Management Systems* (SMS) (docket FAA-2009-0671) as a guide, EAA believes that the general aviation risk mitigation factors require the FAA to mandate current and future AWES systems (single or multiple installations) be subject to obstruction evaluation criteria established by 14 CFR part 77. These standards should be imposed on AWES systems no matter where they are located, but especially near all 14 CFR part 91 recreational and general public and private airports. When developing these standards, the FAA should work in partnership with the National Association of State Aviation Officials (NASAO) to ensure both public and state-owned airports are adequately covered to ensure potential airborne risks are mitigated.

3. Using the proposed Safety Risk Management component (subpart C) of the proposed 14 CFR part 5, *Safety Management Systems* (SMS) (docket FAA-2009-0671) as a guide, EAA believes that the general aviation risk mitigation factors require the FAA to test the effectiveness of the above safety recommendations. EAA therefore recommends the FAA conduct initial tests in established Prohibited and/or Restricted Areas. If testing proves the safety mitigation factors would be effective then, and only then, allow AWES access to the rest of the National Airspace System (NAS). The testing must be appropriate to the deployment, e.g., if an AWES system will be deployed at or below 500 feet AGL testing must replicate that environment; if an AWES system will be deployed at a higher altitude, the testing must replicate that higher environment.

4. EAA firmly believes that deployment of AWES systems above 500 feet AGL will have an adverse effect on recreational and general aviation flight safety operations:

    a. These operations operate at lower altitudes and fly direct point-to-point routes, thus exposing them to the risks imposed by AWES deployments, while commercial airline operations occur at higher altitudes with minimal risk from deployed AWES systems.

    b. These operations are also being forced by the FAA to operate at ever lower altitudes where AWES risk exposure would be the greatest. For example, FAA NPRM Docket FAA-2011-1237, the modification of the Atlanta Class B airspace. The revision is lowering the base of this Class B airspace to 3,000 feet AGL, forcing recreational and general aviation aircraft to operate well below that altitude to ensure their safety. The lowering of Class B airspace is a trend occurring across the country.

Thank you for allowing EAA to provide comments to this safety related proposed policy.

Randy Hansen
EAA Government Relations Director