Aviation Rulemaking Advisory Committee (ARAC)
Transport Airplane and Engine (TAE) Issues Area

Meeting Minutes

Date: November 29, 2006
Time: 9:00 a.m. PST
Location: Marriott Courtyard
Tukwila, Washington

Call to Order/Administrative Reporting

Mr. Craig Bolt (the TAE Assistant Chair) called the meeting to order at 9:25 a.m. Mr. Mike Kaszycki (the TAE Assistant Executive Director) read the Federal Advisory Committee Act statement. Mr. Bolt began the introductions (see sign-in sheet **[handout #1]**).

Mr. Bolt read through the meeting agenda **[handout #2]**. He then reviewed the action items from the last regularly-scheduled TAE meeting:

Item	March 14, 2006 TAEIG Meeting Action Items	Status
1.	Craig Bolt to send a letter to Yves Morrier requesting EASA participation in ARAC TAE.	Completed
2.	Craig Bolt to send an email to TAE members asking for TAE approval to recommend closing Task 4 of the IPHWG. (Reference IPHWG October 2005 letter)	Completed
3.	Mike Kaszycki will check on the FAA's status of IPHWG Task 3.	Completed
4.	Mike Kaszycki will discuss with Tony Fazio the potential of FAA becoming "lead" on the AAWG activities with EASA making use of the FAA's work.	Open
5.	Craig Bolt will amend the process document for determining membership on the AAWG so the process can be adapted for use in all working groups. Craig Bolt will transmit a draft copy of that process to the chairpersons of the working groups for their concurrence.	Completed
6.	Clark Badie to provide the TAE a copy of the draft AC 25.11 after the AVHWG April 2006 meeting.	Completed
7.	FAA to send a letter to EASA describing the FAA's position on future FAA/EASA harmonization policy with regard to avionics.	Open

Mr. Bolt said there were no action items from either the June, or the August 2006 ad-hoc TAE meetings. Mr. Walter Derossier (General Aviation Manufacturers Association) inquired of Mr. Kaszycki as to whom avionics steering group questions could be directed. Mr. Kaszycki stated that Mr. Steve VanTrees (AIR-130) and Mr. Steve Boyd (ANM-111), would each be good people to talk to about such issues. Mr. Bolt stated that the minutes of the last three ARAC

meetings had been distributed, voted on through the email process, and approved. He then solicited comments, and there were none.

FAA Report

Mr. Kaszycki reviewed the FAA report **[handout #3]** and commented on current FAA rulemaking projects. He stated that Amendment 25-119 to Safety Standards for Flight Guidance Systems had been published as a final rule on April 11, 2006 and thanked the ARAC TAE committee for its hard work, and also those elements in industry. Mr. Kaszycki stated that comment period for The Reduction of Fuel Tank Flammability in Transport Category Airplanes rule had been extended, with peer reviews still being published. He stated that this rule was one of the more controversial rules that had been developed, and one which had experienced much Congressional interest. He said that a final rule is anticipated by September, 2007, though much coordination and hard work remained. With respect to the Fire Penetration Resistance of Thermal Acoustic Insulation Installed on Transport Category Airplanes rule, Mr. Kaszycki stated that there were many comments received on this rule, and many of those suggested that the proposed one year extension for compliance was not enough. He stated that the FAA is doing its best to address those comments and hoped that a final rule date could be achieved by the end of this calendar year.

With respect to the NPRM's related to Widespread Fatigue Damage, and Damage Tolerance Data for Repairs and Alterations, Mr. Kaszycki described the former as having "a fair amount of energy" associated with it and said that both proposed rules had experienced extensions to their comment periods and would be discussed in the afternoon session of this meeting.

Mr. Kaszycki then stated that there was much activity associated with the part 33 rulemakings. With respect to the NPRM for Bird Ingestion Standards for Turbine Engines, he said there was now some formalization to the special conditions procedures that were being used all along. In the interest of saving time, Mr. Kaszycki stated that any questions about these issues could be addressed via email at a later time.

Mr. Kaszycki then addressed the attention that "the security amendments" recommendations proposed by ARAC had received, and mentioned that the document was now at OMB. He emphasized that there were many rulemakings presently at headquarters for coordination. It was also pointed out by Mr. Kaszycki that there is a new tasking related to part 33 Critical Parts. Mr. Kaszycki was asked by Mr. Keith Barnett (Bombardier) as to the status of the private use jet Special Federal Aviation Regulation (SFAR), and Mr. Kaszycki responded that there appeared to be much interest still, and that many additional questions were being addressed.

When asked about the status of Amendment 25-87 (Interim Policy on High Altitude Cabin Decompression) he stated that the final report for this NPRM had left ARAC and was now in the FAA's hands for further advancement. A discussion ensued as to whether the FAA had inadvertently required too much redundancy with respect to lightning protection to aircraft structures and components. Mr. Kaszycki stated that the FAA felt that part 25.954, even when

applied to a fully functioning system, was inadequate, and therefore necessitated amendment 25-102 to part 25.981. He said that in retrospect, however, the revision to part 25.981 may have been too comprehensive with its requirements regarding metallic structures, given that part 25.954 already contained more stringent requirements.

Mr. Derossier stated that industry saw no difference between metallic and non metallic airplane structures, and was more concerned with mechanical systems within the fuel tank construction Mr. Kaszycki stated that the FAA was looking for a reasonable and practical path to move forward with respect to certifications, and that sometime early in 2007 would most likely publish a policy or comment concerning what could be done for both metallic and carbon composite wings to meet the FAA requirements.

With respect to the slide bullet, "Interim Guidelines for Certification and Continued Airworthiness of Unbalanced Control Surfaces with Freeplay and Other Nonlinear Features", Mr. Kaszycki said that previously there had been numerous airworthiness directives regarding this subject, and that this particular guidance was intended to clear up any possible confusion. When asked by Mr. Doug Kihm (Boeing) about the alphabetic characters suffixed to the part 25 AC's, Mr. Kaszycki responded that this signified the document was still in a draft stage. Mr. Kaszycki briefly covered the items under part 33 Draft Policy and AC's issued, commenting that the personnel in the New England Directorate had been quite busy in their rulemaking efforts. Mr. Kaszycki also advised that there was a new, easier to navigate website for the Regulatory and Guidance Library. The site is rgl.faa.gov.

Next, the Certification Management Team (CMT) actions were discussed. Mr. Kaszycki stated that the FAA had received EASA's 2008 list of rulemaking activities, and also that EASA had received the FAA's three year rulemaking plans. It was suggested by someone that the EASA rulemaking activities were more readily available to the public. When asked by Mr. Kihm if the FAA's three year plan could be made available to the public, Mr. Kaszycki stated that it could not. In response to comments that greater access to these FAA rulemaking plans could lead to better harmonization between EASA and the FAA through better industry support, Mr. Kaszycki stated that the degree of openness of the FAA's plans, is mostly driven by legal counsel. He added that those plans, for various reasons, could not be released to the public.

Mr. Derossier asked if the new Director of the Office of Rulemaking (ARM-1) would continue to follow the course of the previous Director in pursuing harmonization with EASA for rulemaking activities, for example, which agency would take the lead in a specific rulemaking project. Mrs. Brenda Courtney (ARM-200) stated that it was expected that these actions would continue. It was also suggested that since the previous Director is now posted in Europe (Brussels), it might make harmonization of these rulemaking activities between EASA and the FAA a bit easier. It was also pointed out, that EASA is currently undergoing many changes, including those related to personnel, and as such, there is possibly for the time being, a diminished focus on rulemaking harmonization.

Mr. Kaszycki said that due to the elimination of the Harmonization Working Plan, there would likely be projects that EASA was working on that the FAA might not be working on, and vice versa. He stated that, due to this fact, alignment could be difficult and that much work remained. Mr. Kihm then asked how a previous letter by the Associate Director for Aviation Safety (AVS-1) which suggested the "sunsetting" of ARAC, would fit into the context of this discussion. Mr. Kaszycki stated that Aviation Rulemaking Committees (ARC's) are being utilized to the extent that there may be as many or more ARC's in use presently than Aviation Rulemaking Advisory Committees (ARAC's). He stated it was important that all concerned give a certain level of priority to assigned taskings in order to improve the timeliness of ARAC products. Mr. Rolf Greiner (Airbus) asked about the availability of information about ARC's. Mr. Kihm pointed out that the procedures manual for ARC's is located in the first chapter of the committee manual, which can be found on the ARAC website. Mr. Kaszycki stated that the next ARC would address Take-off and Landing Performance for parts 121 & 25 aircraft. (reference the 737 landing accident at Chicago's Midway airport.)

Transport Canada (TC) Report

Mr. Eric Lucas of Transport Canada conducted his briefing **[handout #4]** via telecom. He began by mentioning that there are four major initiatives that are currently being undertaken by Transport Canada. He said that Transport Canada Civil Aviation has a five year cycle of reviewing its safety plans and, that 2006 marks the first year of that five year plan. Mr. Lucas says that Transport Canada maintains a website which is available for all who are interested to remain abreast of ongoing transformation activities. With respect to the first major activity, which involves a rewrite of procedural regulations on aeronautical product certification, Mr. Lucas stated that presently the regulatory structure which was set up in 1996, was designed to provide flexibility and efficiency in introducing new regulatory amendments. This structure however, in retrospect did not provide the envisioned flexibility and efficiency as hoped, but actually created more difficulty for industry, and also for Transport Canada Staff. He stated that the desire of Transport Canada is to rewrite the regulations so that they are performance based, and are objective rather than prescriptive, and harmonized very closely with EASA and FAA initiatives. He said the language of these regulations might be different due to Canadian writing styles, but that content and structure should be much the same. These new procedural regulations would be collected under the title part 521 and should be in place by the latter part of 2007.

The discussion continued with respect to aircraft certification. This initiative involves extensive consultation and partnership with the Canadian industry to refine the framework for aircraft certification. All recommendations are to be completed by 2007.
The implementation of Safety Management System will be accomplished via a three year phased in approach with full compliance expected by 2008. This program involves safety improvement through proactive actions by management, rather than reactive compliance with regulatory requirements. This, he said, had been a legal requirement for some aircraft maintenance organizations in Canada and for some of the larger airlines since May 2005. The general concept is based on the idea that enterprise, as opposed to functional oversight will better enable

Transport Canada to determine if Safety Management System is working properly. The overall reorganization of Transport Canada Civil Aviation is hoped for by 2009.

EASA Report

There was no one present on behalf of EASA (European Aviation Safety Agency). Mr. Bolt reviewed information that had been provided in an email **[handout #5]** from Mr. Yves Morier (EASA), which reviewed the status of EASA rulemaking activities. With respect to harmonization, EASA has shared its 2008 rulemaking plan with the FAA. The EASA plan should be implemented by July, 2007.

ARAC Executive Committee Report

Mr. Craig Bolt delivered the Executive Committee Report. The issue relating to the future utilization of ARAC's was discussed. Reference was made to the letter signed by AVS-1 earlier, which was interpreted by some to mean that ARAC's will become less utilized in favor of ARC's. It was pointed out that within ARAC many issue groups have had no activity for some time. The membership of the Executive Committee was also addressed, with it being stated that that the new Director of the Office of Rulemaking would play an important role in determining how membership should proceed from this point forward. It was announced that the Executive Committee will be scheduled for two meetings sometime in 2007.

Ice Protection Harmonization Working Group (IPHWG) Report

Mr. Jim Hoppins (Cessna Aircraft Company) reviewed the IPHWG presentation **[handout #6]** via telecon. In addition to the items reviewed during this meeting of the TAEIG, there were votes on two IPHWG issues. There was a vote of the HWG Report for Task 1 TSO, and a vote on HWG Reports for Task 5 and Task 6 mixed phase. With respect to Task 1, the status was reviewed and then ARAC voted in favor of the recommendation reached by consensus of the IPHWG.

Next, task 2 was discussed with the recommendation ultimately being that there was not enough new information available to allow the previous recommendation that Task 2 be changed. Therefore, the task 2 recommendation would stand as previously decided by the IPHWG. A discussion around the use of the Appendix C analysis methods had determined that these methods were not fully documented. Continued investigation on structuring Appendix X similar to Appendix C have been reported by some IPHWG members, but no formal proposals have been brought forward to review The Task 2 phase IV review slide was also briefed. The outcome was that the IPHWG was still working to translate the recommendations into "specific and realistically acceptable actions" to ensure that the NPRM is closely linked to the research performed.

The review of Tasks 5 & 6 Working Group Report was the next point of discussion. Mr. Hoppins pointed out that including ice crystals into the definition of the icing environment in

part 25.1325 was a revision. This new definition was implicit to the Task 6 recommendation concerning the performance of angle of attack systems that rely on pressure sensors.

Mr. Kihm then asked whether FAA legal counsel would accept the present recommendation after an approved vote, or would it possibly be rejected for need of further legal screening. Mr. Kaszycki was asked if there had already been a preliminary legal review by the FAA, to which he replied that he was not sure. Mr. Kihm stated that the task of ARAC was to ensure that recommendations sent forward had already been seen and approved by legal counsel. Mr. Kaszycki suggested that the group proceed with a vote, and then retain the letter until it had been screened and approved by FAA legal counsel. This he said would preclude another TAEIG meeting just to vote, unless FAA legal counsel disagreed with the recommendation. There was general agreement from the group on proceeding in that manner, and then the vote on HWG reports for Tasks 5 & 6 mixed phase was held without dissent. The next action will be to present the recommendation to FAA legal counsel for review.

Mr. Kihm stated that the previous letter (relative to Task 2) recommended that the FAA and NASA "continue a technology roadmap" and that the same should be stated when this letter (Tasks 5 and 6) goes forward. Mr. Kihm then asked if the ARAC had the technology for Task 5 and 6 rulemaking, to which Mr. Hoppins stated, "we do not have any tunnels to make freezing rain".

Avionics HWG

Since he did not have his prepared briefing on hand, Mr. Kaszycki stated that he would try to send a copies out to the group of the FAA approach to new avionics technology following the meeting. Mr. Clark Badie (Honeywell) stated that the merging of parts 23 and part 25 advisory materials did possess certain merits, but that caution had to be used in this merging process. He used synthetic vision technology as an example, by saying that if synthetic vision was to be used to control an airplane, then there would have to be separation of part 23 and part 25 requirements. Mr. Kaszycki responded, saying that in the very light jet community (VLJ) there are many common technologies that are being served by part 23 special conditions and that manufacturers would like to use similar or identical "boxes" in part 25 airplanes.

Mr. Kaszycki said that FAA policy is usually developed as a result of the certification process; he said for example if a manufacturer uses a certain device on a part 23 airplane, and subsequently places that same type equipment on a part 25 airplane, this action can lead to different policy actions between FAA directorates. He said that the FAA needs to develop policy that is in concert with all the directorates with respect to the certification process, thus avoiding different product line policy differences.

Mr. Badie said that he agreed that the FAA was taking the right approach, but that his concerns were more about certifying capability or function. He further explained that if a piece of equipment was used to control attitude on a general aviation airplane, it could not be expected that that same piece of equipment could be used for the same function on a large transport type

airplane or a business jet. Mr. Kaszycki thanked Mr. Badie for making that point, and stated that ultimately it would depend on the operational capability or credit given for the installation of the specific component in the airplane. He further stated that there was support from flight standards for this effort because it was recognized that if common credit was given for parts 23 and 25 applications, then certification for similar integrity would be needed.

Mr. Kaszycki referenced the process in which "Enhanced Vision" was certified, stating that it had been certified on the airplane, before flight standards was able to amend the operational requirements to allow credit for instrument approaches. That process, he said, can lead to a lower certification standard, because it is not known know how the equipment will be utilized operationally. Mr. Kaszycki stated that in the future, the FAA will try to determine the long term operational requirements of new systems prior to certification.

Mr. Keith Barnett (Bombardier) wanted to know how broad a scope this certification process would go with respect to the types of equipment covered. He asked if it applied to EFB's. Mr. Kaszycki stated that the scope basically covered anything on the flight deck. Mr. Barnett then asked if it applied to equipment that was not considered a primary device for flying the airplane, and again Mr. Kaszycki said that it would. He further stated that often a piece of equipment is introduced for a secondary purpose and at some future point credit is requested for a "higher level integrity" that was never intended by the FAA during the original certification.

Airplane-level Safety Analysis WG Report
Specific Risk Analysis

Mr. Ed Wineman (Gulfstream) co-chair of the ASAWG gave a brief history and overview of the tasking **[handout #7]**. He said that the tasking was set up in a gate arrangement meaning for example, that Task 3 needed to be completed before going on to Task 4. He stated that the original tasking only included 16 members, but two additional members, one each from Cessna and Dassault were requested, and were added with concurrence from himself, Mr. Bolt, and Mr. Kaszycki. He stated that the schedule was sent out with the original task notice in March 2006, and Task 1 was due for completion in August, 2006. Due to a European holiday and delay in establishing the membership, Task 1 was not completed until November. The three remaining tasks completion dates were each shifted by four months.

Mr. Wineman stated that the purpose of this meeting was to address Task 1. The purpose of Task 1, he said was to define what specific risk is, and not to determine methodology, criteria or acceptability of elements related to specific risks. He continued by stating that the definition had to be capable of being validated, which meant it had to include the known conditions that were provided in the notice, which were Latency, and MMEL items.

Mr. Wineman stated that the first meeting of the group included over 30 participants to include many of the subject matter experts. He said that two of the task groups were MMEL/Latent task groups and the other groups were related to issues that were not yet determined to be applicable to specific risks. He said that the four groups continued to work

over the next two months in determining the validity of the examples that had been provided. He stated that in the Savannah meeting in November 2006, a report was started to document the result of Task 1, and to provide data that would be provided as part of Tasks 2 and 3. This report he further stated, would not be released until the end of Task 3, which would be the gate position to go into Task 4.

With respect to defining specific risk, Mr. Wineman stated that it was important to create a definition that would not invalidate any previous work. He stated that the discussions leading to the definition of specific risk were held for over three months and did not initially concern either an increase or a decrease in risk, just a change in risk to a specific baseline. It was felt, he stated, that those, considerations did not meet the intent. The intent he said, was to look at areas where there would be increases above what was determined by the ASAWG to be average risks, and that average risks are defined in part 25.1309.

Mr. Wineman stated that some guidance was created in defining baseline population in that it was expanded to include airplanes with Supplemental Type Certificates (STC's).

Mr. Wineman stated that his briefing is considered the completion of Task 1, and that it would allow the ASAWG to proceed on to Task 2. He further stated that there would be a "webex" meeting to go over some of the action items from November, and that the first meeting for Task 2 would be in Florida in February, and then a meeting in France to finalize Task 2.

Mr. Barnett wanted to know if everyone agreed with the definition of specific risk on slide #12. Mr. Wineman responded that everyone in the ASWAG had agreed and that there had not been any dissenting opinions, only some concerns, which had all been elevated, and in every case appropriately resolved. He further stated that there will probably come a point as progress continued, where concerns might not be so easily resolved. He also said that subject matter experts would be present at the February, 2007 meeting in Florida.

Mr. Kihm asked if consensus meant that FAA individuals on the team were also in agreement, and Mr. Wineman responded that it did.

Mr. Wineman stated that the integration of avionics system of an airplane brings all groups together and that the boundaries between these various systems were becoming less defined. He said that the understanding of that concept by the subject matter experts is very critical to their buy-in to the total airplane level assessment process. Mr. Barnett stated that he was concerned that it appeared the present definition of specific risk was being set up in such a way that many of today's master MMEL items would become specific risk items. Mr. Wineman responded that MMEL had fallen out as a specific risk item many times during the development phase of the definition, and that it was a key item. This approach he said would ensure that there was regulatory guidance relative to MMEL in part 25.

Mr. Wineman added that as a criteria boundary, it was established that regulatory guidance was not to be exceeded. He used the examples of flying into extreme icing conditions, or into

volcanic ash as conditions that are considered greater than those established by federal aviation regulations.

Mr. Bolt then asked for clarification on the treatment of STC's relative to the baseline. Mr. Wineman said the original baseline population only considered the model that was defined by the type certification data sheet. Because there could be airplanes that had been modified many times, or numerous configurations of an original baseline model, each airplane could pose a different specific risk. Since a modification would require certification under part 25.1309, it would define a new baseline. He further stated that task 4 included proposed regulatory guidance for STC's.

As a hypothetical situation, Mr. Kihm wanted to know if adding auxiliary fuel tanks to an airplane to extend its range to 10 hours, would require that the STC be based on a ten hour average flight length. Mr. Wineman said that it would be based on an average per flight hour, and not a 10 hour exposure, unless speaking specifically about extended overwater operations (ETOPS) or latency, both of which would both be specific conditions. He said that adding a new power supply system, or anything that had an effect on multiple airplane systems, would require that the effects on the airplane be evaluated.

Mr. Bolt and Mr. Kaszycki both thanked Mr.Wineman for his presentation and the difficult work performed thus far by the ASAWG.

Mr. Barnett (Bombardier) then said he had to depart the meeting from his teleconference position.

Aging Aircraft Working Group Report

Mr. Amos Hoggard (Boeing) presented the AAWG report **[handout #8]**. He stated that there would be no presentation of any specific recommendations at this meeting. He stated that within the membership, Mr. Eric Chestmar of United Airlines had replaced Mr. Paul Cesne. Mr. Hoggard stated that the next AAWG meeting would be in Miami, FL in January, 2007, and that it was expected that a Task 3 closeout report would be delivered at that point. Mr. Hoggard stated that the lack of EASA participation had been a concern in the past, but that they had attended the AAWG-TPG meeting earlier in 2006. He also stated that EASA had published a Notice of Proposed Amendment (NPA) with respect to their aging aircraft issues, and had indicated that this issue was their current focus, and that AAWG deliberations would be considered in EASA rulemakings. He said that there were some differences in the EASA NPA as compared to the FAA's Widespread Fatigue Damage, and Aging Aircraft NPRM's so it is possible that EASA might deviate from some of the AAWG actions.

Mrs. Dionne Palermo (FAA-TAD) stated that the EASA document was in the form of guidance material and not an amendment, to which Mr. Hoggard agreed. She continued by stating that it appeared that EASA had formed an internal working group which included members from industry, but she was not sure how much of that activity would be open to US industry. She

expected to see work from that group commence early in 2007. With respect to AAWG actions, Mr. Hoggard said that Task 2 of Phase 1 had been closed out, and that Mr. Bruce Nord had replaced Mr. Mark Coyle at United Parcel Service in the group.

Mr. Kihm asked Mrs. Palermo if the apparent coordination between EASA and the FAA relative to Aging Aircraft rulemaking was due to some active coordination between the agencies. Mrs. Palermo stated that there had in fact been monthly meetings between EASA and the FAA on the aging aircraft programs such as WFD, AASR and EAPAS in an attempt to maintain harmonization as all programs advanced, and that the FAA was aware of EASA's activities with respect to this rulemaking. Mr. Kihm then asked if this current level of coordination could be standard for all rules that needed to be harmonized between the FAA and EASA. Mr. Kaszycki stated that the short answer was no. He stated that the aging aircraft rulemaking was given a certain elevated status due to its broad scope, and due to EASA and Transport Canada involvement, they were being handled differently than other part 25 rules. Mrs. Palermo added that there was not really any higher level coordination going between the FAA and EASA per se, and that it was really discussions between technical specialists. Mr. Kihm stated that it appeared there was much FAA management oversight.

Mr. Keith Barnett (Bombardier) asked if the harmonization issue would be further discussed during the WFD/NPRM differences briefing. Mrs. Palermo responded to Mr. Barnett by stating that with regards to harmonization and WFD, there had not been many special discussions with EASA as yet, because they had not begun their internal work group activities for determining the way ahead. She further stated that the FAA had been sharing regulatory documents such as NPRM's, and Draft Advisory Circulars, and intended to share final rule documents in order to facilitate harmonization. This she stated, would help EASA to see how the FAA is moving forward, and would also show how the FAA planned to disposition comments.

Mr. Barnett then stated that regarding Initial Operating Limit (IOL) and Limit of Validity (LOV) issues, the Europeans appeared to be seeing some requirements differently. Mrs. Palermo responded by saying that the intent to establish the IOL and LOV items was an element of a HWG recommendation to the FAA, that EASA or JAA should have been a part of. She further stated that EASA had not indicated any intent to deviate from the working group's harmonized approach, and that more discussions about these issues were expected. Mr. Hoggard stated that a report which was produced in either 1999 or 2000 had included a concept of LOV, and had expressed a Joint Aviation Authorities (JAA) harmonized position which was believed to have been included in the European NPA.

Mr. Joe White (ATA) asked about the status of comments received relative to Damage Tolerance (DT) and WFD related to the AAWG tasking. Mr. Kaszycki stated that he believed that issued would be covered during the discussion on differences between the ARAC WFD recommendation and the WFD NPRM.

FAA discussion of WFD NPRM and differences with AAWG
ARAC recommendations

Mr. Kaszycki introduced Mr. Walt Sippel (FAA-TAD) from the Aging Aircraft Working Group **[handout #9].** He then explained that the reason for this particular session was due to an expressed concern about confusion regarding what recommendations the working group had proposed, and what was actually printed in the draft Widespread Fatigue Damage NPRM. He stated that Mr. John Hickey and Mr. Ali Bahrami had requested this meeting to clarify those differences and explain their origins. Mr. Kaszycki stated that to avoid ex parte issues, the minutes of this meeting were to be entered into the "docket". Mr. Kaszycki then paused the meeting and asked Mr. Sippel to ensure that a copy of the differences briefing was emailed to all that were attending via telecon.

Mr. Sippel stated that the discussion would be strictly limited to differences between the NPRM and the ARAC recommendations. Questions pertaining to the direction of the rule or comments related to the rule would not be discussed. Mr. Kaszycki confirmed that Mr. Greg Schneider (FAA) was in attendance via telecon, and directed Mr. Schneider to send the briefing to him. Mr. Kaszycki then forwarded the briefing to all in attendance. He then asked if any new participants had entered the TAEIG meeting via telecon since the morning roll call had been taken. It appeared that all participants had been identified.

Mr. Sippel continued his briefing by discussing two tasks issued by the FAA in 1999, he stated that relative to part 25 there was an additional task, which did not relate to WFD, and therefore would not be discussed. In his briefing, to clarify "new certification programs", Mr. Sippel described it as part 25.571.

With respect to the slide titled "Applicability of Rule", Mr. Hoggard stated to Mr. Sippel that the FAA NPRM had also addressed changes to part 25, under subpart I. Mr. Sippel agreed, but stated that his discussion was to address operational changes and not the Design Approval Holder (DAH) requirements at this point. Mr. Hoggard asked if the DAH discussion would come later, to which Mrs. Palermo and Mr. Sippel agreed it would. In reference to the FAA rationale in the NPRM that discussed LOV vs. IOL, Mr. Sippel recounted a 2003 AAWG WFD tasking which stated that LOV could represent an operational limit. He said it had been decided based on internal discussion (AFS and AIR), that the term could be used to address the flight standards operational concern.

Mr. Sippel then stated that his next slides (Baseline Program for Existing Airplanes) would address the question posed earlier by Mr. Hoggard about part 25 applicability. He began by defining the following acronyms in the structural maintenance program, Supplemental Structural Inspection Program (SSIP), Corrosion Prevention Control Program (CPCP), Repair Assessment Program (RAP) and along with the mandatory modification program; these were collectively known as the Aging Aircraft Program.

Mr. Sippel clarified that the FAA NPRM was a big change in the Design Approval Holder (DAH) requirement. The IOL approach would lead to operators including the Aircraft Limitations Section (ALS) with the IOL limitation, into their maintenance program. Subsequent to this action, the FAA would issue Airworthiness Directives to mandate operator maintenance program actions. He continued by stating that this approach was based upon the FAA's 2004 Aging aircraft Program and its 2005 policy on DAH rules.

Mr. Kaszycki added that additionally the NPRM Design Approval Holder approach was to some degree an FAA action to a lack of response on the part of the original equipment manufacturer (OEM) support of certain compliance requirements to a past rule. Consequently this action, in part, was designed to mandate support on the part of manufacturers and in appropriates cases STC and TC holders. Mr. Kaszycki further stated that there had been many difficult discussions that had been elevated up to the associate administrator level regarding those issues. As a result, as much as possible was done to keep operators from "holding the bag" on modifications, and alterations.

Mr. Barnett stated that the proposed shift by the FAA NPRM from an operator requirement to a DAH requirement was "quite unsettled". He questioned if the FAA was aware that the "simple change could mean a big difference to how and who pays". Mr. Kaszycki said that that was the reason the whole NPRM approach had been published for comments. Mr. Doug Anderson (FAA-Counsel) emphasized that the requirement was to make the data available, but there was no requirement that it be made available without charge. Mr. Barnett indicated that he understood that point, but he felt that if the requirement was mandated he did not think the airlines would pay, because a regulated issue under DAH would contractually require the manufacturer to provide it "FOC".

Mr. Anderson then ask Mr. Barnett if manufacturers presently charged operators for items that were issued under the continued airworthiness provisions of FAR 21.50. Mr. Anderson then explained that since it is currently mandated by FAR 21.50 that manufacturers "make available" all changes to instructions for continued airworthiness to operators, the FAA was trying to "build on that as the model". He also cited FAR 21.99 which "requires that design changes be made available, but doesn't require you provide them free."
Mr. Barnett then asked if many comments had been received relative to the cost burden. Mr. Kaszycki stated that it was one of the "critiques" that had received numerous comments, not only for WFD but the entire approach.

Mr. Barnett stated that one of the differences he saw was that according to the old rule a phased in approach was allowed based on the age of the airplane, but according to the NPRM it appeared the burden of action was immediate for all airplanes regardless of age. Mr. Sippel stated that this point would be discussed later in the briefing, but only the differences could be discussed. Mr. Kaszycki stated that if DAH was philosophically separated from WFD and compared to the flammability reduction rule it could be seen that there were provisions to allow some older airplanes to retire.

Mr. Joe White, Airline Transport Association (ATA) entered the conversation and invited all to read the ATA comments in the docket which, as he stated, "addressed the issue of the DAH policy at length". He further stated that this was the third time they had submitted comments on the issue.

Mr. Hoggard then made "an observation" stating that CPCP was not regulatory as much as it was voluntary, and that it was put in by AAWG more for the benefit of the JAA and to create visibility for the WFD program. Mr. Sippel further expounded on the comment by explaining that the reason for inclusion of all the elements of the structural inspection program, was to establish a foundation, and give worldwide visibility to the WFD program. Mr. Sippel continued by stating that comments had been provided to the docket, and needed to be reviewed With respect to the discussion of the setting of the LOV, Mr. Hoggard stated that it was not interpreted that LOV would be set according to the description on the briefed slide. He said that many thought the LOV would be established according to the Table 3 in the preamble.

Mr. White commented to Mr. Sippel that much concern had surfaced at the Joint Management Team (JMT) meeting regarding the proposed FAA NPRM compliance dates which were adjusted based on a year 2010 implementation. He stated that Mr. John Hickey (FAA) had indicated much surprise over the concerns related to IOL. Those concerns he said were generated by the proposed differences.

Mr. Hoggard said that he was not aware if there existed an FAA approved methodology to determine IOL or LOV. He found it problematic that there was a rule "on the table" without the formal methodology to produce either. Mr. Anderson asked if this approach differed from other rules whereby advisors circulars (AC's) are sometimes proposed simultaneously with the AC not being finalized until the rule has been. He further commented that the FAA could not finalize a means of compliance without having first determined what the specific requirements were to be. Mr. Hoggard responded that he believed that the methodology for determining WFD parameters had been accepted, and since the methods for establishing LOV had not been, it created a "huge economic" issue with the airlines. He emphasized that this needed to be resolved without further delay.

Mr. Kaszycki asked Mr. Hoggard if the initial discussions about LOV included the methodology that was going to be used, and wanted to know what specifically changed by the FAA's preference to use IOL instead. Mr. Hoggard stated that he believed that the submitted proposed rule from the AAWG suggested that at roughly 75 percent Design Service Goal (DSG), consideration should be given to where the IOL or LOV should be, and the process should completed by the time DSG was reached. After IOL or LOV had been predicted, the next step would have been to determine when service was to be provided to an airline, and he stated that that determination point should possibly have been at least approximately 25 percent of DSG. Mr. Hoggard said that this was the recommendation proposed in the form of an AC, and that a recommended hard date for establishing IOL was not included. He also stated that comments suggested that service information was needed to come up with the IOL.

Mr. Barnett asked Mr. Sippel if it was being considered that the load of burden needed to be spread over time, to which Mr. Sippel responded that there were some comments to the WFD NPRM in the docket regarding that issue.

Regarding Mr. Sippel's explanation of the rationale for the NRRM's approach to repairs and alterations, Mr. Hoggard commented that he thought with reference to non-type certificate holders, that LOV was intended to mean DSG. Mr. Sippel stated that the ARAC recommendation did in fact say LOV and not DSG. He further stated that if the LOV was established at DSG or at some point beyond DSG, the impact would have to be dealt with by RAM's (Repairs and Modifications). Mr. Hoggard said that he agreed with Mr. Sippel, but he was going to go back and look at the recommendation.

Mr. Sippel stated at this point that he realized the differences subject was a "hot topic" and then asked if there were any questions. Mr. Barnett then asked about the legal liability concerns of providing guidance for another party to use. Mr. Sippel stated that there many comments had been received, and they would be assessed, but no questions relative to intended actions in the final rule could be answered in this forum. With respect to the FAA approach to establishing operational limits (EOL), he stated again that many comments had been received. He further stated that the FAA NPRM approach was to emphasize the concern for the baseline airplane.

In discussing the new certification program, Mr. Sippel recounted that it was related to a 2003 ARAC recommendation, which was more than WFD, but with respect to WFD, it needed to ensure that not only existing airplanes, but future certifications were also were covered. Mr. Hoggard stated that he wanted to point out that operators were not a part of that specific working group. He further said that that non involvement was a "major issue" that had become apparent in the last 6 to 8 months. Mr. Sippel asked if it was an AAWG, to which Mr. Hoggard responded that it was not. Mr. Sippel stated that there were no real differences other than the issue of IOL versus LOV.

In summarizing his presentation, Mr. Sippel stated that the FAA was attempting to simply provide clarification of the differences, and not to discuss any possible merits or changes to the rule or comments, and that he was hoping that had been accomplished. Mr. Barnett stated that the briefing had accomplished that objective, and wanted to know if all the discussions and comments made by all the meeting would be entered into formal records. Mr. Sippel stated that the minutes of the meeting would be entered into the docket.

Mr. Kihm asked to what extent the preamble had explained the differences. Mr. Sippel stated that the he did not believe the preamble explained the differences in the depth that they had just been clarified, though there had been an attempt to do so.

Mr. Anderson stated that there was an emphasis, especially from headquarters, during the review process, to maintain brevity in the NPRM document.

Mrs. Palermo added that there is always an attempt to address any differences between ARAC recommendations and what is being proposed so that it is very clear to the commenters. She further stated that in the case of this particular NPRM it was probably abbreviated to the point that it did not contain the same level of detail that was presented during this TAEIG meeting. Mr. Kaszycki added that this situation is probably not unique to the WFD rule, because in general there is a trend from headquarters that preambles no longer contain the level of detail seen in previous years.

Mr. Bolt then stated that as feedback to the rulemaking office it should be understood that brevity in the preamble is not in the best interest of the rulemaking process and industry understanding. He further stated that if ARAC recommendations are changed by the FAA, then it is incumbent upon the FAA to ensure the the preamble clearly explains all differences. Mr. Anderson stated that he understood Mr. Bolt's point, but stated that the emphasis on brevity came from the Offices of Management and Budget and Secretary of Transportation where there were concerns that often information included in preambles was not essential for the justification of rules. This, he said, frequently had a negative impact by slowing down the review process.

Mr. Hoggard said that though the meeting was helpful to understanding the FAA focus, he found it somewhat frustrating that the group was not further along since widespread fatigue damage had been a concern since1988. He said that the work needed to be completed.

Mr. Joe White then indicated to Mr. Sippel that slide #14 on his presentation (compliance dates) should probably be moved to the end, and included with the four major summarized points in the briefing. He stated that the slide spoke to more than just compliance dates, in that it actually spoke to an order of events. He then asked "where are we going with those differences?" Mr. Kaszycki responded by saying that the differences presentation, which had been e-mailed to all attendees, would go in the docket along with the minutes of the meeting, and that the FAA would continue to deliberate, and review and disposition comments in order to proceed forward.

Mr. White asked if Mr. Sabatini had been briefed on the differences, to which Mr. Kaszycki responded that the briefing had been sent to Mr. Hickey, but it was not know if Mr. Sabatini had seen the briefing. Mr. Kaszycki further stated that Mr. Sabatini had been very involved in the development of the NPRM and had obviously signed off on that document.

Mr. White indicated that based on the JMT meeting, he believed that Mr. Hickey had wanted the differences to be explained to the TAEIG. Mrs. Palermo answered that after a previous meeting between Mr. Hickey and Mr. Bahrami with some industry representatives, it was determined that there was much confusion surrounding the differences. It was felt that the issue needed clarification, and in a public forum. She said that the TAEIG was chosen as that forum. Mr. Kaszycki then added that there were two meetings, the first was between himself, Mr. Bahrami and Mr. Hoggard and other Boeing representatives, and the second was the JMT meeting.

Mr. Rolf Greiner then expressed that he thought that the explanation of differences at the TAEIG was insufficient with respect to the involvement of the general public. He inquired if the

explanations made to the TAEIG would somehow be made available to the general public so they could make informed comments.

Mr. Bolt commented that the briefing along with minutes would be published in the docket and thereby available for all to review. He also indicated that there could be less formal means for wider dissemination of the information as well, such as through trade association participants in the TAEIG and through emailing.

Mr. Kihm then expressed some concern that the issues working group had possibly not done a thorough enough job in offering a recommendation to the FAA. He questioned as to whether "due diligence" was exercised in performing so much work, that it required reworking at the FAA. Mr. Kihm further stated that his concerns also went out to the work being performed by the IPHWG. Mr. Kaszycki stated that as part of the fix, the working groups should involve legal counsel as early in the process as possible to help avert such issues. Mr. Anderson stated that that had not been the problem with respect to the WFD NPRM.

In responding to a question from Mr. Kihm regarding the need for working groups to use a checklist, Mr. Kaszycki suggested that two main points should be addressed; 1) Has the working group addressed all tasking statements, and 2) Has preliminary legal review been accomplished?

Action Items

Mr. Bolt reviewed the action items from the meeting:

Item	**November 29, 2006 TAE Meeting Action Items**
1.	C Bolt to email EASA presentation to TAEIG
2.	C Bolt to email to Nick Sabatani document on ARAC future to TAEIG
3.	M. Kaszycki to email (Via Craig Bolt) presentation on FAA approach to new Avionics technology
4.	FAA to get preliminary legal review of IPHWG Task 5 and 6 recommendations. C Bolt to hold transmittal letter until successful completion of legal review
5.	C Bolt to email TAEIG that the presentation regarding differences between WFD NPRM and ARAC recommendation is available in the Docket
	Ongoing actions from March 2006 meeting
1.	Mike Kaszycki will discuss with Tony Fazio the potential of FAA becoming "lead" on the AAWG activities with EASA making use of the FAA's work
2.	FAA to send a letter to EASA describing the FAA's position on future FAA/EASA harmonization policy with regard to avionics.

Future TAE Meetings

The next TAEIG meetings are tentatively scheduled for March 22, 2007 in Washington, DC, and October 17, 2007 in Seattle, WA.

Mr. Bolt and Mr. Kaszycki thanked Mrs. Palermo for her support to TAEIG.

Adjourned at 3:50 p.m.

Public Notification

The *Federal Register* published a notice of this meeting on October 30, 2006 **[handout #10]** and an amendment to that notice on November 7, 2006 **[handout #11].**

Approval

I certify the minutes are accurate.

Craig R. Bolt
Assistant Chair, ARAC

AVIATION RULEMAKING ADVISORY COMMITTEE

TRANSPORT AIRPLANES AND ENGINE ISSUES
Sign-In Sheet

November 29, 2006

NAME	MEMBER	NONMEMBER	ORGANIZATION/AFFILIATION	E-Mail Address	Telephone No.	Fax No.
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AVIATION RULEMAKING ADVISORY COMMITTEE

TRANSPORT AIRPLANES AND ENGINE ISSUES
Sign-In Sheet

November 29, 2006

PHONE ATTENDEES.

NAME	MEMBER	NONMEMBER	ORGANIZATION/AFFILIATION	E-Mail Address	Telephone No.	Fax No.
ERIC LUCAS			TRANSPORT CANADA			
TOM PETERS			EMBRAER			
KEITH BARNETT			BOMBARDIER			
BOB WHITE			ATA			
CLARK BADIE			HONEYWELL			
WALT SIPPEL			FAA/ANM			
BOB PARK						
ROGER MCCRACKEN						
JOE BRACKEN			ALPA			
GEORGE MCEACHEN						
GREG SCHNEIDER			FAA			
RAY HOLANDA						
WAYNE RICHMOND			FEDERN EXPRESS			

Transport Airplane and Engine Issues Group Meeting
Courtyard Marriott
400 Andover Park West
Tukwila, WA

Agenda

DRESS: BUSINESS CASUAL

Wednesday, November 29, 2006 – ***Call in number: (202) 366-3920*** ***Pass Code: 1158***

9:00	Call to Order, Reading of the Procedures Statement, Review of Agenda, Meeting Logistics, Review of Action Items, Items of Interest, Review of Minutes from previous meeting	C. Bolt/M. Kaszycki
9:30	FAA Report	M. Kaszycki
10:00	Transport Canada Report	E. Lucas
10:15	EASA Report	TBD
10:30	Excom Report	C. Bolt
10:45	Ice Protection HWG Report • Vote on HWG report for Task 1 TSO • Vote on HWG reports for Task 5 & Task 6 mixed phase	J. Hoppins
11:15	Avionics HWG • FAA approach to addressing new technology	FAA / C. Badie
11:45	***-- LUNCH --***	
12:45	Airplane-level Safety Analysis WG Report	E. Wineman
1:30	Airworthiness Assurance HWG Report	A. Hoggard
2:00	FAA discussion on WFD NPRM and differences with AAWG ARAC recommendation. • Open TAEIG discussion regarding potential process improvement	FAA / W. Sippel All
3:00	Action Item Review	C. Bolt
3:15	***-- ADJOURN --***	

November 2006 FAA Status Update

Transport Airplane and Engine Issues Group

Federal Aviation Administration

Presented to: TAEIG

By: Mike Kaszycki, Manager, Transport Standards Staff

Date: 11/29/06

November 2006 TAEIG Meeting

Topics:

- Rulemaking Project Status
- Non-Rulemaking Project Status
- Update on Certification Management Team Actions

November 2006 TAEIG Meeting

Rulemaking Project Status: (since March 2006)

- Part 25 related Final Rule (FR):
  - Safety Standards for Flight Guidance Systems*
    - Amendment 25-119 published on 4/11/06
  - Comment Disposition Document for Thermal/Acoustic Insulation Installed on Transport Category Airplanes
    - Comment Disposition Document published on 9/5/06
    - FR Published on 12/30/05; Comment period closed 2/28/06

* *ARAC project*

November 2006 TAEIG Meeting

Rulemaking Project Status: (since March 2006) *continued*

- Part 25 related Notices of Proposed Rulemakings (NPRM):
  - Comment Period Extension for Reduction of Fuel Tank Flammability in Transport Category Airplanes
    - Notice of Extended Comment Period published 3/21/06; Comment period closed 5/8/06
    - NPRM published on 11/23/05; Comments originally due 3/23/06
  - Fire Penetration Resistance of Thermal Acoustic Insulation Installed on Transport Category Airplanes
    - NPRM published on 4/3/06; Comment period closed 6/2/06

November 2006 TAEIG Meeting

Rulemaking Project Status: (since March 2006)

continued

- Part 25 related NPRMs:
  - Widespread Fatigue Damage*
    - Notice of Extended Comment Period published 7/7/06; Comment period closed 9/18/06
    - NPRM published on 4/18/06; Comments originally due 7/17/06
  - Damage Tolerance Data for Repairs and Alterations
    - Notice of Extended Comment Period published 7/7/06; Comment period closed 9/18/06
    - NPRM published on 4/21/06; Comments originally due 7/20/06

* *ARAC project*

November 2006 TAEIG Meeting

Rulemaking Project Status: (since March 2006) *continued*

- Part 33 related NPRMs:
  - Safety Analysis Requirements for Turbine Engines*
    - NPRM published on 7/18/06; Comment period closed 10/16/06.
  - Bird Ingestion Standards for Turbine Engines*
    - NPRM published on 7/20/06; Comment period closed 9/18/06.

* *ARAC project*

November 2006 TAEIG Meeting

Rulemaking Project Status: (since March 2006) *continued*

- FRs in Headquarters (HQ) for coordination:
  - 2 Part 25 projects
- FRs in HQ for regulatory evaluation development:
  - 1 Part 25 project
- FRs in development:
  - 3 Part 25 projects
  - 3 Part 33 projects

November 2006 TAEIG Meeting

Rulemaking Project Status: (since March 2006) *continued*

- NPRMs in OST/OMB for coordination:
  - 1 Part 25 project
- NPRMs in HQ for coordination:
  - 3 Part 25 projects
  - 3 Part 33 projects
- NPRMs in Directorate for coordination:
  - 4 Part 33 projects
- New Tasking in coordination:
  - 1 Part 33 project

November 2006 TAEIG Meeting

Non-Rulemaking Project Status: (since March 2006)

- Part 25 Final Policy and Advisory Circulars (AC) issued:
  - Interim Policy on High Altitude Cabin Decompression (Reference Amendment 25-87)
    - Issued final on 3/24/06
  - Policy Statement on an acceptance of SAE International Aerospace Recommended Practice 5577 as an acceptable method of compliance to the Lightning Direct Effects requirements of §25.581
    - Issued final on 4/4/06
  - AC 25.1329-1B: Approval of Flight Guidance Systems*
    - Issued final on 7/17/06
  - Policy Statement on the Installation of Transport Category Airplane Flightdeck Liquid Crystal Displays
    - Issued final on 8/30/06

* *ARAC project*

November 2006 TAEIG Meeting

Non-Rulemaking Project Status: (since March 2006)

- Part 33 Final Policy and ACs issued:
  - AC 33.87: Calibration Test, Endurance Test and Teardown Inspection for Turbine Engine Certification
    - Issued final on 4/13/06
  - Policy for Repairs and Alterations for Rotating Turbine Engine Life Limited Parts
    - Issued final on 7/27/06
  - Policy for Approval of 10-Minute Rated Takeoff Thrust/Power during Takeoff with One-Engine Inoperative (OEI) under 14 CFR Part 23 and Part 33
    - Issued final on 8/30/06
  - AC 33.7: Certification of 30-Second and 2-Minute OEI Ratings for Rotorcraft Turbine Engines
    - Issued final on 9/6/06
  - AC 33.83-A: Turbine Engine Vibration Test
    - Issued final on 9/29/06

November 2006 TAEIG Meeting

Non-Rulemaking Project Status: (since March 2006)

continued

- Part 25 Draft Policy issued:
  - Interim Guidelines for Certification and Continued Airworthiness of Unbalanced Control Surfaces with Freeplay and Other Nonlinear Features
    - Published for comment on 4/20/06; Comment period closed 5/25/06
  - Policy Statement on Modifications which Impact Airplane Exterior Lighting
    - Published for comment on 7/26/06; Comment period closed 8/25/06
  - Policy Statement on Minimizing Potential Injury Hazards of Deployment Mechanisms
    - Published for comment on 7/31/06; Comment period closed 8/29/06

November 2006 TAEIG Meeting

Non-Rulemaking Project Status: (since March 2006)

continued

- Part 25 Draft ACs issued:
  - AC 120-YY: Widespread Fatigue Damage on Metallic Structure*
    - Published for comment on 5/12/06; Comment period closed 9/18/06
  - AC 120-XX: Damage Tolerance Inspections for Repairs
    - Published for comment on 7/7/06; Comment period closed 9/18/06
  - AC 25.571-1X: Damage Tolerance and Fatigue Evaluation of Structure*
    - Published for comment on 8/18/06; Comment period closed 10/21/06

* *ARAC projects*

November 2006 TAEIG Meeting

Non-Rulemaking Project Status: (since March 2006)

continued

- Part 33 Draft Policy and ACs issued:
  - AC 33.XX-1: Certification of 30-Second and 2-Minute OEI Ratings for Rotorcraft Engines
    - Published for comment on 4/14/06; Comment period closed 5/15/06
  - AC 33.75-1X: Guidance Material for 14 CFR § 33.75 Safety Analysis
    - Published for comment on 8/4/06; Comment period closed 9/27/06
  - AC 33.XX: Turbine Engine Repairs and Alterations – Approval of Technical and Substantiation Data
    - Published for comment on 8/27/06; Comment period closed 9/26/06
  - Policy for Electronic Propeller Control System
    - Published for comment on 9/27/06; Comment period closed 11/27/06
  - AC 33.63: Turbine Engine Vibration
    - Published for comment on 10/26/06; Comment period closed 11/27/06

November 2006 TAEIG Meeting

Certification Management Team (CMT) Actions:

- The FAA recently received EASA's 2008 Rulemaking Inventory.
- The FAA is awaiting EASA comments on our draft 2007-2010 Rulemaking Program.

Transport Canada Civil Aviation Report

Presented to: TAEIG

By: Eric S. Lucas

Date: November 29, 2006





Transport Canada Transports Canada

Canada

Report on 4 Major Activities:

1. Rewrite of procedural regulations on aeronautical product certification
2. New Accountability Framework – Aircraft Certification
3. Implementation of Safety Management Systems
4. Re-organization of Transport Canada Civil Aviation

1. Rewrite of Procedural Regulations on aeronautical product certification

- Current regulatory framework difficult to navigate *(fragmented and further divided into regulations and standards)*
- Intent of rewrite is to harmonize regulations in structure and content with FAA's and EASA's
- Rewrite proposal currently under legal review, and anticipated to come in to force in Y2007

2. New Accountability Framework – Aircraft Certification

- New framework moving from “Delegation” to “Accreditation”
- Takes into consideration similar system(s) used by Canada’s bilateral partners *(compatibility issues)*
- Extensive consultations and partnership with Canadian industry in refining the new Framework and finalizing recommendations by 2007

3. Implementation of Safety Management Systems

- Improving safety through pro-active management rather than reactive compliance with regulatory requirements

- Already a legal requirement since May 2005 for selected Aircraft Maintenance Organizations and for “big” Airline Operators. Other SMS application under consideration

- Implementation in 4 transition phases, with full compliance targeted for 2008

4. Re-organization of Transport Canada Civil Aviation

- Intended to respond to industry growth, SMS implementation, limited resources, aging workforce
- Re-organization to review Headquarter and Regional structures, activities, staffing, and job descriptions
- Transition to new organization initiated, with full implementation (end state) targeted by 2009

Thank You.

Questions ?

EASA Update

Nov 29, 2006

EASA Update

- Recent developments in the field of the TAEIG:
  - **Amendment 2 to CS-25 has been published on October 2**
  - **Amendment 1 to CS-P has been published on November 16.**
  - **NPA 05-2006 on aging aircraft structure was published on April 25**
  - **NPA 02-2006 on doors and mechanical systems was published on March 9**
  - **NPA 04-2006 on symbolic exits signs and revised standards for cargo compartments was published on 25 April. The corresponding Comment Response Document is on the EASA web-site for comments until January 14, 2007.**
  - **We have experienced delays on the 2006 rulemaking programme and this will lead to an overflow on the 2007 work programme that will need to be revised. We are at the time being starting the discussions with our advisory bodies (AGNA: Advisory group of National Authorities and SSCC: Safety Standard Consultative Committee) to develop the 2008 Rulemaking programme. As part of the process of development of the 2008 work programme, we have passed the Inventory of rulemaking Tasks to FAA so that we can define subjects of common interest and the associated working methods. The 2008 rulemaking programme should be adopted in July 2007.**

Ice Protection HWG Status

Presentation to ARAC TAEIG
November 29 - 2006

Outline

- Task 1 Submittal
- Task 2 Status
- Task 5 & 6 Working Group Report Submittal
- Schedule
- Questions?

Task 1 Recommendation (TSO Aspects)

IPHWG

- Task 1 - Closed, except for TSO aspects
  - ⇨ IPHWG deferred discussion of this aspect until completion of Task 2
  - ⇨ Discussed at August IPHWG meeting
- Concerns over ability to consider installation level effects in a TSO
  - ⇨ Complexity of interface between equipment and system level certification
  - ⇨ Installation criticality drives the requirements for equipment level qualification
    - Ice detection threshold effects
- Requirements in EASA ETSO proposal are covered by existing or draft FAA advisory materials
- Consensus of the IPHWG is that a TSO for an ice detector or aerodynamic performance monitor is not recommended

Task 2 Status

IPHWG

- Task 2 working group report revision A submitted to TAEIG on 12/23/2005
  - ⇨ Contained proposed Appendix X defining a large droplet environment
- Some questions have come up regarding probability methods used in determining Appendix X vs. Appendix C
  - ⇨ Appendix X based on probability of exceeding water content
  - ⇨ Appendix C appears to be based on joint probability of drop size and water content
    - Methods used during development of Appendix C are not fully documented
- Both methods appear technically viable
  - ⇨ Has the potential to alter the water contents in Appendix X
  - ⇨ Could alter ice shape analysis used by FTHWG in determining applicable subpart B requirements

Task 2 - Status (cont)

- Alternative analysis methods have been discussed as a WG, but no concrete proposals have been put forward
  - ⇨ Recreation of Appendix C analysis methods was reviewed at last meeting
  - ⇨ No equivalent large droplet analysis available
- As there is no alternate proposal for Appendix X at this time, there is nothing for the IPHWG to recommend
- Do not have sufficient justification to rescind previous recommendation
  - ⇨ If new data comes forward, IPHWG is prepared to review
  - ⇨ Previous recommendation is still valid

Task 2 Phase IV review

IPHWG

- Excerpt from TAEIG 11/4/05 letter to the FAA:
  - "TAEIG strongly endorses the recommendation for continued research while the ARAC recommendation progresses through the rulemaking process. TAEIG believes this will be critical in order to assure a viable and effective means of compliance at the time the rule is promulgated. TAEIG requests that prior to issuance of an NPRM on this subject, that a Phase 4 review be conducted with the IPHWG. This review is needed to ensure maximum linkage to the progress made in the proposed research activity to the actual NPRM."
- Struggling to translate into specific actions
  - Does an acceptable means of compliance exist at the time of the phase 4 review?
  - Will there be an acceptable means of compliance when the final rule is issued?
  - Is there maximum linkage to the research progress and the publication of the NPRM?

Tasks 5 & 6 Working Group Report

IPHWG

- Tasks 5 & 6 recommendations were combined into a single working group report
- Task 5 - "Consider the effects icing requirement changes may have on 14 CFR 25.773(b)(1)(ii), 25.1323(e), 25.1325(b) and JAR 25.773(b)(1)(ii), 25.1323(e), 25.1325(b). Revise and harmonize the regulations if necessary."
  - ⇨ Task 2 report addressed large droplet aspects of this tasking
- Task 6 - "Consider the need for a regulation on ice protection of angle of attack probes."

Task 5 Recommendation

IPHWG

- Task 5 recommendation is to revise 25.1323(i) to include mixed phase and ice crystal conditions
  - ⇨ Defined in EASA AMC material
  - ⇨ Currently being applied through CRI's by EASA
- Some modifications of the ice crystal/supercooled drop definition
  - ⇨ Intended to capture current best practices

Air Temperature	Altitude Range		Ice Water Content	Liquid Water Content	Horizontal Extent		Ice Median Mass Dimension	Liquid Water MVD
(°C)	(ft)	(m)	g/m^3	g/m^3	(km)	(n miles)	(µm)	(µm)
0 to -20	10 000 to 30 000	3000 to 9000	4	1	5	3	100 to 1000	20
			1	1	100	50		
			0.5	0.5	500	300		
-20 to -40	15 000 to 40 000	4500 to 12 000	5	0	5	3		
			2	0	20	10		
			1	0	100	50		
			0.5	0	500	300		

Task 6 Recommendation

IPHWG

- Task 6 recommendation is to propose a rule for angle of attack sensor that includes the icing environment, including mixed phase
- Concern is for pressure sensing angle of attack sensors
  - ⇨ As opposed to trailing vane type devices
- At last report, IPHWG was not going to recommend a rule
  - ⇨ Would continue to rely on 25.1309 to require equipment operation under foreseeable operating conditions
  - ⇨ Intended to note in AC that special conditions may be required for pressure sensing type devices
  - ⇨ Informal FAA legal review was not favorable for this approach
- As such technology exists today, would not be considered new and novel
- IPHWG recommends rule change to ensure angle of attack systems perform in expected icing environments

Schedule

- Remaining actions
  - ⇨ Monitor Appendix X water content issue
  - ⇨ Preparation for Task 2 Phase IV review
- No future meetings planned at this time
  - ⇨ Will schedule meeting if required
  - ⇨ Plan is to coordinate via teleconferences, e-mails

Questions?

ASAWG Report to TAEIG

Specific Risk Tasking

November 30, 2006

Airplane Safety Analysis Working Group

- Statement of Issue
- Specific Risk Tasking
- ASAWG Membership
- Proposed Schedule
- ASAWG Status
- Task 1 Results
- ASAWG Task Plan

Statement of Issue

- Previous ARAC harmonization working groups produced varying recommendations to handle specific risk
- Aircraft are becoming increasingly integrated where individual system functional boundaries are not well defined
- Inconsistencies in the safety analysis across systems could result in the use of nonstandard system safety assessments across various critical systems making it hard to properly evaluated at the aircraft level

SPECIFIC RISK TASKING

- FAA Notice on 3/21/06 - ARAC Tasking to TAEIG
  - Task 1 - Develop definition(s) and examples
  - Task 2 - Review of existing material and identify industry application
  - Task 3 – Determine adequacy of existing and proposed regulatory and guidance material
  - Task 4 – Develop recommendations for rulemaking and guidance material

SPECIFIC RISK TASKING

- ASAWG Formulation on 7/25/06 – TAEIG Tasking to ASAWG
  - Co-Chairs
    - Roger Knepper – Airbus
    - Ed Wineman - Gulfstream
  - 18 Total members
    - 7 Airframers
    - 5 Suppliers
    - 4 Regulatory
    - 2 Users
  - Over 32 SMEs identified with half currently active in covering both operations and design

ASAWG Membership

NAME	COMPANY	CONTACT INFORMATION
Bartron, Michael	P&W	michael.bartron@pw.utc.com
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Wineman, Ed	Gulfstream	ed.wineman@gulfstream.com
Yerger, Mark	FedEx	mdyerger@fedex.com

Proposed Schedule

- Move initial tasking by three months due to late identification of ASAWG membership
- Maintain task sequence defined in Federal Register Notice after Task 1 with four month lag

TASK	DESCRIPTION	NOTICE	REVISED
1	Develop definition of specific risk and catalog examples of its application	21 AUG 2007	NOV 2006
2	Identify relevant requirements, guidance and recommendations related to specific risk and its use	21 FEB 2007	JUN 2007
3	Determine adequacy of the existing/proposed standards and if a change is warranted	21 NOV 2007	MAR 2008
4	Prepare a report identifying recommendations	21 MAY 2008	SEP 2008

ASAWG Status

- First meeting held in Seattle on August 29-31
  - Specific Risk definition developed
  - Examples provided by each airframer and supplier
  - Four Task Groups (TGs) defined
  - Task plan developed
  - Kicked off Task 2 with MMEL and Latent Failure TGs
- Two ASAWG Web meetings and numerous TG meetings completed after August
  - Support definitions developed
  - Validation of examples pursued

ASAWG Status Cont.

- Task 1 culmination meeting in Savannah on Nov 7-9
  - Specific Risk definition and supporting data finalized
  - Validation process refined
  - Validation of definition performed
  - Particular conditions/examples developed
  - Report outline developed
- Status Briefing to TAEIG on Nov 29th

Task 1 - Definition

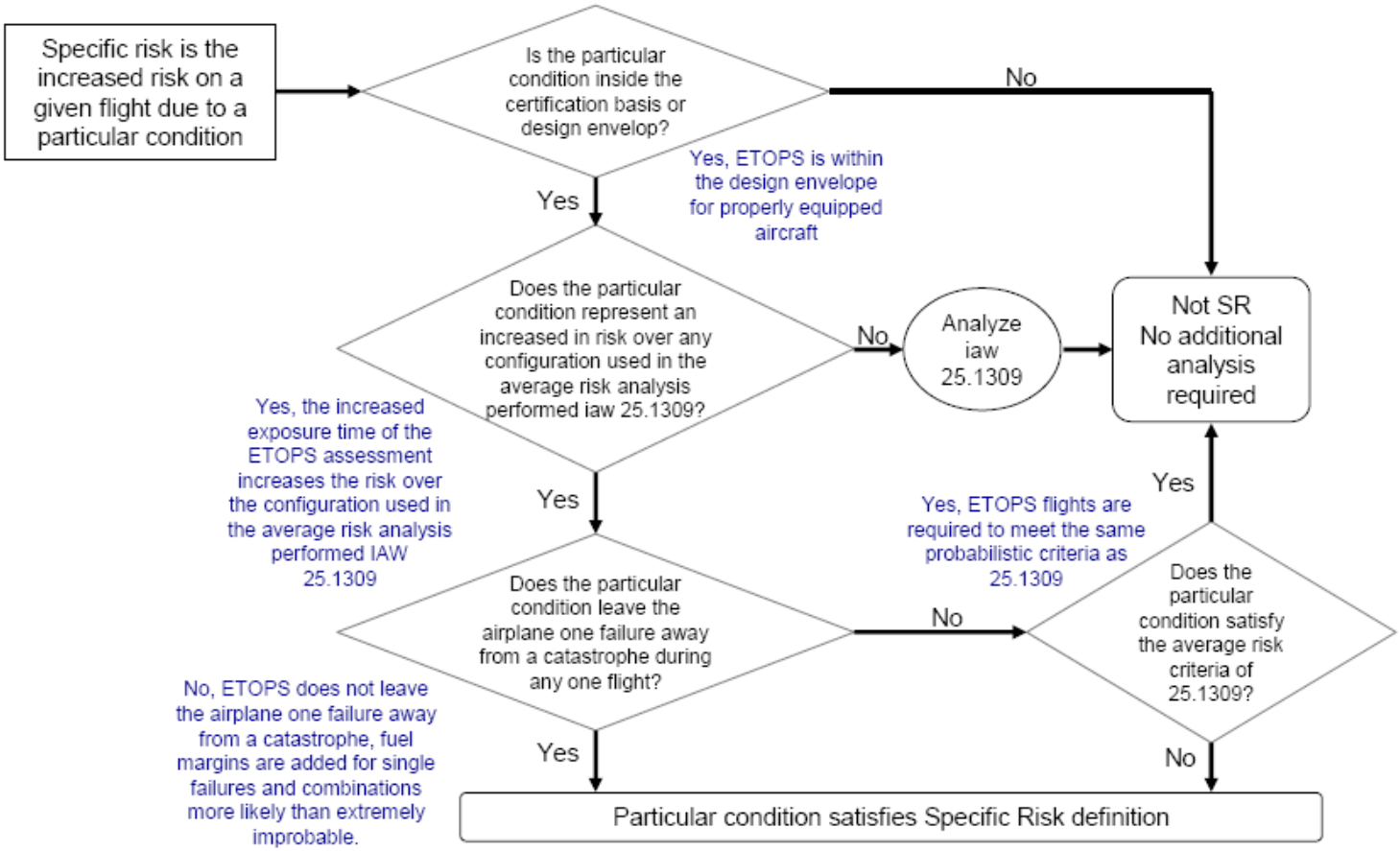
- Specific Risk Definition
  - Must be thorough yet concise
  - Should encompass not invalidate previous work performed in the past
  - Should not encompass methodology or describe how it should be addressed
  - Goal was to encompass the meaning of specific risk in one sentence

Specific Risk: The increased risk on a given flight due to a particular condition

Task 1 – Definition Cont.

- Increased risk is compared to the quantitative average risk as defined by FAR/JAR 25.1309
  - Average Risk: The average probability of failure for some baseline population of airplanes over their entire life
  - Baseline Population: Any aircraft configuration used in the average risk calculation.
- Particular conditions potentially relevant to specific risk were identified using the guidance provided by the ARAC notice
  - MMEL
  - Latent Failures

Task 1 – Validation Example



Task 1 – Results

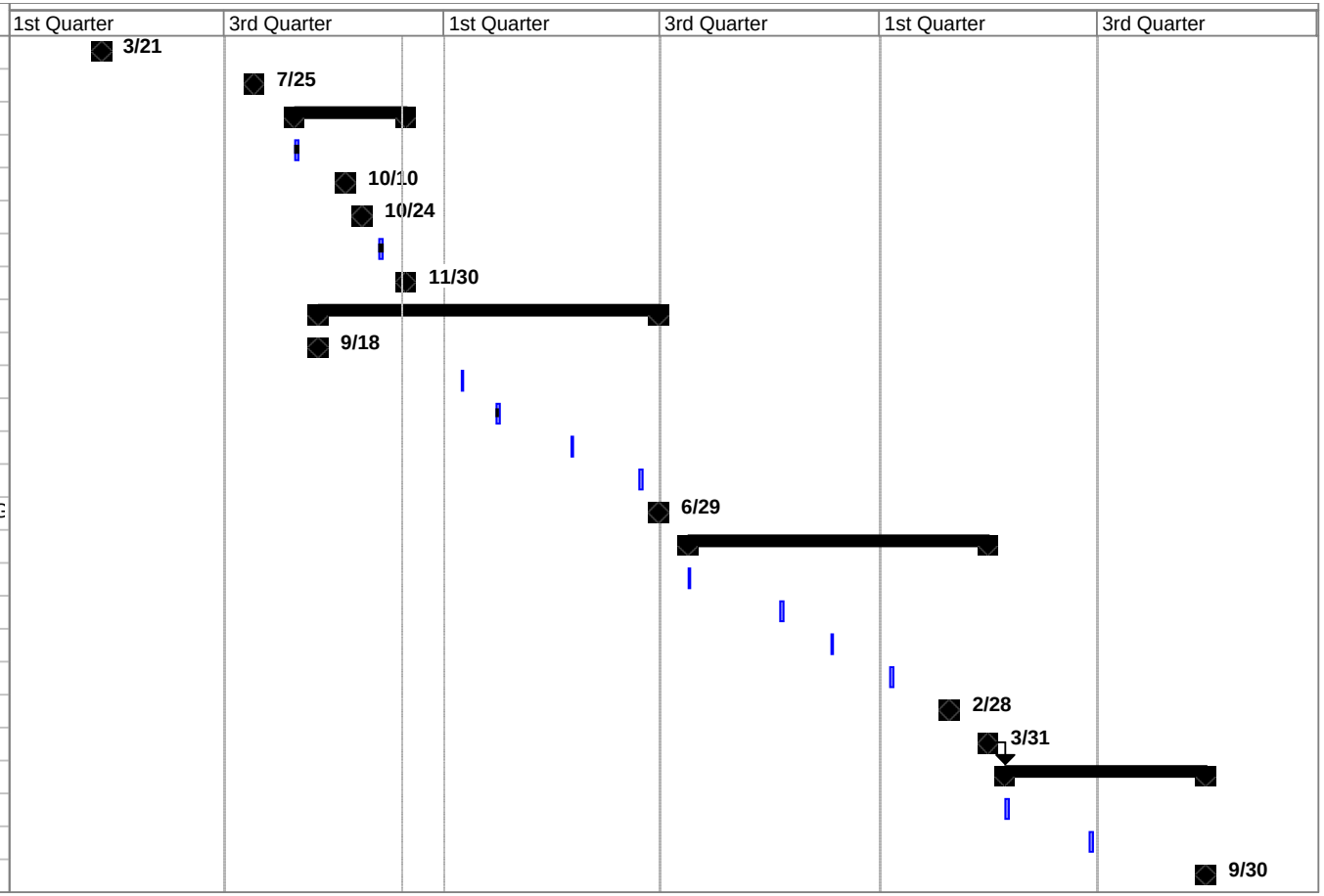
Specific risk is the increased risk on a given flight due to a particular condition.							
Particular Condition	Inside Envelope / Spec?	Actual or Potential risk condition?	Does the particular condition leave the airplane one failure away from a catastrophe during any one flight?	Does it satisfy average risk criteria of 25.1309?	Does it need to be addressed further?	Comments (address further)	Comments
MMEL	Y	A	N	N	**Y**	- Acceptable level of safety to be defined (JAR MMEL). - Standardized approach to be developed. - Some OEMs satisfy average risk criteria of 25.1309.	
Operating mode	Y	A	N	Y	N		- Operating modes related to failures are addressed separately. - Not SR, because it is not an increased risk in comparison to the worst case baseline.
Flight condition	Y/N	A	N	Y	N		- Not SR, because it is not an increased risk in comparison to the worst case baseline.
Design variability	Y/N	A	N	Y/N	**Y**	- Variability affects a random failure distribution.	
Flight phase	Y	A	N	Y	N		
Flight time	Y	A	N	Y/N	**Y**	- If flight time is always below average, than cycling effects are perhaps not properly covered.	- 25.1309 compliance: "Yes" for ETOPS maximum flight time, potentially "No" for Non ETOPS maximum flight time (incl. diversion time).
Diversion / Return to land	Y	P	N	N	**Y**	- Issue Paper available.	
Latent failure (pre-existing)	Y	P	Y	N	**Y**	- Pre-existing means latent failures are considered with probability 1.	- Non pre-existing latent failures are covered by 25.1309.
Active failure	Y	P	Y	N	**Y**	- Recent ARAC recommended Regulations to be re-examined like 25.671, 25.981, 25.933	

Task 1 – Summary of Results

- Specific Risk is defined as the increased risk on a given flight due to a particular condition
- Particular Conditions to be used in Tasks 2 & 3
  - MMEL
  - Latent Failure
  - Design Variability
  - Flight Time
  - Diversion / Return to Land
  - Active Failure
- Task 1 results documented in draft report
  - Report grows as each task is completed
  - Report will be formally released at the end of Task 3

Proposed Task Plan

ID	Task Name
1	Notice of Task Assignment
2	Membership Notification
3	**Task 1**
4	Kick Off Meeting
5	Web-EX Meeting
6	Web-EX Meeting
7	Meeting in Savannah, GA
8	TAEIG Status Brief
9	**Task 2**
10	Start Task 2
11	Web-EX Meeting
12	Meeting in Palm Coast, Fl
13	Web-EX Meeting
14	Meeting in Merignac, France
15	Issue Task 2 Report to TAEIG
16	**Task 3**
17	Web-EX Meeting
18	Meeting in Toulouse, France
19	Web-EX Meeting
20	Meeting in TBD
21	Brief Findings to TAEIG
22	TAEIG Concurrence
23	**Task 4**
24	Meeting in TBD
25	Meeting in TBD
26	Final Report Submittal



Questions?

AAWG Report to TAEIG

November 29, 2006

Airworthiness Assurance Working Group

Airworthiness Assurance Working Group

- Membership
- Meetings
- Current Task
- Status
- EASA Request

AAWG Membership

Last Name	First Name	Representing	Voting	E-mail Address
Arabi	Mary	Airborne Express	Yes	mary.arabi@airborne.com
Coile	Mark	UPS	Yes	amx1mac@ups.com
White	Joe	ATA	Yes	jwhite@air-transport.org
Demarest,	Harry	American Airlines	Yes	harry.demarest@aa.com
Fenwick	Linsay	ALPA	Yes	fenwickl@alpa.org
Gaillardon	Jean-Michel	Airbus	Yes	jean_michel.gaillardon@airbus.fr
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Varanasi	Rao (Co-Chair)	Boeing	Yes	rao.varanasi@ boeing.com
Walder	Ray	IATA	Yes	walderr@iata.org
Yerger	Mark (Co-Chair)	FedEx	Yes	mdyerger@fedex.com

Blue - New

Meetings

- The most recent meeting of the AAWG was June 26, 2006
- Member Representatives from the following organizations were in attendance.

Airbus	FAA
American	FedEx
British Airways	Northwest
Boeing	United
Continental	US Airways

Meetings Con't

- Next Meeting is planned for January 2006, hosted by Airbus in Miami FL.

EASA Participation

- Previously, the AAWG expressed concerns about the lack of EASA participation.
- EASA attended the AAWG -TPG meeting that occurred in July of this year.
- During that meeting, EASA expressed their support and interest in the TAEIG/AAWG Tasking and were watching this with interest.
- They also related that they had published a NPA in April that they will use to enact aging rules for Europe. They indicated that this was their prime activity at this time and would consider the deliberations of the AAWG in their rulemaking.

Current Tasks

- AASFR Task
  - Tasked - May 13, 2004
  - Status - In work and on schedule
  - Two Phases
    - Phase 1 is complete as of December 9, 2005*.
    - Scheduled Completion for Phase 2 is December 2009

*Follow-on activities as authorized by TAEIG should be complete January 2007.

AASFR

ARAC Tasking

- On May 13, 2004, the FAA officially notified ARAC that it had tasked the AAWG to provide both Advisory Material and Model Specific Information
  - Two Phases
    - Phase 1 - Develops an Advisory Circular for compliance to §121.370a/129.16 - due December 2005.
    - Phase 2 - Develops any necessary Model Specific information needed for §121.370a/129.16 Compliance.
  - Phase 2 Tasking must be complete by Dec 2009.

TAEIG Action

December 9 2005

- Accepted the AAWG Final Report and AC concerning Repairs and Repairs to alterations
- Authorized AAWG recommended follow-on work on Phase I, Tasks 2 and 3
  - Phase I, Task 2 - Supplemental Inspections of Alterations
  - Phase I, Task 3 - WFD analysis of alterations

AASFR
AAWG Action

- During the June 26, 2006 AAWG meeting:
  - The AAWG reviewed and approved the Phase 1, Task 2 Task Group report.
  - Authorize the presentation of the report to the TAEIG
  - Reviewed the Task Group position on Phase 1, Task 3 - Follow-on activities.
  - Established the next meeting for January, 2007 in Miami to review and approve the Phase 1, Task 3 report.

AASFR

Task Group Make-up

Representative	Organization	Representative	Organization
Mary Arabi*	**ABx**	Gregg Schneider	**FAA**
Alain Santegema	**Airbus**	Bob Eastin	**FAA NRS**
Andreas Behrmann	**Airbus**	Wayne Richmond	**FedEx**
Phil Yannaccone	**American Airlines**	Laurent Pinsard	**EASA**
Gary Goodman*	**Skywest**	Hisashi Fukuda	**JAL**
Amos Hoggard	**BCA**	Gregg Pattison	**NWA**
Doug Marsh	**BCA**	Paul Sesny*	**United**
Phil Ashwell	**British Airways**	Bruce Nord	**UPS**
Jack Abi-Habib*	**Continental**	Gregg Delker	**US Airways**
Mark Peterman*	**TIMCO**	Matt Creager*	**SIE**
Maurizio Molinari	**Transport Canada**		

* Corresponding Member

ARAC Tasking

Task 3 - Phase 1 Follow-on Work

- *Task 3.—Widespread Fatigue Damage (WFD) of Repairs, Alterations, and Modifications*

The AAWG has been tasked by the TAEIG to assemble a group of technical experts for the development of the required technical basis on how to address WFD for RAMs. The work product of this activity would be material for inclusion in either FAA Advisory Circular 120-AAWG or yet another, to be determined, AC.

ARAC Tasking

Follow-on Activity Status

- *The AAWG is currently scheduled to complete this activity in January 2007 and provide recommendations to TAEIG according to the following schedule:*
  - *Task 3 - Mid February 2007*

Phase 2, Task 4

- Development of Model Specific Compliance Data begins when the TAEIG accepts and forwards the AAWG recommendations to the FAA.
- Completion of Phase 2 is scheduled for December 2009.

AASFR

Task Group Meeting Schedule

Septe m be r 15 -1 7, 20 0 3	Š	Seatt le W ash ingto n (Boe in g)
Nove m ber 11 -1 4, 20 0 3	Š	London Eng la nd (Br itis h A irw ays)
M arch 2 9 -Apr il 2, 2004	Š	Tou louse Fr a nce (A ir b us)
M ay 17 -21, 2 0 04	Š	M e m ph is Ten n essee (FedE x)
Ju ly 12 -16 , 2004	Š	Gat w ick Eng land (CAA -UK)
S epte m be r 20 -2 1, 20 0 4	Š	Long Beach (Boe ing)
Nove m ber 15 -1 9, 20 0 4	Š	Brusse ls Be lg iu m (FAA)
January 3 1- Feb 4, 2005	Š	M ia m i F L (A irbu s)
M arch 1 , 200 5	Š	AA W G M eet ing Š M ia m i FL (A irbus)
M arch 1 4 -18 , 2005	Š	Ha m burg GE (A irbus)
M ay 2 -6 , 2005	Š	Long B each CA (FAA/Boe ing)
June 13 -19, 2 0 05	Š	Co lli oure FR (A irbus)
Septe m be r 26 -3 0,20 0 5	Š	Seatt le W A (Boe ing)
October 2 6, 20 0 5	Š	AA W G M eet ing Š M e m ph is TN (F edE x)
Nove m ber 7 -1 1 , 200 5	Š	Br isto l UK (A irbus)
January 2 3 -27 , 2006	Š	M ia m i F L (A irbu s)
January 2 6, 20 0 6	Š	AA W G M eet ing Š M ia m i FL (A irbus)
M arch 6 - 10 , 2006	--	Sev ill a Sp (A irbus)
M ay 1 - 5, 20 0 6	--	Long Beach CA (FAA/Boe ing)
June 23 -27, 2 0 06	--	M ia m i F L (A irbu s)
June 26, 2006	--	AA W G M eet ing Š M ia m i FL (A irbus)
October 2 3 -2 7 , 2006	--	Seatt le W A (Boe ing)
Dece m ber 4 -7, 2006	--	Ha m burg FRG (A ir bus)
January 1 7, 20 0 7	--	AA W G M eet ing Š M ia m i FL (A irbus)

Questions?

Widespread Fatigue Damage (WFD) Notice of Proposed Rulemaking (NPRM)

November 29, 2006

Federal Aviation Administration

Purpose and Ground Rules

Purpose of Presentation:

To provide an overview of and rationale for the differences between the ARAC WFD recommendation and the WFD NPRM.

Ground Rules for Discussion:

Due to ex parte communication concerns, we will only discuss the differences and rationale.

We will not cover if or how the final rule will be modified to address the comments received to the NPRM.

We can address questions requesting clarification of the points being made, but cannot address comments on the NPRM or rationale, or requests for the FAA to revise the rule.

FAA Tasking and ARAC Recommendations

- **The FAA issued two tasks in 1999.**
  - First task requested that ARAC propose new operating rules (14 CFR parts 91, 121, 125, 129, and 135) to address WFD.
  - Second task requested that ARAC review part 25 (section 25.571 and Appendix H) and recommend changes to provide compatibility with the operational rules addressing WFD.
- **In 2001 and 2003, ARAC made two rulemaking recommendations relative to widespread fatigue damage.**

2001 ARAC Recommendation

- **FAA should issue an operational rule that requires operators incorporate:**
  - A “structural maintenance program” into its maintenance program and a “limit of validity” (LOV) of the maintenance program.
  - A revised structural maintenance program with a revised LOV into its maintenance program in order to continue operation.
  - A program to address existing and new repairs and alterations.

2003 ARAC Recommendation

- **FAA should issue a revision to section 25.571 that requires applicants:**
  - Show the airplane free from WFD up to the “limit of validity” (LOV) of the maintenance program.
  - Incorporate the LOV into the Airworthiness Limitation section of the Instructions for Continued Airworthiness.

Differences between recommendation and NPRM

Areas of differences:

- Applicability of Rule
- Limit of Validity (LOV) vs. Initial Operation Limit (IOL)
- Baseline Program for Existing Airplanes
- Compliance Dates for Baseline Program
- Airplane Configuration
- Repairs and Alterations
- Methodology for Addressing Repairs and Alterations (Guidelines)
- Extended LOV vs Extended Operational Limit (EOL)
- New Certification Programs

Applicability of Rule

ARAC Recommendation

The rule should apply to:

- Airplanes operated under part 91, 121, 125, 129, or 135 with a maximum takeoff gross weight (MTGW) of greater than 75,000 lbs.
- All future part 25 airplanes (new certification).

FAA NPRM

The proposal applies to:

- Airplanes operated under part 121 or 129 with:
  - MTGW of greater than 75,000 lbs.
  - MTGW of less than 75,000lbs and later increased to greater than 75,000 lbs.
- All future part 25 airplanes (new certification).

Applicability of Rule

Rationale for FAA NPRM approach:

- To ensure a cost-beneficial regulatory evaluation, the FAA reduced the scope of the proposed operational rule.
- The FAA found it necessary to address those airplanes originally certificated to a MTGW of 75,000 lbs or less that had been later modified to a MTGW greater than 75,000 lbs.

LOV vs. IOL

ARAC Recommendation

- Require an limit of validity (LOV) of the maintenance program to be established.
- LOV of the maintenance program is the point in time in flight cycles or hours, where additional inspections and/or modification/replacement actions must be incorporated into the operator's maintenance program in order to continue operation.

FAA NPRM

- Require an initial operational limit (IOL) to be established.
- IOL is the period of time, stated as a number of total accumulated flight cycles or flight hours, beyond which an airplane may not be operated.
- Operation beyond an operational limit would require incorporation of an extended operational limit and necessary inspections, modifications or replacements.

LOV vs. IOL

Rationale for FAA NPRM approach:

- The FAA anticipated that the term “limit of validity” (LOV) of the maintenance program could be misinterpreted: it could imply that an entire maintenance program would be invalid at some point.
- Since the AAWG’s clarification of the LOV definition stated it represented an “operational limit,” the FAA decided to use that term instead of LOV.
    - Both the LOV and IOL have the effect of limiting the operation of the airplane, unless further work is done

Baseline Program for Existing Airplanes

ARAC Recommendation

- DAH: No requirement.
- Operator: Incorporate a structural maintenance program into its maintenance program and "limit the validity" (LOV) of the maintenance program.
  - Structural maintenance program includes SSIP, CPCP, RAP, and mandatory modification program (Aging Aircraft Program).

FAA NPRM

- DAH: Perform an evaluation to determine when WFD is likely to occur and to establish an IOL.
  - Maintenance actions developed per FAA-approved schedule (i.e., binding schedule).
  - IOL incorporated into Airworthiness Limitations section (ALS).
- Operator: Incorporate ALS that includes the IOL into its maintenance program.

Baseline Program for Existing Airplanes

Rationale for FAA NPRM approach:

- The Design Approval Holder (DAH) requirements support operator compliance with the operational rule:
  - FAA Aging Airplane Program Update (published 7/30/04)
  - FAA's policy on Design Approval Holder Rules (published 7/12/05)

- The NPRM did not include SSIP, CPCP, RAP or the mandatory modification programs because they have been mandated by airworthiness directives (AD) or operational rules, or voluntarily incorporated through MSG-3.

Baseline Program for Existing Airplanes

Rationale for FAA NPRM approach continued:

- During discussions with AAWG, it was thought that type certificate (TC) holders would:
  - Set an initial LOV at approximately DSG (all airplanes)
  - Provide a program for operators to accomplish after they have passed the initial LOV (DSG)
  - Set new LOV at 125-150% of the DSG
- TC holders later presented a different approach to operators and the FAA.
  - No initial LOV at DSG
  - Baseline program is accomplished by Service Bulletins and ADs
  - Set LOV at 125-150% of the DSG
- The NPRM uses the approach described in the second bullet.

Compliance Dates for Baseline Program

ARAC Recommendation

- DAH: No requirement.
- Operator: Incorporate LOV within 12 months after rule effective date

FAA NPRM

- DAH: Establish IOL by 12/18/07
  - 12-month compliance time after rule effective date
- Operator: Incorporate the IOL by 6/18/08
  - 18-month compliance time after rule effective date

Compliance Dates for Baseline Program

Rationale for FAA NPRM approach:

- The Design Approval Holder (DAH) requirements support operator compliance with the operational rule:
  - FAA Aging Airplane Program Update (published 7/30/04)
  - FAA's policy on Design Approval Holder Rules (published 7/12/05)

- In order to achieve FAA objectives to complete implementation of rule by 2010, hard compliance dates were proposed.

Airplane Configuration

ARAC Recommendation

Configuration is defined as "baseline" structure.

FAA NPRM

Configuration is defined as "baseline" structure plus ADs mandating modifications or replacements.

Airplane Configuration

Rationale for FAA NPRM approach:

- The DAH should evaluate their airplane configuration as it exists today, which includes configuration changes mandated by AD.

Repairs and Alterations

ARAC Recommendation

LOV

- DAH: No requirement.

FAA NPRM

Initial operational limit

- DAH: Address certain existing repairs and alterations up to the initial operational limit.
  - TC holder to evaluate their repairs and alterations (e.g., service bulletins and structural repair manuals) by 12/18/09.
  - STC holder to evaluate their alterations by 12/18/10.
- Applicant: Address new alterations by 12/18/10 or the date the certificate is issued, whichever occurs later.

Repairs and Alterations (continued)

ARAC Recommendation

LOV

- Operator: Address all repairs and alterations susceptible to WFD.
  - Within 48 months after airplane reaches its initial LOV (DSG), address existing repairs and alterations for WFD.
  - Within 18 months after installation, evaluate new repairs and alterations and establish inspection and/or modification threshold.

FAA NPRM

Initial operational limit

- Operator: Address repairs and alterations susceptible to WFD for which airworthiness directives have been issued.

Extended operational limit (EOL)

- Person seeking approval of EOL: Evaluate existing repairs and alterations for each affected airplane.
- Operator: Address new repairs and alterations within 90 days after installation.

Repairs and Alterations

Rationale for FAA NPRM approach:

- The main concern for WFD is the baseline airplane structure.
- Existing non-TC holder repairs are not evaluated unless an EOL is established. Approach provided by ARAC delays evaluation to 48 months after reaching LOV, such that the evaluation of existing repairs may not happen.
- New repairs should be less of a concern than existing repairs.
- If LOVs were established much higher than DSG, existing repairs and alterations would not be evaluated (under approach recommended by ARAC).
- FAA approach ensures most repairs and alterations would be evaluated.

Guidelines

ARAC Recommendation

No recommendations for developing specific guidelines.

- AAWG provided general criteria.

FAA NPRM

Proposed that TC holders develop guidelines for evaluating repairs and alterations.

- The FAA tasked ARAC to develop guidance material relative to assessing repairs and alterations (May 2004).

Guidelines

Rationale for FAA NPRM approach:

- Since the proposed AC from ARAC did not provide a means of compliance for repairs and alterations, the FAA needed to address this in our proposal.

Extended LOV vs. EOL

ARAC Recommendation

The operators' maintenance program must be revised to include a new structural maintenance program (inspections and modification/replacement actions to the baseline structure) and a new/extended LOV in order to continue operation.

FAA NPRM

To establish an EOL, the airplane configuration must include "baseline" structure and ADs plus repairs and alterations.

Extended LOV vs. EOL

Rationale for FAA NPRM approach:

- Configuration included repairs and alterations to ensure repairs and alterations not evaluated under IOL were addressed under the EOL.
- ARAC delays evaluation of existing repairs and alterations to 48 months after reaching LOV.
- If LOVs are established much higher than DSG, existing repairs and alterations would not be evaluated (under approach recommended by ARAC).
- The main concern for WFD is the baseline airplane structure.

New Certification Programs

ARAC Recommendation

- TC Applicant:
  - Establish an LOV and demonstrate with full-scale fatigue test evidence that WFD will not occur up to the LOV.
  - Incorporate the LOV into the ALS.
- Compliance by the completion of the certification test or FAA-approved schedule.

FAA NPRM

- TC Applicant:
  - Establish an IOL and demonstrate with full-scale fatigue test evidence that WFD will not occur up to the IOL.
  - Incorporate the IOL into the ALS.
- Compliance by the completion of the certification test or FAA-approved schedule.

Summary

- We identified nine areas of differences between the ARAC WFD recommendation and the WFD NPRM.
- We explained our rationale for those differences.
  - Possible misinterpretation of the term “LOV”
  - Incorporation of design approval holder requirements
  - Change in approach in setting LOV by TC holders
  - Means of compliance for repairs and alterations not provided by ARAC

respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e–16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. See, e.g., 29 CFR part 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs. Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC–11) with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036–4505 or online through the OSC Web site—*http://www.osc.gov.*

Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate offices within your agency (e.g., EEO/civil rights office, human resources office or legal office). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—*http://www.eeoc.gov* and the OSC Web site—*http://www.osc.gov.*

Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

J. Michael Trujillo,

Director, Departmental Office of Civil Rights, United States Department of Transportation.

[FR Doc. E6–18209 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues.

DATES: The meeting is scheduled for Wednesday, November 29, 2006, starting at 9 a.m. Pacific Standard Time. Arrange for oral presentations by November 15, 2006.

ADDRESSES: Courtyard Marriott, 400 Andover Park West, Tukwila, Washington 98118 (Room to be determined).

FOR FURTHER INFORMATION CONTACT: Nicanor Davidson, Office of Rulemaking, ARM–207, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–5174, FAX (202) 267–5075, or e-mail at *nicanor.davidson@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held November 29, 2006, at the Courtyard Marriott, 400 Andover Park West, Tukwila, Washington 98118.

The agenda for the meeting is as follows:

- Opening Remarks.
- FAA Report.
- Transport Canada Report.
- European Aviation Safety Agency Report.
- ARAC Executive Committee Report.
- Ice Protection Harmonization Working Group (HWG) Report.
- Avionics HWG Report.
- Airplane-level Safety Analysis Working Group Report.
- Airworthiness Assurance WG (AAWG) Report.
- FAA discussion on the Widespread Fatigue Damage Notice of Proposed Rulemaking. and differences with the AAWG ARAC recommendation.

• Action Item Review.

Attendance is open to the public, but will be limited to the availability of meeting room space. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than November 15, 2006. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, the call-in number is (202) 366–3920; the Passcode is ''1158''. To insure that sufficient telephone lines are available, please notify the person listed in the **FOR FURTHER INFORMATION CONTACT** section of your intent to participate by telephone by November 15, 2006. Anyone calling from outside the Washington, DC metropolitan area will be responsible for paying long-distance charges.

The public must make arrangements by November 15, 2006, to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine Issues or by providing copies at the meeting. Copies of the document to be presented to ARAC for decision by the FAA may be made available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on October 23, 2006.

Eve Adams,

Acting Director, Office of Rulemaking.

[FR Doc. E6–18146 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee

ACTION: Notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) and the National Park Service (NPS), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee (ANPOAG ARC). This notice informs the public of the date, location, and agenda for the meeting.

Date and Location: The NPOAG ARC will meet from November 28–30, 2006, at the Zion National Park Lodge, Zion National Park, Springdale, Utah 84767, phone number (435) 772–0211. The meeting will begin at 8 a.m. on Tuesday, November 28, 2006.

FOR FURTHER INFORMATION CONTACT: Barry Brayer, Manager, Executive Resource Staff, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Blvd., Hawthorne, CA 90250, telephone: (310) 725–3800, *Barry.Brayer@faa.gov*, or Karen Trevino, National Park Service, Natural Sounds Program, 1201 Oakridge Dr., Suite 100, Ft. Collins, CO 80525, telephone (970) 225–3563, *Karen_Trevino@nps.gov*.

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000, enacted on April 5, 2000, as Public Law 106–181 (Pub. L. 106–181), required the establishment of a National Parks Overflights Advisory Group (NPOAG) within one year after its enactment. The NPOAG was to be a balanced group representative of general aviation, commercial air tour operations, environmental concerns, and Indian tribes. The duties of the NPOAG include providing advice, information, and recommendations to the NPS Director and the FAA Administrator, on implementation of Public Law 106–181, quiet aircraft technology, other measures that might accommodate interests to visitors to national parks, and, at the request of the Director and Administrator, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

On March 12, 2001, the FAA and NPS announced the establishment of the NPOAG (48 FR 14429). On October 10, 2003, the Administrator signed Order No. 1110–138 establishing the NPOAG as an aviation rulemaking committee (ARC) and on January 20, 2006, the Administrator updated Order No. 1110.138 and signed Order No. 1110.138A (71 FR 16610). The advisory group has held nine meetings. The current members of the NPOAG ARC are Heidi Williams (general aviation), Matthew Zuccaro, Elling Halvorson, and Alan Stephen (commercial air tour operations), Don Barger, Chip Dennerlein, Dr. Gregory A. Miller and Mark Peterson (environmental interests), and Rory Majenty and Richard Deertrack (Native American tribes).

Agenda for the November 28–30, 2006 Meeting

The agenda for the meeting will include, but is not limited to, the following review and approval of previous meeting minutes; discussion of Interim Operating Authority (IOA) issues; update on ongoing Air Tour Management Program (ATMP) projects; NPOAG Subgroup assignments and reports; discussion of Mt. Rushmore Draft Environmental Assessment (EA).

Attendance at the Meeting

Although this is not a public meeting, interested persons may attend. Because seating is limited, if you plan to attend, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** so that meeting space may be made to accommodate all attendees.

Record of the Meeting

If you cannot attend the meeting, a summary record of the meeting will be made available under the program information section of the FAA ATMP Web site at *http://www.atmp.faa.gov* or through the Executive Resource Staff, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Blvd., Hawthorne, CA 90250, telephone: (310) 725–3800.

Issued on October 20, 2006.

Barry S. Brayer,

Executive Resource Manager, Western-Pacific Region.

[FR Doc. 06–8950 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26066]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 75 individuals for exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce

points, to a point or points in the Open Skies countries listed in Attachment A, and beyond.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E6–18754 Filed 11–6–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2007, Through December 31, 2007

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2007, through December 31, 2007, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Stookey, Office of Aerospace Medicine, Drug Abatement Division, Program Analysis Branch (AAM–810), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8442.

Discussion: Pursuant to 14 CFR part 121, appendix I, section V.C, the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2005, the random drug test positive rate was 0.58%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2007.

Similarly, 14 CFR part 121, appendix J, section III.C, requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2005, the random alcohol test violation rate was 0.16%. Therefore, the minimum random alcohol testing rate will remain at 10% for calendar year 2007.

SUPPLEMENTARY INFORMATION: If you have questions about how the annual random testing percentage rates are determined please refer to the Code of Federal Regulations Title 14: part 121, appendix I, section V.C (for drug testing), and appendix J, section III.C (for alcohol testing).

Issued in Washington, DC on November 1, 2006.

Frederick E. Tilton,

Federal Air Surgeon.

[FR Doc. E6–18726 Filed 11–6–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting; correction.

SUMMARY: The Federal Aviation Administration published a document in the **Federal Register** of October 30, 2006, (71 FR 63378) concerning a notice of public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues. The document omitted some relevant information.

FOR FURTHER INFORMATION CONTACT: Nicanor Davidson, (202) 267–5174.

Correction

In the **Federal Register** of October 30, 2006, in FR Doc. E6–18146, on page 63378, in the third column, under **SUPPLEMENTARY INFORMATION**, amend the sixth bullet in the agenda, Ice Protection Harmonization Working Group (HWG) Report, to add sub-bullets as follows:

- Vote on HWG report for Task 1 TSO.
- Vote on HWG reports for Task 5 and Task 6 mixed phase.

Issued in Washington, DC on November 1, 2006.

Eve Adams.

Acting Director, Office of Rulemaking.

[FR Doc. E6–18728 Filed 11–6–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA 2006–26090]

Agency Information Collection Activities: Request for Comments; Renewed Approval of Information Collection; State Right-of-Way Operations Manuals, OMB Control Number: 2125–0586

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew an information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. The collection involves State Departments of Transportation (STD) providing their Right-of-Way Operations Manuals to FHWA. The information to be collected will be used to certify that the manuals are representative of the States right-of-way procedures and the information is necessary to comply with 23 Code of Federal Regulations Part 710.201(c). We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 8, 2007.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FHWA–2006–26090 to the Docket Clerk, by any of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Docket: For access to the docket to read background documents or comments received go to *http://dms.dot.gov* at any time or to Room 401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Walterscheid, (720) 963–3073, Office of Real Estate Services, Federal