FEDERAL AVIATION ADMINISTRATION

2001 AVIATION RULEMAKING ADVISORY COMMITTEE MEETING

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at Reagan National Airport
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P R O C E E D I N G S

10:00 a.m.

Welcome and Introductions

MR. PREST: I have a gavel for the first time in my life, and I refuse to use it. Seems rather primitive in this sophisticated environment.

Welcome to the Aviation Rulemaking Advisory Committee, ARAC as we know it, and I want to especially extend my thanks to everyone for your commitment to the important work that we do.

I'm going to take a moment here and just turn on the microphone, and we have some folks that we will introduce here shortly that are dialing in, and the red -- pardon my reach.

I'm Al Prest, current Chairman of the ARAC Executive Committee. Glenn Rizner, who is the Vice Chair, is unable to be here today, and I apologize on behalf of him, and to my left is Tony Fazio, Executive Director of ARAC, and at this time, I'd like to ask Tony to read the required portion of every meeting that we call the "gospel".

MR. FAZIO: Thank you, Mr. Chairman.

This meeting is being held pursuant to a Notice published in the Federal Register on January 18th, 2001. The agenda for the meeting will be as announced in that Notice with details as set out in the agenda handed out today.

I am the designated FAA official responsible for compliance with the Federal Advisory Committee Act under which the meeting is conducted.

It is my responsibility to see to it that the agenda is adhered to and that accurate minutes are kept. I also have the responsibility to adjourn the meeting should I find it necessary to do so in the public interest.

Placards for the Executive Committee members are set out on the conference table in front of you. Only those members may participate in any discussions and vote on matters put to a vote by the Chair.

The meeting is open to the public, but members of the public may address the Executive Committee or the full ARAC only with the permission of the Chair, which should be arranged by giving advance notice concerning the scope and duration of the intended presentation.

The Chair may entertain public comment if, in his judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person.

Members of the public are welcome to present written material to the committee at any time, and I should note that we are continuing this meeting after lunch as the Executive Committee, and the same announcement of procedures apply to that meeting, also.

Thank you, Mr. Chairman.

MR. PREST: And thank you, Mr. Fazio.

A couple of housekeeping items. They should be listed in the first page of the packet that you picked out with regard to restrooms and the basic amenities offered by the Hyatt.

We will break for lunch, as mentioned by Tony, and those of you who are not members of the Executive Committee are welcome to stay and listen to the proceedings of the afternoon session. So, you may make plans accordingly.

The agenda is also in your packet, and I trust you all have one in front of you. It's an agenda that is designed to review and remind some of us of the way in which we operate at ARAC, and for new members,

it will be an excellent tutorial as to how business is conducted here. This is your group. For it to function, you must participate, and we think we have a pretty good track record and certainly a high level of enthusiasm among the participants in ARAC.

A couple of additional housekeeping items. As we go around the table, the microphone has a push-to-talk button, and we would ask you to turn that off after you have made your comments.

The floor mike in the back of the room or the front of the room, if you will, has an on/off switch, and those of you choosing to use that microphone, if you would not mind -- turning it on and off, so that we don't get feedback, I would appreciate that as well.

I would like to begin with introductions, and please introduce yourself by name and the organization that you represent and make any brief comments that you would like to at this point, and then we'll get right into the formal agenda, and I will start again with the Executive Director, if he would like to add any comments, and then we'll move right around counter-clockwise with Mr. Byrne.

MR. FAZIO: Thank you, Al. Tony Fazio from the FAA, Office of Rulemaking.

MR. BYRNE: Don Byrne, FAA, Assistant Chief Counsel for Regulations.

MR. REDHEAD: Ian Redhead, American Association of Airport Executives.

MS. DUNHAM: Gail Dunham, National Air Disaster Alliance. We represent survivors, those who have lost loved ones, from over 75 disasters. We're the largest grassroots air safety organization in the United States.

MR. HUDSON: Paul Hudson, Aviation Consumer Action Project.

MR. PREST: Paul, do you want to go once more, please?

MR. HUDSON: Paul Hudson, Aviation Consumer Action Project.

MR. PREST: Thank you.

MR. MOODY: Michael Moody, Independent Pilots Association, representing the pilots of United Parcel Service.

MS. BANKS: Jennifer Banks, Airports Council International, North America.

MR. ROBESON: Bob Robeson, Aerospace Industries Association.

MR. LOTTERER: Dave Lotterer, Regional Airline Association.

MS. McKINLEY: Nancy McKinley, International Airline Passengers Association.

MR. JOSEPH: Norman Joseph, Airline Dispatchers Federation.

MR. KRECKIE: Jack Kreckie, representing the Aircraft Rescue and Firefighting Working Group.

MR. WERKING: Andrew Werking, Aircraft Owners and Pilots Association.

MR. KIM: Hank Kim, International Association of Firefighters.

MR. GANLEY: Mike Ganley from Airbus.

MR. WITKOWSKI: Chris Witkowski from the Association of Flight Attendants.

MR. WASSELL: Tony Wassell, AIA in New York.

MR. EDMUNDS: Bill Edmunds, Airline Pilots Association.

MR. CROOK: Jim Crook, Air Traffic Control Association.

MR. JONES: Rick Jones, Balloon Federation of America.

MR. VARSEL: Jim Varsel, International Association of Machinists and Aerospace Workers.

MR. DONOHUE: Alex Donohue, Public Citizen.

MS. MEYER: Meg Meyer, representing Flight Dispatchers, Meteorologists and Operations Specialists Union.

MR. BENNING: Ray Benning, International Brotherhood of Teamsters, Airline Division.

MS. MacLEOD: Sarah MacLeod, Aeronautical Repair Station Association.

MR. KUPCIS: Ed Kupcis, the Boeing Company.

MR. CORRAO: Joe Corrao, Helicopter Association International.

MR. WEISS: Rick Weiss, Experimental Aircraft Association.

MR. PRIDDY: Ron Priddy, National Air Carrier Association.

MR. BOLT: Craig Bolt, Pratt and Whitney.

MR. BOULLAY: Edmond Boullay, JAA.

MR. HILTON: David Hilton from Gulfstream Aerospace.

MS. HAMN: Florence Hamn, FAA, Office of Rulemaking.

MS. FEDE: Roberta Fede, Department of Transportation, Committee Management Officer.

MR. PREST: And at this time, we have some representatives from FAA, I believe, exclusively on the call-in. If you wouldn't mind identifying yourself, please? Do we have anyone at FAA Headquarters?

MS. HAMN: There are some people on teleconferencing. Could you identify yourselves, please? Nancy, are you still on the line?

MS. TREMBLEY: Yes, I am. I'm Nancy Trembley in the Office of Rulemaking.

MR. MATTHEWS: Reggie Matthews, Air Traffic Group.

MS. HAMN: That's all that's there.

MR. PREST: You see how much authority I have. It takes Florence Hamn to get on there to make it work.

I represent the Air Transport Association, and let the record reflect that we were ready at 10:00, the advertised and published schedule and departure time for this meeting, but we were not getting the necessary support that we needed to move our airplane.

At this time, it would have been my pleasure to introduce Tom McSweeny, the Associate Administrator for Regulation and Certification. It was Tom's idea to have this meeting today and to invite the larger

plenary group that makes up the total ARAC, and we applaud Tom for that.

Unfortunately, he's a bit under the weather this morning and sends his apologies, but he also sent Tony Fazio with the message to deliver.

So, I would call on Tony at this time to represent Tom McSweeny, who is -- has the overall responsibility for ARAC, and thank you for stepping in, Tony.

Remarks

MR. FAZIO: Thank you, Al.

I'll try my best to capture the Minnesota accent that Tom would have given you here today, but, unfortunately, I'm from Maryland, and I don't think that's going to come out.

Let me pass on Tom's regrets. Indeed, it was his idea to have this meeting. Tom feels very strongly about the work that you do in ARAC, and I'm sure he is saddened that he could not be here because the message that we're going to convey to you today is his message.

I can assure you he has looked at this message. He approved it. He had substantive changes that he wanted to convey to you. So, having said that, this is what Tom would have told you today.

"We thank each of you for coming to this meeting of the full ARAC. It gives us, in the FAA, a clear message that you recognize the value of working together to produce a safer and more efficient aviation system. We continue to be impressed by your professionalism and commitment to aviation safety."

As for Tom, he wants you to know that this is what ARAC is all about, doing the very best we can in industry and government to do the public's work.

It's been nearly a decade since the full ARAC met. So, those of you who were there at the outset, it's 10 years now. Tom asked several months ago to hold this meeting to address with you how we should proceed in the next decade.

Today, I want to highlight the changes that we face in aviation, our partnership successes, process improvements, and the agency's future vision for ARAC. Let's start off with the obvious.

This is an extraordinary time in aviation. It is a time that is exhilarating, exciting, sometimes exhausting, but always challenging. The need for partnership has never been greater than it is today.

To deal with the expected 50 percent increase in aviation traffic over the next decade, the White

House Commission on Aviation Safety and Security laid out a goal for enhancing aviation safety.

The National Civil Aviation Review Commission then reinforced the urgency of our safety mission by stressing that the enormous growth in aviation would mean more accidents, unless we lower the already-low accident rate.

Both commissions reinforced the need for the FAA to develop the tools, the programs and, most importantly, the partnerships necessary to reduce the fatal accident rate fivefold in this decade.

As a result, working with the aviation industry and public, we developed a long-range plan for Safer Skies in America. Many of you were part of that. A focused agenda for safety.

The goal of Safer Skies is ambitious yet achievable. By 2007, our aim is to reduce the commercial aviation accident rate 80 percent, from the 1996 level. The 1996 level is .051 percent per 100,000 departures, using a three-year rolling average.

While the industry has an excellent safety record, we face some serious challenges. We all know that. How do we responsibly raise the bar on aviation safety? How do we target our resources to take the

steps that will bring the greatest benefits? How can we do business differently to bring about these changes?

We will achieve our safety goal only partly by developing better safety standards, regulations and policy. To raise the bar on safety the rest of the way will take the collective expertise, talent and commitment of the public, industry, users and the government. We cannot act in isolation. It will take constructive collaboration in ways that build on our prior successes.

But as the saying goes, we will not rest on our laurels. We must seek new, creative and cooperative ways to continue to make improvements, yes, by working together.

As you know, the agency has been faced with difficult safety issues. Some of our current regulatory issues are tough, much more complex than in the past. Because the agency is often confronted with novel issues, it takes significant collaboration with the public to assess the impacts on aviation safety.

We know that ARAC can make a major contribution towards reducing the accident rate because it is a significant forum for bringing together

industry, the general public and governments from all over the world in an open, informed debate of safety issues.

By looking at all sides of the issues, you work hard to reach consensus, knowing that this may require debate and deliberation between divergent segments of the industry, the flying public and government regulators.

Consensus with its give and take must always be our goal. On the rare occasion when we cannot reach consensus, we know that it can be difficult for the agency to develop timely, effective solutions to safety issues by itself.

So, right up front, Tom wants you to hear this message. He wants you to make consensus the key word, our objective for this decade, in our work in ARAC, and by consensus, we mean an agreement by all that a specific course of action is acceptable, even if it may not be 100 percent of what you really wanted when you entered into that debate.

Consensus can be unanimous or near unanimous. Consensus does not mean majority rules. It is important to reach consensus in every phase of the ARAC process rather than voting on issues in ARAC or at

working group meetings. Voting is important, but it should only be used when attempting to determine the level of consensus; that is, do we have a full consensus, do we have a general consensus, or no consensus at all?

If a full consensus is not reached, we in the FAA need to know both the majority and minority views, so that we can make an informed decision. That is the fundamental principle of ARAC.

You've each been provided a copy of ARAC's most recent charter, and I hope you've had an opportunity to read it. Bear with me, though, because I feel it's important to underscore certain passages in it.

"The committee is to provide advice and recommendations to the Administrator through the Associate Administrator for Regulation and Certification concerning the full range of the FAA's rulemaking activity with respect to aviation-related issues, such as air carrier operations, airman certification, aircraft certification, airport security and noise.

The committee will afford the FAA additional opportunities to obtain direct firsthand information

and insight from the substantially-affected interests meeting together and exchanging ideas with respect to proposed rules and existing rules that should be revised or eliminated.

This advice will result in the development of better rules. However, the activities of the committee will not circumvent the normal coordination process or the public rulemaking procedures."

What is our interpretation of what this passage says? Well, we believe (1) it's responsible dialogue between the FAA and the public, as this is the only legal way such dialogue can take place, gain the public's input into the FAA's rulemaking activity early in the process, improve the FAA's regulations by involving interested members of the public in their development, move regulations through the rulemaking process much more quickly, believe it or not, and avoid placing any unnecessary burdens on the public because of lack of information.

Now, where are we today at ARAC? In 1991, ARAC consisted of 56 members and nine issue areas. Today, we have 75 committee members and 11 issue areas, as shown in your handouts. We initially tasked ARAC with 14 issues. Today, our partnership has grown so

that ARAC is currently addressing about 75 issues, a significant increase, as you can see.

To date, ARAC has submitted approximately 100 recommendations to the FAA. Since 1991, this translates into 27 final rules, including some significant ones, such as the revisions to digital flight data recorder regulations, 29 NPRMs, including revised structural load requirements for transport airplanes, and training and qualification requirements for check airmen and flight instructors, 21 advisory circulars, including crew resource management and taxi, take-off and landing roll design, five technical standard orders, and two reports to Congress.

All in all, this is an impressive accomplishment for 10 years. Could we have done this without you? We do not believe so. Clearly, you have really helped the agency enhance aviation safety regarding these important aviation issues.

Recently, we received some good feedback from you on various ARAC issues. Since ARAC's inception, we've learned a lot, not just about important aviation issues but also how to function more smoothly and effectively as an administrative body.

Based on your comments and our lessons learned, we are revising the Operating Procedures for the Aviation Rulemaking Advisory Committee, more commonly known as the ARAC Green Book, and, sorry, Al, we did not call it the Pink Book, as you had requested.

These revised procedures will continue the important work we started in May of 1991. You should each have a summary of the major changes to the Green Book in your handouts today.

So, what's changed in the Green Book? The first thing we're doing is making the Green Book much easier to read. It is being rewritten in the Plain Language question and answer format. Sorry to those of you who don't particularly like question and answer, but I think you'll find it much more helpful.

There are also three major changes I'd like to discuss with you. Many members have told us that participating in ARAC can be costly. We therefore have made some changes that should aid in reducing the expense of ARAC involvement.

First, we now require that ARAC issue meetings be held in Washington, D.C., in a federal building. The agency's Committee Management Order clearly spells this out.

However, if it is more cost-effective and convenient to hold a meeting elsewhere, we will consider a waiver from this policy by submitting a written request to the Department of Transportation's Committee Management Officer. So, we're willing to listen to your ideas and your concerns about these meetings and where they're held.

However, for any meetings held outside of Washington, D.C., we'd ask that the assistant chair and the assistant executive director ensure that (1) the location is easily accessible and (2) is located in a major transportation hub.

One of the concerns expressed to me has been that some meetings are held in very isolated locations, making it difficult for members to get convenient fares, convenient flights to these areas, requiring the use of a rental car and thus increasing the cost of participation.

We should ensure that if meetings cannot be held in a federal facility, they should be held at a neutral location. If you require a waiver from this policy, from holding meetings in Washington, we request that this waiver be submitted to us 60 days before the proposed meeting. This will give us ample time to

coordinate the request with the department, and we'll strive to respond to you within two weeks.

Also, if you need to reschedule meetings, they should be coordinated with all members prior to rescheduling, and should be done well in advance of the proposed meeting dates to accommodate advance purchase of air fares.

Second, use of teleconferences. Some ARAC members have indicated that it is often difficult to attend issue and working group meetings. They believe that teleconferencing will enhance the level of participation.

Based on your comments, we conducted a few meetings using teleconferencing. While not perfect, and we recognize that, it does help improve participation for those unable to travel. We also found that a meeting that is longer than four hours is generally not conducive to teleconferencing.

We will take this into account when we plan future meetings, and we encourage those of you who also are conducting these meetings to take that into consideration. We're learning in this area, and we welcome any suggestions.

As a result, we now plan to announce in the Federal Register Meeting Notices that teleconferencing will be made available, if requested at least 15 days before the meeting. So, we want to encourage you to let us know if you need that capability. It is very costly. It's very difficult to administer. We are willing to do that, but we will do it only if it's needed.

The third area I'd like to talk about is harmonization. Since the harmonization of the FAA's regulations and the joint aviation regulations is a high agency priority, it had to be integrated into the existing rulemaking program.

To address harmonization, we developed a method to enhance our internal process for recommendations that are submitted by ARAC. This process is new, and we're still making some modifications.

If we are successful, we plan to incorporate portions of the harmonization process into the ARAC Program. For example, instead of asking the Harmonization Working Groups to develop NPRMs, we ask them to address a series of regulatory questions,

including specific economic questions. We will do the drafting afterwards.

The responses to these questions will assist the agency in developing the necessary regulatory documents and regulatory evaluations or economic evaluations.

Does the present organizational structure adequately address current issues that are facing ARAC? We don't believe so. Therefore, we have made two important changes. We have changed the name and expanded the scope of what used to be called "Emergency Evacuations Issues Area". We will now call it the "Occupant Safety Issues Group".

The Emergency Evacuation Issues Area was initially charged with providing advice and recommendations to the FAA on regulatory standards to enhance the ability of passengers to quickly and safely evacuate an aircraft in an emergency. The new name will clearly describe the focus of their new efforts.

We've also expanded the scope of work on the Occupant Protection Issues Area. They will provide advice and recommendations to the FAA and JAA on occupant safety and protection and emergency evacuation.

Secondly, we decided to combine the General Aviation Business Aircraft and General Aviation Issues Area. This issue area is now called the "General Aviation Certification and Operations Issue Group".

This group will be co-chaired by industry representatives with general aviation operational and certification backgrounds. It also will have co-assistant executive directors from the FAA with general aviation operational and certification backgrounds.

The group will provide advice and recommendations to the FAA regarding a variety of certification and operational issues.

As you know, the primary work of ARAC is accomplished in working groups. We strive very hard for a good balance of members in each working group. If some interests believe they are being omitted from working group activity, we encourage them to petition the working group chair for membership.

I would like to stress that an organization does not need to be a full ARAC member to participate on a working group. The decision to add an organization to a working group would be left to the working group chair and the assistant chair and assistant executive director of the issue area.

The chairs ensure that the working group members have the appropriate level of technical knowledge, and that they can materially contribute to the final product.

As I said before, you have worked hard over the past 10 years. You have developed into a tremendous asset to the FAA, and together, we have accomplished a lot. I've now been at the FAA or in this job a year and a half, and I've heard a lot of criticism about ARAC, but I just want to stress those accomplishments you've made over the last 10 years, we could not have done this without your help. So, while we're quick to criticize, we also should be quick to praise.

So far, I've focused on issues and organizations. What next? Where do we go from here? For the safety record to improve even more, we must reaffirm our respective commitments and rededicate ourselves to forge an even stronger partnership.

As I said at the outset, we face enormous challenges in the years ahead. We have tough issues, issues that are often made even more complicated because they're played out in the public arena.

As tough as these issues are, we have a unique opportunity. The ARAC structure provides a unique opportunity to make it happen. Through our partnership, we can continue to be an integral part of being on the frontier of significant safety standards and regulations that will further reduce the aviation accident rate.

Achieving consensus is the essential ingredient that will get us there, and while it is not often easy, consensus should be a fundamental objective if the public is to reap the benefits of our safety partnership.

We in the FAA are confident that the ARAC, all of you, will be a positive force for a change that enhances aviation safety at all levels within the system. Your service is deeply appreciated.

Thank you for attending today and for being a part of the aviation history.

I'll be glad to answer any questions, Mr. Chairman.

MR. PREST: Do we have any questions for Tony? Yes, Paul?

MR. HUDSON: What is the status of this Green Book revision now?

MR. FAZIO: We're very close. We are doing this under contract. I've not seen a draft of it yet, but we expect to have it out within two months.

MR. HUDSON: Because what is the -- is it in order for the committee members to comment on this outline here? Is there going to be a period for that or is that now?

MR. FAZIO: I think we can make that. I would prefer to do it through the Executive Committee, but I think that could be possible.

MR. HUDSON: Okay. Because I -- this is the first time I've seen this, and the last time this group got together was in 1991, the only other time. So, I think it would be appropriate if, at some point, you could have some time for people to put their comments on the record.

MR. FAZIO: Sure. Okay.

MR. HUDSON: Thank you.

MR. PREST: A point of clarification. Your chairman merely suggested a change in color from green to something else, so that we could readily determine if one were using an obsolete book to reference. There were no specific recommendations with regard to specific color, although pink representing a warm color

on the spectrum would probably be appropriate for a consensus-building group. So, I may modify my suggestion and resubmit it.

MR. FAZIO: Point well taken, sir.

MR. PREST: Mr. Priddy?

MR. PRIDDY: Mr. Chairman, I think we started out with yellow and now we're green.

MR. PREST: I see.

MR. PRIDDY: Pink wouldn't be too bad, but to piggyback on Tony's response to Paul, Tony, isn't that document as it exists now and as we're operating with is available on your web site?

MR. FAZIO: Yes, it is, and in fact, within a half an hour, we'll be able to show you how to get to it. Okay. It is the current version of the Green Book without the changes.

MR. PREST: Do we have any other questions?

(No response)

MR. PREST: At this time, we'd like to move forward. To my right is Ms. Roberta Fede from the Department of Transportation, and as you know, ARAC is part of the Federal Advisory Committee Act, operates under the Act, and with some details beyond that, it's

my pleasure to introduce Ms. Fede, who will explain some of the details.

Federal Advisory Committee Management Act Requirements

MS. FEDE: Thank you.

I'm pleased to be invited, and hopefully I can clarify some of the issues which probably will come up for some of the older members who have been members of ARAC for awhile, and for some of the new members, I would like to go back and just do a brief review of the Act and the requirements of the Act.

After that, after this brief review, I'd like to give you a chance for questions because I don't know what your concerns are, but I would like to start with a brief overview of FACA.

The Federal Advisory Committee Act was enacted in 1972. It was enacted in a climate where Congress was looking at organizations and special interests who are coming in and talking to federal officials, and they were concerned that these special interests had a privileged access, that the opposition viewpoints were not being allowed similar access or were not being allowed access at the same time to voice various concerns.

Therefore, FACA was enacted in order to somehow seek control of the access to federal officials. So, it has a rather dual purpose. It's a purpose of bringing in the public, bringing in the interests, but it also seeks to control that access, so that it is not unlimited.

I'd like to just read for you the definition of an advisory committee. Basically, an advisory committee is any group that has one or more non-federal members. If you're all federal members, there's no problem. It's simply an inter-agency or an agency committee. If it has one non-federal member, it becomes an advisory committee, and if it advises a federal official. If it has operational functions, then it would not fall under the advisory committee umbrella.

But let me just give you this brief definition. "Any committee, board, commission, council, conference, panel, task force or other similar group which is established by statute, established or utilized by the President or any agency official, for the purpose of obtaining advice or recommendations on issues or policies which are within the scope of his or her official responsibilities."

So, it's a broad definition. That comes straight out of the Act, and it's never really been redefined. It's been debated a lot, and there have been court cases, but it has never really been defined beyond that.

The three tenets of FACA that I encourage all of you to keep in mind are openness, access, and balance. Critical factors, and if all of these are adhered to, we can be assured that legal challenges will be minimal or nil.

From there, I would like to go into the requirements of the Act, and I'll touch on all of these three areas of openness, access and balance.

The first requirement, of course, is for a charter, and I know that Tony talked about your charter. The charter has various requirements. Basically, it sets out your mission, your goals, your membership, and who is supporting the group, who is providing staff support and financial support.

This charter is approved by the Secretary of Transportation, and then it is sent to OMB, and it is sent to the Oversight Committees who would have jurisdictional responsibility in both the House and the Senate.

If it happens to be a statutory committee, of course, they're already aware of it because they established the -- they created the statute, but in any case, we notify them that we are hereby establishing a committee which falls under their jurisdiction.

The second requirement of FACA is for open meetings. We put, as Tony said, a 15-day notice in the Federal Register for committee meetings, and we ask that those meetings be accessible to the public.

That brings up the definition of a meeting, and what is covered. GSA, who does -- and OMB, who do oversight of the Advisory Committee Act, have just completed a new rule defining -- further defining the Act and giving us guidance, and in the new rule, there is a change, and that is, they have not required that subcommittees hold open meetings.

It has always been the assumption that they would. This has been DOT's policy since the beginning, and it continues to be DOT's policy, to encourage open meetings in all -- if at all possible, but the feeling behind the new rule is that if a group meets, be it subcommittee, task force or whatever, if the deliberations then occur at a full committee meeting, and the whole committee has a chance to deliberate on

whatever issue was discussed at that meeting, then the subgroup does not have to be open, and if any recommendations of the subgroup go through that full committee, they do not pass directly to a federal official, but they go through the full committee, then it is not required to be open, but that is not DOT policy.

Our policy is openness and access at all times, if at all possible. So, we will not change that policy simply because the rule gives us the leeway to change that policy.

There are only two exceptions to our policy, and that is, issues that concern either national security or proprietary information, and clearly those do not need to be open, and a special request is made for a closed meeting.

Task forces, and I think you call them working groups. We don't require open meetings at that level. We encourage openness and access at all levels. We don't require it, but the goal of a task force or a working group is to gather data, prepare issue papers, reports, summaries, but not to deliberate. Those deliberations are to take place in an open meeting, be it at the subcommittee or at the full committee level.

The third requirement of the Act is balanced membership. Nobody's ever been able to clearly define balance. There have been a number of court cases, and the closest we have come to defining balance, a general interpretation, is that it should include all of the interest groups or the stakeholders, the public groups, which are -- have an interest in the particular subject matter.

Certainly, geographical balance, gender balance and diversity and all kinds of things can plug into that, but they have never been -- the primary concern is balance of interests.

We do not want to leave out one or two of the parties or any of the parties who have a particular interest in the subject matter because it simply leads to litigation or concerns down the road. So, we want to bring everyone in.

The Act requires, of course, minutes of the meetings, and it requires that minutes, reports, and any other data issued by the committee be available to the public within a reasonable amount of time, and if the committee is looking at a particular document at the meeting or discussing a document, that document

also must be available to the public, and it should be available at the time of the meeting.

This is critical because advisory committees are basically -- they're open. They're public access to federal officials, to federal agencies, to deliberations. Therefore, whatever an advisory committee does is automatically a public record, unless again if it's dealing with national security or proprietary information. Otherwise, it is a public record and must be made available.

It's required, of course, that a designated federal official be at each meeting. If there is not a federal official, it's not an advisory committee meeting, and members may get together and discuss issues on their own, but if they do not have a federal official there, it is not a formal meeting. They cannot deliberate. They cannot vote, and their actions would not be recognized.

Finally, the Act, of course, requires adequate resources and staff support to support a committee. You can't adequately convene a committee and expect it to do its business and achieve its goals without adequate staff support. So, that is required,

and it is specified in the charter who shall be supporting that committee.

These are the areas that I wanted to stress, the openness, the access, and the balance. I am glad that Tony talked about meetings and where they're held because we do have some DOT requirements which are just a little beyond the general requirements.

As I say, we require open -- we would like openness at all levels, if at all possible. We would like meetings to be held in federal space, if at all possible, and I understand sometimes it's difficult because - - because of the size of the groups, but we do encourage it, and we do encourage that meetings be held in Washington, D.C., if possible.

We recognize that sometimes there are reasons where it is more convenient to hold the meeting elsewhere, but because of access, because of the interests of the public, because so many of the interest groups who are right here in Washington, and basically because of costs, it is recommended that meetings be held in Washington, if at all possible.

So, those are not specified in the Act, but the Act is very simple. It is short. It's concise, and it's open to all kinds of interpretation. As I

said, there have been many legal challenges over the years, but basically this is what we come down to, openness, access, and balance.

I'm going to open this up to questions, see what people would like to ask me, because there are probably areas you want to deal with that I have not addressed.

MR. PREST: Questions for Roberta, please?

MS. FEDE: Yes?

MR. PREST: Mr. Hudson?

MR. HUDSON: The Green Book or the procedures we've been operating under provide that if something is not covered, then Roberts Rules of Order are generally applied. Is that something that's normal in your experience?

MS. FEDE: That is up to your Chair. We at the departmental level will not get into how -- what -- I would say is that it's all right. Roberts Rules of Order are acceptable.

We do not specify what rules you must use for the advisory committee. It really is up to your sponsoring officials.

MR. HUDSON: Also, are there any rules or suggestions you have regarding quorums or various forms of proxy or absentee voting?

MS. FEDE: Quorums are an interesting issue because, as Tony indicated, we'd like to work by true consensus, and if you're working through consensus, we hope that a quorum would not -- we'd hope it would not be an issue.

We would hope that there would be more than a majority there, and that they would not be voting. Certainly, there are issues that will be voted upon, but I would say if the chair or if the sponsoring agency wants to put a quorum requirement in, say at least X number of members need to be there, that's fine.

We do not require a quorum, but we encourage, of course, full committee participation, and we encourage consensus. We do not encourage voting by proxy. Again, it's not a policy.

We don't have anything in writing, but we don't encourage it because full participation needs to be in there, and if the members are not able to participate, who uses that proxy? Who is authorized? We have had that come up in other committees, where the

member designates someone to vote for them. Then it becomes a question of does that member have full access to the deliberations and discussions and vote.

We prefer that that not take place, but again if the committee has a reason for doing it, we're not going to say no, you cannot.

Yes?

MR. WITKOWSKI: Chris Witkowski with the Association of Flight Attendants.

You mentioned that the working groups do not deliberate, and I'm wondering if you could explain that.

MS. FEDE: Yes. Working groups are not to deliberate. Working groups -- deliberate means open discussion. A working group may deliberate in putting together a report or putting together issues.

They're going to discuss, but the idea is that they should not -- there needs to be an open deliberation among the full membership, and if it is done at the working group level, if the working group puts together a report, and the report is whisked up, voted upon and sent to the agency, with no further deliberation, the public has no access to that report. The public has no opportunity to offer input into

that, and therefore when we talk about deliberations, certainly there are discussions, but there needs to be a deliberation at a higher level by the committee, because the working group is not solely composed of advisory committee members. You have outside members on the working group.

There needs to be a deliberation process by the committee.

MR. WITKOWSKI: Well, the actual work of ARAC is done at the working group level. Why are those meetings not kept open and minutes taken of those deliberations? Because sometimes the details of the work product are contained in those -- would be contained in minutes, if they were required to be kept and publicly available.

MS. FEDE: That's not a problem. If those committee meetings are open, and the public has access to those meetings, that is not a concern.

But many of our committees have task forces which are not open, and if they're not open, and it never is deliberated at the committee level, then there is never an opportunity for input from the public. That is the concern.

MR. WITKOWSKI: Well, I guess I'm wondering why aren't they open at some of the working group level, and why aren't minutes kept?

MS. FEDE: If that is the only level of deliberation that is occurring, then those should be open.

MR. WITKOWSKI: Well, it will be sent to the issues group, but I'm saying that there are important issues discussed at the working group level, and I fail to see a justification for not taking minutes of those deliberations and having them accessible to people, so that they see how the work product that goes to the issues group was generated, and I haven't heard a justification for keeping them secret.

MR. FAZIO: Roberta, let me address that. Our principle has always been that the working groups would be closed, simply because we do not want a chilling effect of these groups.

We feel that if we get "the broad representation", that all the issues will be raised in that working group and will be deliberated, and you know, you participate in several issue areas, you know the kind of deliberation that occurs at these issue areas, and for some of the newer members, I'd encourage

that they participate in the issue areas, because our view is the issue area is essentially a board.

They are deliberating. They're asking the hard questions of the working group, of the experts, the technical experts, and then forwarding to us their recommendations, based on their experience.

So, we find we meet the full requirement of ARAC. We're trying to do more. Of course, you'll see through our web site, making things open. You know what the taskings are. These groups are not -- while the meeting themselves are closed off, we will publish in the Federal Register the formation of that working group, when they meet, that sort of thing.

MR. WITKOWSKI: My response to that would be that in the United States, rulemaking is a public process.

MR. FAZIO: Absolutely.

MR. WITKOWSKI: If we did not have the ARAC group, we would have notice and comment procedures where the FAA would develop the rule. They may even put out an NPRM to get information and advice.

MR. FAZIO: Absolutely, and we still do.

MR. WITKOWSKI: It's done -- and you do that still, and any data or information that industry

participants feel would be necessary to address the rulemaking proposal would be placed in the docket.

So, in some cases, they may want to have that information shielded for some reason, and they may make a request on that, but in terms of the working group activity, this chilling effect -- I don't see this chilling effect.

I mean, the Aviation Security Advisory Committee meets, and those meetings of the full committee and the subcommittees are open, and I've never experienced any chilling effect by participants who are industry or union or public in those meetings.

I don't understand this idea of chilling effect, because it's used to basically keep the meetings closed and to prevent minutes from being recorded and made available.

MR. FAZIO: But again, the minutes will be reflected in the issue area deliberations, which should account for all of the discussions that occur -- not all of the discussion but the major points raised by the working group.

MR. WITKOWSKI: That may be true.

MR. FAZIO: Absolutely.

MR. WITKOWSKI: It may not be true, you know.

MR. FAZIO: Well, that is the official word from those of us that have the responsibility to ensure that that occurs, and that's why we wanted to discuss this here today, because we want to ensure that is occurring.

MR. PREST: I would add one question from the right, please.

PARTICIPANT: It's a corollary question really, and it might help clarify, and it's for Tony Fazio.

Tony, is it not true that in our initial announcement of a new task and the formation of a working group, that all ARAC members are invited to participate in that working group, and then people elect to participate in the working group?

Once the working group is formed, I can tell you from my own personal experience that one of the reasons why you don't want to have new working group members is the education process. Once you've had a number of meetings, and you have new people come in, then you spend a great deal of time on your meeting.

But is it not true that initially, when a working group is formed, anyone who is an ARAC member may participate?

MR. FAZIO: That's true, and I'll even go beyond that. Any member of the public can participate in that working group, who has the technical expertise to contribute to that task, whatever that might be. So, yes, you're absolutely correct.

I'll even go farther and say that even for an established working group, now in all of our Federal Register notices, new taskings, if that goes to an existing working group, we do have a provision in there saying that if someone is interested in contributing to this working group, they can apply or seek membership to that working group. But again that would be for a new tasking, because we do agree that if there is a task out there that has been deliberated or been worked on by a working group for who knows, a year or two years, I think it would be a bit disruptive to add new members at that point.

MS. FEDE: Can I just add to that for a moment? That is, that when we talk about openness, we don't mean adding new members. A working group is a working group, and the fact that a public person wanted to come in and observe those proceedings would not mean that they are entitled to participate. We wouldn't require that.

MR. FAZIO: Can I just add to that? Because while I've never participated in a working group, I do understand that members of the public do attend that aren't members of the working group. I've been told that by a number of working group chairs. So, we do in fact do that.

MS. FEDE: And that is exactly what we're talking about. If the public wants to come in and see what's going on, that's fine, but, no, we would never advocate that in the middle of a working group, that you start expanding the membership. That basically defeats what has already taken place.

MS. DUNHAM: The National Air Disaster Alliance, as a public interest group, supports access to information. We support the open meetings. I do understand what you're saying about a working group, where people want to have that kind of dialogue with each other when they're hashing out these problems and perhaps not having press quoting them out of context and things like that.

My concern is groups, such as the Fuel Tank Inerting Working Group, which is a main committee, I think that should be classified, the main group of the 10 to 12 people. I think that should be classified as

an issue group, so that those meetings are open, but yet I would respect that the working groups are closed, and I'm just adding a word of caution here.

Please don't classify something as a working group if it can in fact be an issue group and open to the public.

MS. FEDE: That's something that I think can be worked out, hopefully with the sponsors of the ARAC. I think that needs to be discussed and looked at, yeah.

MR. FAZIO: You might want to raise -- discuss that issue, because we do have a limitation on the number of advisory committees we can form. Can you address that?

MS. FEDE: Full committees, yes.

MR. FAZIO: Right.

MS. FEDE: I am not sure that she was talking about establishing a new committee. We do have -- we have had an absolute limit on the advisory -- number of advisory committees we can establish. That has sort of gone by the wayside now with the new Administration.

We haven't had any new limitations. However, we still do not encourage just random establishment of new advisory committees, though I think you were talking about a subgroup, right, under ARAC?

MS. DUNHAM: Fuel Tank Inerting. There's actually a group of 10 to 12 people.

MS. FEDE: Right.

MS. DUNHAM: I see their work more as an issue group, --

MS. FEDE: Right.

MS. DUNHAM: -- because they have all these subworking groups, and I --

MS. FEDE: Right.

MS. DUNHAM: -- would respect that those subworking group meetings would be closed, --

MS. FEDE: Right.

MS. DUNHAM: -- and I'm just thinking that you not classify something as a working group if it can be classified as an issue group, so that it is open to the public.

MS. FEDE: Right. And as I said, I think that can be worked out. I assume that would be within ARAC, and that would be worked out. Yes, that could be worked out.

MR. PREST: Just a point there, and what I would ask is, if you can establish eye contact or put your hand up, the Chair will remember the order, hopefully, in which that event occurs, and I'll get to

you in the order in which you were recognized, and perhaps that way, it'll keep you from being on the edge of your seats.

But I think the point on the Fuel Tank Inerting Group, it reports directly to the EXCOM, which, correct me if I'm wrong, someone, but there is the opportunity for the broader public participation.

Everything we do has checks and balances built into it, and regardless of what it's called, there is a level above the grassroots level where the public has total access and should at that point exercise whatever type of input is required to get the broader context at either the working group level or, in the case of the Fuel Tank Inerting Group, these are highly specialized experts that basically can only communicate among themselves, I'm finding.

They're extremely-talented people who know the language. I don't know the language. However, there are some common sense types of inputs that need to be inserted into the process, and every one of our processes has that ability for the public to get in and apply the overall common sense test to the work that's being done at the technical level, and that's where each one of us has a responsibility within the groups

that we represent to ensure that we're watching what's going on, and that we have people teed up and ready to participate and make input at the proper time and at the proper level, and we all have that responsibility, and we have been successful to this point.

But as the projects become more complex, as we become larger, I think our responsibilities expand, and it becomes more acute.

Mr. Hudson?

MR. HUDSON: Yes. It's been my experience that enrollment is not open in working groups, and even at the outset, when they're formed. In the last 10 years, I've applied to several of them, and it's been my experience that the members of the working groups are determined by the FAA in consultation with the chair of the issues group.

Am I incorrect in that?

MR. PREST: I would invite some points, Tony.

MR. FAZIO: Technically, yes, that is correct. Actually, it's the ARAC Assistant Director that actually forms that in consultation with the FAA representative. Okay?

MR. HUDSON: We have, you know, addressed this issue of -- or the principles of access and

balance. The only other meeting that the full ARAC had, it was suggested, I believe, by the person that was then sitting in your seat, Tony Broderick, that the FAA determine the members of all the issue groups, and they had actually prepared assignments for everybody at the time, and motions were made from the floor, I'm sure you can review the minutes on this, to the effect that they should have open enrollment in the issue groups.

I think if you were to go ahead with this change to your Green Book, it provides for the assistant chair to select all the issue group members. We could be going backwards instead of forwards because the chairs are -- a large majority of them are industry representatives.

MR. FAZIO: Can I clarify? I think you're confusing issues groups with the working groups.

MR. HUDSON: No. I'm talking now about issue groups.

MR. FAZIO: Anyone can be a member of an issue group. If you're a member of ARAC, you are de facto a member of an issue group. The question is whether you participate in that particular activity or not.

MS. HAMN: There is a typographical error in the matrix -- it should be working groups.

MR. HUDSON: It says that issue group members are selected by the assistant chair.

MS. HAMN: Yes.

MR. FAZIO: That's a typographical error. No.

MR. HUDSON: That's great to hear.

MR. FAZIO: Just to clarify, especially for the newer members, this is, as I said in my remarks, a very large body, 75-member organizations, very, very diverse. If you look around the room at the placards, you can see the diversity we have here in technical interest.

So, one way to get around that was to form these issue areas, so that someone who has interest in general aviation activities would only participate in those activities and may not be interested in air transport issues, for example. So, we apologize for that typo.

MR. HUDSON: It's great to hear we don't have to revisit it.

MR. FAZIO: No, no, we don't have to.

MR. PREST: What I would like to do at this time is draw your attention to the appropriate page that is the green page in your handout, and it is Number -- they don't have that.

MS. HAMN: Page 1.

MR. PREST: Page 1. Subject Number 1. Where's the correction, please, again, Florence? On the right-hand side?

MS. HAMN: ARAC Issue Groups, and we're really talking about the working groups. We're really talking about two things. We have --

MR. PREST: Turn your microphone on, please.

MS. HAMN: We're referring to two things. My bulb is out on my mike.

Anyway, we're referring to two things in this particular one. As Tony mentioned in Tom's remarks, we have consolidated two of the issue groups, the General Aviation Business Aircraft with the General Aviation Operations Groups, they have been merged into one group, and, so, therefore, we deleted the number from 12 issue areas to 11 issue areas.

But then, when we are ascertaining the composition of the working groups, that is done by the assistant chair, assistant executive director and the

working group chair. So, that was a typographical error. We were combining two thoughts in one paragraph, and we apologize for that.

MR. PREST: Thank you for clarifying that. It shows once again that a little meaningful dialogue at the appropriate time can resolve issues most always.

So, do I have a question from Bob Robeson?

MR. ROBESON: Bob Robeson from AIA.

I just wanted to comment on two things. One, with respect to the Fuel Tank Group, the reason that that's constituted the way it is, instead of being put under an existing working group, was that when the original task came to the EXCOM for assignment, we realized that it was going to cut across the areas of responsibility of a number of issues groups, including Aircraft Certification, Operations, etc.

So, rather than put it into a particular issues group, we decided the thing to do was have it report directly to the EXCOM as a working group, and that the EXCOM would function effectively as a large issues group, and all those meetings were open to the public, and the press attended and everything else. I think it was a pretty open process.

With regard to the functioning of the working groups, I just want to emphasize that the working groups are responsible for documenting all the positions that are held by the working group members and dispositioning all of those positions.

So that, if there is dissent from one or more of the members, that's documented in the package that's taken to the issues group for deliberation, and those points of view are considered before the issues group makes a determination as to whether to accept or modify that recommendation or send it back to the issues group for further work or toss it over the transom to the FAA as being in the too-hard category.

MR. PREST: Thank you, Bob. Any more questions? Yes, sir? Chris Witkowski?

MR. WITKOWSKI: One of the things in the Operating Procedures talks about there has to be consensus from the ARAC issues group before the document or product is passed on to the FAA.

There have been experiences in the past where there hasn't been consensus, and a document was passed on. Is the FAA from this point on going to make sure that doesn't happen in the future? Any response to that?

MR. FAZIO: Well, as I said in my remarks or Tom's remarks, consensus is the fundamental principle behind the ARAC.

Now, if you have a 10-to-6 or a better example would be 7-6 split, obviously we need to know. We need to know both sides. So, we would encourage both viewpoints to present their views to us. Surely we don't want to take any kind of regulatory action not knowing the full scope of the deliberations and the opinion out there. I think it would be time not productive for us.

So, the Green Book is clear on that, that we need to know both the majority and minority views, even if that minority is one person.

MR. WITKOWSKI: One general comment on some of the discussion. The point was made about the working groups, any person can apply, but then it was clarified that it's basically a decision of FAA and the assistant chair.

The other limiting factor in participation in a working group is basically time and money, and the reality of ARAC is that those who are directly affected in terms of the products they produce or the products they operate have the -- they have more of the

resources to devote to attending the ARAC working group meetings as well as the issue group meetings, but, more importantly, the working group meetings, where the products are done; whereas, there are other members of ARAC who have less resources or the public interest groups who have little, if no, funds available for attending multiple, you know, working group activities.

So, it takes me back again to the point that I made earlier, that I fail to see why there isn't a more transparent process in terms of the working group activity. Because of the limiting factors, you know, decisions made by people, ARAC management about who attends, and also the limiting factors of cost and time, why isn't it more transparent, so that the minutes can be taken at the working group meetings, and that those individuals who can't attend can at least review what's going on?

I mean, I've seen cases in the past where there are people within FAA who have been denied access to working group deliberations, and, you know, it would be basically healthy to have those minutes taken and have them available to anyone who wants to address them, and my concern about that still stands.

MR. PREST: Gentleman in the back had his hand up. If you would be kind enough to step to the microphone and introduce yourself, please, and then Joe is next.

MR. HOLLINGER: Yes. My name's Kent Hollinger, and I'm Chair of the Aging Transport Systems Rulemaking Advisory Committee, which is an organization that's set up outside of ARAC here.

The question I had is, I was looking over the multitude of issues and working groups that are in the yellow paper that Tony was referring to. By the way, I'm also involved with the RTCA work, and it struck me that there's a lot of similarity and overlap in a lot of these -- at least in the titles, if not in the actual work that's going on between ARAC, RTCA, other advisory groups, such as ATSRAC, and other bodies.

I'm wondering, how do you, if you do at all, or how do you plan to harmonize even that and administer that to avoid duplication of efforts and to make sure that these groups are working together or at least not in conflicting terms with each other, and so to avoid duplicity and overlap of efforts.

MS. FEDE: If you're addressing that to me?

MR. HOLLINGER: Actually, that was one of the items that was in the RTCA Task Force Certification Committee Report that was out two years ago. It was talking about the multitude of committees that are out there, and I'm wondering how that's being addressed.

MS. FEDE: We at the departmental level look at the full advisory committee, which is being established. Now, the RTCA is an entity in and of itself because it is an incorporated body that has a life totally and fully outside of its advisory committee functions. It's utilized as an advisory committee, but, of course, it has a very broad life of its own.

So, we can't control or monitor what it does outside of its advisory committee functions, but we do look at that. We look at aviation rulemaking. We look at the Research Engineering and Development.

We look at the goals in the subgroups that are being established, but, frankly, at the departmental level, we are not able to know exactly what all of the task forces or the working groups are doing or whether there is overlap.

We hope that that will be addressed by the appropriate sponsoring officials.

MR. FAZIO: Let me address Kent's concern. I think we in the FAA do that monitoring. I think in your case, for example, the ATSRAC has a very specific task. As all advisory committees, you have a two-year charter. So, we envision your work, while it will go on for another two years, ultimately will end.

Now, Roberta probably doesn't want to hear this, but our intent with ARAC is that it will continue, and we have to renew the charter every two years. Our focus in ARAC is specifically rulemaking. I think in ATSRAC, some of it was rulemaking, other was other advisory recommendations to us. So, there's a difference there.

In regards to RTCA, I don't think RTCA gets that involved in rulemaking per se. They tend to provide us technical advice. Those of you who participate can probably speak better to that than I can.

While they may on the surface, and when you look at some of the issue group titles, seem similar, they are in fact very different. Our focus in ARAC is essentially either rulemaking or advisory circular kinds of things, TSO now and then, as I said, and a report to Congress.

I don't know if that answers your question, Kent, but we do look at that, because from our perspective, it is very time-consuming, and it's administratively very burdensome, and when we get criticized that we're not producing rulemaking in a timely fashion, one of the reasons is because we have to support all these bodies. So, we are very cognizant of that.

MS. FEDE: That's a point well taken, because we see aviation rulemaking as the only rulemaking in FAA. The other groups are there and looking at technical issues but not rulemaking.

MR. PREST: Do we have any other questions for Roberta, please? Joe?

MR. CORRAO: Thank you, Mr. Chairman.

I had a comment a few moments ago with regard to the discussion of open versus closed meetings. My sense is now that we might have moved beyond that, and I'm willing to restrain myself in an unaccustomed act of discretion.

I can be persuaded to speak, though, if anybody wants to hear what I have to say.

(No response)

MR. PREST: Seeing no hands or hearing no comments.

MS. FEDE: Thank you.

MR. PREST: Roberta, thank you very much. We appreciate that oversight.

At this time, we're going to move into the Public Accessibility Issue, which is foremost on our minds apparently this morning, and before we do that, and Florence Hamn does her presentation, the Executive Director's tapped me on the shoulder here.

MR. FAZIO: I would like, before we start this next presentation, to just say that I've heard a number of comments about transparency, openness and that sort of thing, and what Florence is now going to show you is our attempt to increase that transparency, increase that openness to all of you and to the public, general public.

We hope that this will do it. Obviously it doesn't get to the issue of closed meetings and that sort of thing, but you will have now, and Florence might as well go ahead and show them, I think, access to the information that is deliberated and discussed within ARAC.

Public Accessibility to ARAC Information

MS. HAMN: Thank you.

We've received a lot of comment and feedback from the public and aviation industry, saying FAA, you have a lot of information. The problem is that it's very, very difficult to find.

So, in an attempt to make it easier to find information, what we've done is revised our web site to make it easier to access regulatory information and especially made it easier to access Aviation Rulemaking Advisory Committee information as well as the Aging Transport Systems Rulemaking Advisory Committee information.

If you look up on -- I hope that everybody can see the screen. If you look at the screen, we've divided our web site into three major sections. The first is called General Rule Information. Basically, this gives you general information about our regulations and 14 CFR. You can look at recently-published rules.

One of the other concerns that was raised to us is that we realize we can look in the Federal Register, but we're really only concerned with aviation issues. So, FAA, would you please make it easier for

us to look at those rules and regulations that we're interested in?

I'll just show you real quickly. Unfortunately, today, I'm not hooked up to the Internet. This is actually on the desktop. So, there are certain sections that I can't go in. So, the highlighted sections, I can go in and show you, but the other ones, I cannot.

The first one here is recently-published rules. Here, you can see the documents that we've recently issued. We plan on keeping them up on the web site for at least a year. After a year, we're going to move the older ones off, and if you click on the FAA over here where the hand is, the document viewer, this will take you into the Docket Management System, and because we're not connected to the web, I cannot actually go in and show you how easy it is to do that, but you can be sitting at your desk and actually access this information.

I'm sorry. Yes?

MR. ROBESON: I just have a question. I noticed the first item there is Civil Penalty Actions for Commercial Space. Is ARM handling space rules as well?

MS. HAMN: Yes, we do handle space issues as well.

MR. ROBESON: Okay.

MS. HAMN: Okay. I'm going to go back and show you that you can get into the Airworthiness Directives, and we recently started publishing exemption requests in the Department of Transportation's Docket Management System, beginning September 1st, and, so, you can actually just click on and follow directions there and access any exemption requests that we've received since September 1st.

We also have a section here for Miscellaneous Regulatory Documents. There are no documents in there. We plan on placing our withdrawal notices or technical amendments or clarifications in that particular section.

We have something called a Regulatory Guidance Library, and that basically contains all of the regulatory information on certification issues in 14 CFR as well as the historical parts. We're hoping to expand that and include all of the aviation regulations as well as the historical parts in one location.

The next item is the Unified Regulatory Agenda, and that's a regulatory agenda you can look at to ascertain all of the regulations that the agency plans on working on within the next six months to a year.

The section under that contains advisory material, and we have it segregated by program office. For example, if it's an operational issue, you would look under Flight Standards or certification issue and so forth and so on.

We have Flight Standards Bulletins, Notices to Airmen and various operations manuals.

Then going over to the Participating in the Process, again we have received comments from the public indicating that it's sort of difficult to participate in our rulemaking process. You had to send a copy over to the Docket or you had to get up and just hand-carry something over. So, we're trying to make it more user-friendly, and you can sit at your desk now, and you can participate in the rulemaking process.

You can actually look at Notices of Proposed Rulemakings that have been published. You can sit at your desk, you can submit comments from your desk as well by simply following the procedures that are

outlined. Again, today, I can't actually go in and show you one, but again this is an NPRM where we're requesting comments, and you can just simply click on the docket number. You can go into that document. You can see the comments that have already been submitted. You can comment on those comments or you can just submit your own comments as well.

There are Notices of Proposed Rulemaking in here that are open for comment at this time, and notices requesting comments are, also.

You can also go directly to the Docket Management System from our web site, and we also have instructions on how to submit petitions for exemption or petitions for rulemaking.

We have a section on Notices of Public Meetings, and this is right now just a Word or PDF format document. So, for example, if you're interested in seeing the notice for this meeting, you would simply click on it, and it should come up, and hopefully it will be quick. But it contains that type of information.

And to address some of the ARAC concerns, I'm going to go back, but you can just scroll down, and all the information is there. We initially had the

calendar up on the web, and we still do, but the concern raised there is that, okay, I can see the date of the meeting, but what's going to transpire at the meeting? What's going to be discussed? So, that's why we added this feature to the web site.

Now, looking at the Aviation Rulemaking Advisory Committee, and then we also have a place for Aging Transport Systems Rulemaking Advisory Committee, they both contain basically the same drop-down boxes. You can go in and look at the calendar of meetings that are scheduled for this year, and you just move down. We have the contact individual's information. That's why it's very important for you to let us know when you plan on holding issues meetings as well as working group meetings as noted here.

Then we have the calendar for 2002. I think that's empty right now. You can go in and look at the ARAC charter. You can also look at the minutes. What Tony just mentioned regarding being more open, we're trying to have this information up on the web site.

Some recent comments that we received regarding this particular portion of our web site, okay, you have the minutes up, but it would also be nice if you included the attachments. So,

futuristically, when we receive minutes, and we receive the attachments electronically, we're going to try to attach that to the minutes as well.

If the committee has issued any ACs, and there are no ACs posted at this time, but they would be ones that have been issued within the last few months.

We have the membership listing here. So, you can easily go in and find out who's a member of the Executive Committee, and if you scroll down, we have the Air Carrier Operations and all the other committee members.

Tony mentioned earlier that our Operating Procedures or the Green Book is up on the web, and this is a list of the published rules that have come out of ARAC, and again if you click here, we can't do it today, but it would take you to the Docket Management System.

Lastly, we have a list of tasks, and it's broken up by Executive Committee and then each issue area, and you can actually click on it and see the actual tasks. Then if you scroll down to the Aging Transport Systems Rulemaking Advisory Committee, we basically have the same information in there.

Then we also have a section, and we can't look at it today, on Plain Language Initiatives. So, for those of you who may not be familiar with Plain Language, you can get general information, and it also gives you helpful hints as to how to write something in the Plain Language Format.

We have something else called Related Links. We have a lot of regulatory requirements that we have to take into consideration before we promulgate a rule. For example, if you're interested in our Administrative Procedure Act requirements, you can look that up in that section, or if you're interested in our Small Business Regulatory Enforcement Fairness Act requirements, you can look that up, as well as the Executive Orders that we must comply with, things of that nature.

Are there any questions on our web site? Yes?

MR. JOSEPH: Thank you. Norm Joseph, Airline Dispatchers Federation.

First of all, my congratulations. That's a heck of an improvement over what existed not too long ago.

MS. HAMN: Thank you.

MR. JOSEPH: A couple of questions or perhaps objections. On the Advisory Circulars and Rules, both actual and proposed, --

MS. HAMN: Okay.

MR. JOSEPH: -- is there any procedure where you can search those by the AC or FRA number as opposed to just a general classification? The same would be by title or key word.

So, if you're going in looking for a subject matter or for a specific AC and didn't know what it dealt with, that you can find it without having to actually scroll through everything that's in there.

MS. HAMN: Under the Regulatory Guidance Materials, there's a listing of ACs, and I think you can search by topic, but I'm not sure whether you can search by number or not.

MR. FAZIO: Let me add right now. Just as an aside, the agency's in the process of reformatting its web site because we've gotten a number of comments like this.

If you've used the agency web site, you recognize that there's a lot of information out there. It's just hard to get to. It's not a very well-organized web site.

So, we have finally recognized that. We have a team together now to look at that, and I can bring back that suggestion to them, but the idea would be that all Advisory Circulars would be in one site. So, you wouldn't have to go to Flight Standards. You wouldn't have to go to Certification or Airports or wherever it is, and some of those tools for searching, I think, would be something we could probably accommodate.

MR. JOSEPH: I would suggest your consideration. It just makes it quicker to get something in a hurry.

MR. FAZIO: Absolutely. Yes.

MR. JOSEPH: The other question I have. You did mention that requested exemptions or exemptions currently under consideration, when they're out of existing exemptions, are they listed anywhere?

MS. HAMN: We plan on putting those up on the web site by the end of this fiscal year. So, by September 30th. As of now, they are not on the web.

MR. JOSEPH: Sounds like a great plan.

MS. HAMN: Okay. Yes?

PARTICIPANT: Norm, I would point out that in the limited sense, for the time being, you can go to

the Flight Standards home page and get into exemptions. It doesn't have a very good search engine, though, which is very important to us, but it provides some accessibility.

MS. HAMN: And that is only for Operational Exemptions.

Any other questions? Yes, sir?

MR. O'MARA: Tom O'Mara.

Have you made any consideration about limiting all the abbreviations, etc.? It would really make understanding a lot easier.

MS. HAMN: We'll take that under advisement. Any other questions?

(No response)

MR. PREST: Anything at all out there for Florence?

(No response)

MR. PREST: I'd like to -- yes, sir?

MR. EVANS: I'm David Evans with Air Safety Week.

I'd like to congratulate the FAA for the increased openness of its web site. We recently were following the discussion or the debate stimulated by

the proposal to upgrade the standards for thermal acoustic insulation blanketing.

An NPRM went out. Request for comments. A lot of interest because of the cost and the safety implications, and instead of having to schlep down to FAA Headquarters and do the one-page xerox machine, we were able to obtain all of that and craft, I think, an appropriate story for our readership.

Having said that, I'd like to offer just one footnote. I knew that the Airline Pilots Association had some definite concerns and did not see their statement on the web site. There were, you know, dozens there, but I would offer that. We were able to scramble and get their position, but it was from them directly.

Thank you.

MS. HAMN: Okay. Thank you for bringing that to our attention.

MR. FAZIO: Let me just add. If others see that happening, please let us know in the FAA. We do not manage the Docket Management System over at the department, but we will definitely bring that to their attention.

Paul?

MR. HUDSON: I'd just like to add my congratulations, that this is a really major improvement, and it's not some, you know, gadget. This is really major and urge you to go ahead, and when do we see a chat room?

MS. HAMN: Should I share that? Okay. Right now, we're exploring the possibility of holding our first virtual public meeting through the Internet, and, so, we're working with a contractor now. So, hopefully you'll see that some time in the near future.

MR. FAZIO: The other consideration, too, is again for our working groups. If you feel that you need the capability of an Internet or chat room of some sort, that is something we can probably accommodate within reason. That will then help keep costs down, also. It's a little bit more cumbersome, but if you have ideas, we'd love to hear them.

MR. PREST: Any other comments? Yes, sir?

MR. LOTTERER: Dave Lotterer with Regional Airline Association.

This is somewhat of a peripheral comment, but it was brought up in the last discussion on the Plain Language Initiative.

Is the FAA going to have any open meetings with respect to their implementation of this in the rulemaking?

MR. FAZIO: We weren't planning any. Is there a problem that you've noticed with the Plain Language?

I mean, let me just -- for those who aren't aware, what the agency has embarked on is an initiative from the last Administration, though I think it will carry on with this Administration, to write our rules more clearly.

Now, there are various ways you can do that. We mentioned question and answer earlier. We have done that in the Part 11 rewrite, which explains the Administrative Procedures for doing rulemaking.

We probably will not use that in more of the technical areas, but we do intend to write our rules more clearly, so that we get out the ambiguity. One of the things we've realized, I think all of you who have used our regulations know, that there can be ambiguity placed in regulations, whether intentional or non-intentional, and, so, our intent is to write as clearly as possible for the reader, that particular reader, that will use that particular rule.

But if you have a specific problem, we'd like to hear about it.

MR. LOTTERER: Well, right now, while you've adopted Part 11, your Kansas City for General Aviation ADs, they're doing it, and then you've recently proposed Part 39.

I talked to several FAA people on this, and it appears that it's -- that the policy right now is somewhat spotty; that is, to use it on the "simpler" type rulemaking processes, but when you get into complex regulations, for example, the Operation Rules, why, to break it down into the question/answer format would result in just a tremendous number of questions and answers which would be very, I guess in my opinion, would be very difficult to really find the information that you want, and I guess right now, I'm suggesting that maybe this should be a more open process.

I know you were in effect told to do this, but to do it to the regulations, I think, should be more open.

MR. FAZIO: Right. Well, as I said, the question/answers are only one format for Plain Language, and we intend to continue because we feel very strongly in this.

If we can write our regulations more clearly, more people will comply with them and less enforcement actions, that sort of thing.

Again, we're going to write to the intended reader. So, question/answer, you probably won't see that as often. You're seeing it in the ADs, but I think it's probably very effective in the ADs, and the feedback that we're getting is that there are a lot of people that like it.

We don't intend to dumb down. That's not Plain Language. I have an expert here, if you'd like to talk with him, he can give you our philosophy on this. The intent is to bring it down. So, -- and again, the key word that I use with my staff, we're not writing for you. You know this stuff. You know it backwards, forwards, you know it better than we do because you have to live it day after day.

We're writing for the next generation because, as you know, we don't change our rules that often, and, so, there are rules out there that are 40-50 years old, maybe not that old, 30-40 years old. So, we're writing for the next generation, who may not be as cognizant as you are of the regulations. So, that's

really what we're trying to get at, but I wouldn't be too concerned about the question and answer.

Tom, did you want to follow up on that? We can assure you that we're working a rule now that's very operational, and we're having a heck of a time, and Tom is actively involved, trying to make that as clear, and it's not easy.

MR. PREST: Thank you, sir. Thank you very much, Florence, for an excellent presentation.

(Applause)

MR. PREST: It doesn't happen often. In the interest of moving on, if there are any more questions in this area, I would ask that you come to one of us at lunch or at your convenience, and we will make sure that all questions are answered, and that you've left here with a thorough understanding of the work that we've talked about so far.

At this point in the agenda, we're moving forward. In accordance with the Federal Advisory Committee Act, on January 18th, a Federal Register Notice was published concerning the announcement of this meeting and also inviting participation from anyone who would like to speak to the group.

We received three responses, and we will honor that request in the order in which they were received at FAA, and I would at this time call on Mr. Tom O'Mara, National Air Disaster Alliance Foundation.

Mr. O'Mara?

Scheduled Statements and Comments to the Committee

MR. O'MARA: Thank you. Good morning.

I did some quick math this morning, and it seems there are 535 people in this town who write laws for 260 million people, but within the ARAC, there's only about a hundred people who write the safety regulations for probably a billion passengers by the year 2010. So, ARAC has a great deal more responsibility than many people think it has.

I'm an alternate to the ARAC Executive Committee. I represent the National Air Disaster Alliance and Foundation. I attended my first ARAC back in 1992 on behalf of ACAP.

I'm here because my only child died at Sioux City, Iowa, in 1989, when a DC-10 crashed. 111 died, 189 lived. Heather was 24 years old. She was a graduate of Tulane Law School, a member of the New Jersey Bar, and a captain in the U.S. Army JAG Corps,

serving at Fort Collins, Colorado, at the time of her death.

She was found on the tarmac. Her seat was ripped away from the floor, and she flew through one of those three hull breaches as that DC-10 tumbled down the runway.

Before her death, I was a corporate guy, working in sales management at the Wall Street Journal. I was a proud father. I was confident that FAA would not allow Heather, myself or anyone we loved to board a plane with a known fatal flaw and defect.

I joined in the ARAC process because of the headline in the Wall Street Journal. The headline appeared two days, two days after Heather died. The headline referred to the "Achilles Heel" on the DC-10. That was the first time I ever considered that the aviation industry or its regulator might cut corners on safety, might not fix fatal flaws on aircraft. Pretty naive, wasn't I?

I've met families from plane crashes, and I'm sorry to say that I have learned what we all know. There are fixable fatal flaws on commercial jets that are not fixed because the industry says, look, it's just too costly.

Here's what the families of air disasters asked me to convey to you this morning. We understand that accidents happen. We know that 40,000 have perished on commercial plane crashes since 1960. Roughly a thousand deaths per year. We know this is a low number compared to the numbers of those killed by cars, guns, heart attacks.

We understand that America averages one fatal crash every day in the U.S., and that does not include the military or foreign crashes of American passengers. On an update on that, in January of this year, there were 75 crashes with 56 fatalities, according to the NTSB.

However, this is what we don't accept. We don't accept that the NTSB recommendations should be ignored by the FAA or by the industry, for five years, sometimes even decades.

For instance, if FAA had listened to the Safety Board in 1988, a year before Heather died, ValuJet would not have crashed in the Florida Everglades, killing -- in 1996, killing 110 passengers and crew members.

If FAA or Douglas had fixed the fatal flaws facing DC-10 passengers after that first crash at Orly,

France, in 1974, 15 years earlier, Heather and a 110 others would not have crashed at Sioux City and lost their lives.

Why is that? Because that Turkish Air DC-10 crashed at Orly due to a total loss of hydraulic power. First, the door popped open, the door buckled, and the hydraulic lines under the floor snapped, precious life-giving hydraulic fluids pumped out of the lines, and all died.

If ARAC or Douglas had put a safety valve, a $10,000 item back then, on the hydraulic lines to all three engines after Orly, Captain Al Haynes would not have faced the same total hydraulic loss 15 years later, when one of three engines let go.

There are other examples, but, look, let's look to the future here. Please remember that the ARAC members can prevent families from getting mugged twice when a plane crashes. The first mugging is the crash. The second mugging is discovering that their loved ones didn't have to die.

Our members offer two suggestions for Safer Skies. Number 1, that FAA should require all NTSB recommendations published as part of a final accident

report be deployed within 18 months, sooner would be fine.

We know the industry feels this is a Draconian measure. It's not needed. It's too expensive. It's too difficult, etc. We've heard it all. Think about it. That's all we're asking you.

Number 2. There's something in this for everybody. We ask you to influence your companies to lobby Congress to create what we call a "fix trust fund".

This fix fund would pay airlines to deploy NTSB recommendations in a timely way. It could be funded by a dollar or two surcharge per ticket issued in the U.S. This would be nearly a billion dollars a year harvested for this purpose by the year 2005 and beyond.

We suggest the fix fund be managed by someone from outside aviation, someone like Jim Burnett, Jim Hall, Mary Schiavo, come to mind. We don't want the fix fund used to balance the nation's books, like the Aviation Trust Fund has been used on occasion.

These two actions by FAA and industry would soothe the souls of those of us who mourn the loss of

loved ones killed in predictable, preventable and foreseeable plane crashes.

The families wanted me to remind you that only chance puts us in our shoes and you in yours. No one should have to learn their loved one perished because a plane had an Achilles Heel, that some cost-benefit analysis person said you or someone you love is expendable, we're not going to fix it.

There's much to do. As Norman Mineta warned in 1997, worldwide flights are expected to increase from 16 million this year to over 25 million by 2010. "If the current accident rate is extrapolated," I'm quoting, "over that traffic level, the number of accidents can be expected to climb to a point where there is a large jet aircraft crash every seven to 10 days somewhere in the world." That's a lot. That's not acceptable.

Let's hope ARAC can be the dike that holds back the sea of sorrow that Secretary of Transportation Mineta predicted four years ago for air travel in 2010.

Thank you very much.

(Applause)

MR. PREST: Thank you, Mr. O'Mara.

I'd like to now call on Dr. Ray Fenster, representing Information Overload Corporation.

Ray?

DR. FENSTER: Good morning.

After having served on several ARAC committees, it's become evident that three important factors help promote more resource-effective results.

One, an increased reliance on concrete facts, two, the inclusion of all potentially-impacted groups, and three, an increased emphasis toward thinking outside the box.

It may be advisable for ARAC to focus more energy on these major areas in order to generate a greater increase in safety. After all, the primary purpose of creating harmonized regulations is to foster an increasing ability to achieve global safety.

First, by focusing on performance-based outcomes rather than design end points, participants are given a greater latitude in utilizing qualitative and quantitative information in reaching a defendable solution. This allows for more creative, cost-effective and measurable deliverables.

Second, focusing on ARAC members as a valuable resource not only facilitates a constructive

method of obtaining additional information, but it helps advance the consensus process. Each stakeholder holds a guarded and unique position that must be solicited and respected, yet challenged when concrete information provides an alternative viable solution.

Next, advisory committee organizations, issues, working and task group participants, must understand that along with the ability to help shape the future of aviation regulations is the responsibility to be a productive, positive team player.

Participants must also realize and internalize that forum-shopping may provide short-term fixes but will bring into question the integrity of their organization and diminish future ARAC endeavors.

Finally, by focusing on human factors, including biological changes, rather than aircraft attributes, we acknowledge a true contributor in the vast majority of aviation safety failures.

Physiological changes occur in flight crew that may have an impact on performance. Research has demonstrated the cockpit and cabin crew have kidney, liver and pineal functions that move outside the acceptable reference range.

Research has also shown that human factor intervention, such as sympathetic residence technology, can maintain and even enhance physiological functions.

In conclusion, the ARAC process must continue to evolve along the same dynamic track as the aviation industry. Only ARAC members can assure that each challenge is viewed as an opportunity to improve and increase aviation safety.

Thank you.

(Applause)

MR. PREST: Thank you, Ray.

Our final speaker this morning is Mr. Christopher Witkowski, Association of Flight Attendants.

Chris?

MR. WITKOWSKI: Good morning.

Thanks for the opportunity to address the ARAC Committee. We appreciate this chance to speak to the group as a whole for the first time in 10 years.

This is an opportunity to take stock basically of how the ARAC process is functioning and evaluate the FAA's current approach of using ARAC as a single advisory committee to cover a multitude of aviation safety issues.

I want to take the time to briefly review how ARAC Operational Procedures have evolved over the years and provide some recommendations on how it could be restructured to better meet the spirit of the Federal Advisory Committee Act under which it was chartered in 1991.

The earlier speaker talked about the Act and balance, openness and fairness as the principles that are supposed to be embodied when advisory committees are created, and we agree with that.

It's our belief that Congress and the American people have lost oversight of the deep workings of this major rulemaking committee. As it stands right now, ARAC is tailormade to limit the participation of public interest groups and other organizations with limited resources.

The ARAC system is out of balance. It's dominated by industry representatives whose goal may sometimes be at odds with the public interest and biased against public participation.

The Federal Advisory Committee Act was meant to prevent such problems. Although the procedures for the ARAC Issues Group follow the FACA requirements, the actual work of ARAC, as I mentioned earlier, is

accomplished by the working groups dealing with a broad range of important issues.

There is no legal requirement that the working groups be balanced, only that a substantial attempt be made to balance the interests of those groups.

Working group meetings, as I said, are closed to the public, and it's not until after the working group has arrived at its recommendations that the chair presents those recommendations at the public meeting.

No minimum number of ARAC voting members need be present at that meeting to approve the working group recommendation and forward it to FAA for implementation.

The openness of ARAC serves as a ploy to justify the closed deliberations of the working groups. The working groups suffer from many of the same problems that led to the passage of the Federal Advisory Committee Act. The deliberations are secret. The public participation is limited to those who have specialized technical backgrounds and have been selected by ARAC management.

The work of the groups results in policy or regulations, and records of the deliberations are not required at this time.

The FAA use of ARAC as an advisory committee, we believe, is inappropriate. There is a continuing need obviously for advisory committees to provide information and advice to the FAA, but developing complete regulatory packages goes beyond the scope of information and advice.

The advisory committee structure should meet the intent as well as the letter of the Federal Advisory Committee Act.

In order to do this, we recommended a series of changes, and I might note that these are largely some of the changes that were mentioned in a speech by AFA President Pat Friend in 1997, which has been provided to the FAA since then.

The experiences of the last four years have reinforced the need for the FAA to act on these proposals, and a copy of the 1997 speech is provided with my remarks to the FAA.

Number 1. The FAA should limit the input from the advisory committee to advice, not complete regulatory packages.

This would eliminate the responsibility for achieving consensus within the working group, so that differing opinions or options would be forwarded to the FAA intact for its assessment at the agency.

Without the need to achieve consensus and prepare complete regulatory packages, the meetings of the working groups should be limited to two or three at the most on each issue tasked to it. After that, the working groups should be automatically dissolved.

A representative of the FAA should chair each working group to ensure that all participants are encouraged to present their advice without intimidation from others and to keep the group focused on the issue at hand.

All of the meetings, including those of the working groups, should be announced and open to the public, and participants should be encouraged to communicate with anybody necessary about the topic of the meeting.

Detailed minutes of each working group meeting and input from each of the participants should be forwarded to the FAA for its use and the public record. The responsibility for developing regulatory packages would revert to the FAA, where it belongs.

Number 2. In order for the public to have the opportunity for fair representation in an FAA advisory committee, the agency should charter a separate advisory committee for each specific issue on which it is seeking advice and take charge of the advisory committee's process.

If a group would like to participate in a second advisory committee but lacks the resources to do so because of current participation in an existing advisory committee, the agency should defer the formation of the second committee until the first has completed a task or the agency should complete the task itself.

The FAA should hold and chair each meeting of the advisory committee, take detailed minutes of each meeting and provide a forum in which each group can provide its point of view and relevant information to the FAA which would act as a neutral party. There should be equal representation between industry and non-industry participants.

If a working group or subcommittee is established for the advisory committee, it should operate under the same rules as the parent committee, with meetings open to the public and minutes and work

products made publicly available, and as I noted earlier, the FAA's Aviation Security Advisory Committee, by way of contrast with ARAC, is chaired by an FAA official, and meetings of the ASAC and its four subcommittees are generally open to the public.

Keep in mind here, we're talking about security issues and advice and recommendations, which I would think has a higher degree of sensitivity than some of the safety issues that are discussed in ARAC.

Number 3. This relates to harmonization. We believe that all FAA/JAA harmonization tasks should adopt the Fast Track Category 1 approach, which is to adopt the strictest provisions or elements from the relevant FAR and the JAR for the newly-harmonized rule.

This is a straightforward approach to harmonization that minimizes processing time and costs, whether tasked to an advisory committee or not. Travel and time costs for harmonization working groups are significant. Consequently, many members with limited resources are not able to make the necessary trans-Atlantic trips involved, and I know many of you can attest to the experience of the Category 1 approach in Fast Track. It moves very quickly.

Number 4. I think it's been addressed. We feel that the advisory committee of FAA should meet in Washington, D.C. Tony Fazio has explained that that basically has been done, but I wanted to make mention of it again, and that the working groups should meet in an accessible location to help reduce the costs and make it more convenient for the members of the working group, and the meeting should be chaired by the FAA, as I said earlier, in a federal building.

The last point is that in the event that consensus remains a goal, we do believe that proxy voting should still be allowed in order to ensure that the advisory committee members with less resources and staff can have their votes represented by proxy on motions or documents.

There are many places in the ARAC Green Book right now that calls for voting members, votes to be taken, etc. So, I know that trying to reach unanimous consent or near unanimous consensus on an issue is admirable, but it always comes down to where do people stand and votes are taken.

So, there are some cases where you can't have representation from some of the groups that are not able to come because of costs and resources.

We believe the changes would help prevent recommendations that are contrary to the public interest from being pushed through to the FAA by an industry majority and improve the ability of all groups to fully participate in offering advice and input to the FAA.

In this way, the FAA advisory committees would be an appropriate source of information and advice, and the original intent for public participation would be fostered.

Thank you very much.

(Applause)

MR. PREST: Chris, thank you, and thanks to all of our speakers who have made the trip here to express your views. We very much appreciate it.

Thank you to Kent Hollinger back there from our sister organization, the Aging Transport Systems Rulemaking Advisory Committee, and you brought members of your group with you, and I thank you for that.

Lastly, thanks to all of you who have participated in this morning's activities. As has been said often, this group cannot function without that participation and without the enthusiasm that you bring

toward making better rules, recognizing that we're all interested in a safer environment.

Having ended with a note on safety, I think that's appropriate to adjourn with the caveat that we will meet before the next 10 years elapses, I guarantee it. We will make it a point to get together more frequently.

We stand in adjournment. Again, the Executive Committee will meet back here at 1:00.

Thank you again.

(Whereupon, at 12:05 p.m., the meeting was adjourned.)