ORDER

U.S. Department of Transportation
Federal Aviation Administration

1110.133

1/16/03

SUBJ: **CERTIFICATION PROCESS STUDY (CPS) RESPONSE AVIATION RULEMAKING COMMITTEE**

1. PURPOSE. This order constitutes the charter for the Certification Process Study (CPS) Response Aviation Rulemaking Committee that is designated and established pursuant to the Administrator's authority under 49 USC 106(p)(5).

2. DISTRIBUTION. This order is distributed to the Associate Administrator for Regulation and Certification; the director and division level in the Aircraft Certification and Flight Standards Services; the Office of the Chief Counsel; and the director level of the Offices of Rulemaking, Cost and Performance Management, System Safety, and Budget.

3. BACKGROUND. In January 2001, the Federal Aviation Administration (FAA) chartered CPS for U.S. transport airplanes via a study team with broad-based FAA and industry membership. The CPS study team's objective was to conduct a comprehensive review of the current U. S. processes involved with transport airplane certification and how they relate to maintenance and operation. The study was intended to assess the adequacy of all processes currently in place throughout the airplane's service life. Special emphasis was placed on the interfaces between the processes and on information flows between all stakeholders involved in design, build, operation, maintenance, or alteration of transport airplanes. The study's goal was to identify future process improvement opportunities at all stages of the life cycle. The CPS report does not contain specific recommendations, rather it describes findings and observations related to those processes.

4. OBJECTIVE. The CPS Response Aviation Rulemaking Committee is being formed to ensure that the FAA responds efficiently to the process opportunities identified in the CPS report. The committee will make its recommendations, which may include recommendations for rulemaking, process improvements, or other tasking, to the Administrator through the Associate Administrator for Regulation and Certification. As part of its task, this committee may also review existing regulations and make recommendations to delete those that are no longer needed, in an effort to reduce the burden on the public. The general goal of the committee is to develop a means to implement improvements in the following four change areas that affect safety.

5. SCOPE. In preliminary planning, four change areas were identified that support an efficient program. By grouping the study's findings and observations into these four change areas, separate although coordinated activities may be initiated with each effort focusing on improvements to different processes within the safety system. These improvements will be the result of the addition of new rules when needed, and the modification or deletion of existing regulations that are no longer necessary. Activities can be initiated for each of the change areas in parallel. The four change areas were identified as Safety Information Management, Human Factors Integration, In-Service Changes, and Aircraft Certification (AIR) & Flight Standards

(AFS) Integration. Although all change areas identify significant change objectives, FAA and industry agree that the Safety Information Management area provides the strongest opportunity for improvements to safety. Hence, this change area is divided into four areas of special emphasis. These four areas are Critical Design Information, Continued Operational Safety Information/Precursor Awareness, Lessons Learned from Aircraft Accidents and Major Incidents, and Original Equipment Manufacturer (OEM) - Operator Safety Information Transfer. The change area objectives are as follows:

a. Safety Information Management. Develop processes to manage all safety information in an integrated way, with emphasis on the following areas:

(1) Critical Design Information. Define methods to identify critical design safety features and necessary assumptions that are essential for understanding critical safety features for each aircraft in the existing fleet, as well as new designs.

(2) Continued Operational Safety Information/Precursor Awareness. Ensure that FAA and industry data management programs effectively identify accident precursors by:

(a) Developing an AVR/Industry Safety Information Model that includes a process for identifying potential accident precursors, efficient and relevant data collection requirements, and incentives for voluntarily reported data that is legally protected.

(b) Recommending elimination or consolidation of ineffective data programs.

(3) Lessons Learned from Aircraft Accidents and Major Incidents. Define methods to capture, share, and apply lessons learned from accidents and major incidents.

(4) OEM-Operator Safety Information Transfer. Define "safety related" communications and define processes to ensure that appropriate communications take place between OEMs and operators on safety recommendations related to maintenance or operational procedures.

b. Human Factors Integration. Develop industry/FAA comprehensive plan to address all human factors issues that have resulted in accidents in the past and/or that could result in accidents in the future. The plan should address both the pre-certification and post-certification Human Factors aspects throughout the life cycle.

c. In-Service Changes. Define methods to provide:

(1) An industry standard logic process for use in determining repair and alteration classification.

(2) A coordinated alteration process that ensures the original OEM safety intent is not compromised.

(3) A process that ensures consultant Designated Engineering Representative (DER) approved designs are compliant with regulatory requirements.

(4) Enhanced air carrier/repair station quality assurance programs.

d. Aircraft Certification/Flight Standards Integration.

(1) Define an AVR-level policy for improved internal and external communication and coordination between AIR and AFS.

(2) Develop a process to ensure improved communications on technical issues with industry.

6. PROCEDURES.

a. The committee provides advice and recommendations to the Associate Administrator for Regulation and Certification. The committee acts solely in an advisory capacity.

b. The committee will present and discuss whatever input, guidance and recommendations the members of the committee consider relevant to the ultimate disposition of issues. Discussion will include, but not be limited to, the following:

(1) Recommendations for rulemaking necessary to meet objectives.

(2) Operational objectives, recommendations, and requirements.

(3) Airworthiness criteria and means of compliance to meet the operational objectives.

(4) Guidance material and the implementation processes.

(5) International harmonization issues and recommendations.

(6) Documentation and technical information to support recommendations.

7. ORGANIZATION.

a. The committee will be comprised of an oversight board with representatives from FAA and industry management, and will also include committee co-chairs and working group leaders as appropriate. The committee will form working groups as necessary to address the change areas described above. The oversight board will serve to guide and monitor the activities and progress of the committee and its working groups.

b. For each of the change areas listed above, committee co-chairs and working group leaders will coordinate with the accountable FAA and committee members, and monitor progress to completion. For FAA initiatives, the committee will work with FAA management to ensure incorporation of actions into existing FAA programs and activities where feasible. It is expected that FAA management will oversee implementation by establishing Business Plan Objectives within individual offices.

c. Oversight should continue for a period of time to help oversee and integrate the overall CPS implementation for all of the change areas. This function may be performed mainly by regular telecons and email among oversight personnel and the working groups. Periodic meetings would also be required to ensure that implementation is progressing as planned for the different change areas.

8. ADMINISTRATION.

a. The Associate Administrator for Regulation and Certification will have the sole discretion to appoint members or organizations to the committee. The committee shall consist of members of the aviation community, including the public and/or other Federal Government entity representatives of various viewpoints. The FAA will provide participation and support from all affected lines of business.

b. The Associate Administrator for Regulation and Certification will receive all committee recommendations and reports. The Associate Administrator, through Aircraft Certification Service and Flight Standards Service, will be responsible for providing administrative support for the committee. The Aircraft Certification Service or Flight Standards Service will provide the designated Federal official for this committee.

c. The Associate Administrator for Regulation and Certification is the sponsor of the committee, and will select FAA and industry co-chairs for the committee. The co-chairs will:

(1) Determine, in conjunction with the other members of the committee, when a meeting is required.

(2) Arrange notification of all committee members of the time and place for each meeting.

(3) Formulate an agenda for each meeting and conduct the meeting.

d. The Office of Rulemaking (ARM) will keep the committee meeting minutes.

9. MEMBERSHIP.

a. The committee membership consists of multiple associations and organizations selected by the FAA. The membership should be balanced in points of view, interests, and knowledge of the objectives and scope of the committee.

b. The membership of the committee may include the following public and government organizations:

(1) Aviation associations such as:

(a) Air Transport Association.

(b) Airline Pilot’s Association.

(2) Air carriers, manufacturers, and other private sector aviation industry participants.

(3) The FAA's Regulation and Certification line of business offices such as:

(a) Aircraft Certification Service.

(b) Flight Standards Service.

(4) Other FAA Lines of Business as required to meet committee objectives.

10. COST AND COMPENSATION. The estimated cost to the Federal Government of the CPS Response Aviation Rulemaking Committee is approximately $25,000. Non-Government representatives serve without Government compensation and bear all cost related to their participation on the team.

11. PUBLIC PARTICIPATION. Interested persons or organizations who are not members of this committee, but plan to attend a meeting, must request and receive approval in advance of the meeting from one of the Team Chairpersons or their representative.

12. AVAILABILITY OF RECORDS. Subject to the conditions of the Freedom of Information Act, 5 U.S. Code, Section 522, records, reports, agendas, working papers and other documents that are made available to or prepared for or by the Committee shall be available for public inspection and copying at the Aircraft Certification Service, 800 Independence Avenue SW, Washington, DC 20591. Fees will be charged for information furnished to the public in accordance with the fee schedule published in Part 7 of Title 49, Code of Federal Regulations.

13. PUBLIC INTEREST. The formation of the CPS Response Aviation Rulemaking Committee is determined to be in the public interest in connection with the performance of duties imposed on FAA by law.

14. EFFECTIVE DATE AND DURATION. This committee is effective November 15, 2002. The committee shall remain in existence until November 14, 2004, unless sooner terminated or extended by the Administrator.

Marion C. Blakey
Administrator