U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

**ORDER
FS 8000.96**

Effective Date:
1/7/16

SUBJ: Flight Standards Service Guidance Document Development

This Federal Aviation Administration (FAA) Flight Standards Service (AFS) order establishes the policy and guidelines for AFS personnel who develop, update, or change AFS directives and advisory circulars (AC).

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Director, Flight Standards Service

Table of Contents

Table of Contents (Continued)

Chapter 1. General Information

1.1   **Purpose of This Order.** This order provides policy and guidance to AFS headquarters divisions and other AFS support staff that develop, update, or change AFS directives and ACs. This order contains guidance that is administrative in nature.

1.2   **Audience.** All AFS employees who write or review policy and guidance documents.

1.3   **Where You Can Find This Order.** You can find this order on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices, or through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Individuals outside the FAA can find this order on the FAA's Web site at http://fsims.faa.gov, http://rgl.faa.gov, or http://www.faa.gov/regulations_policies/orders_notices.

1.4   **Effective Date and Duration.** This guidance remains in effect from the date published until canceled by the Director of Flight Standards Service (AFS-1).

1.5   **General.** Well-designed guidance documents serve many important or even critical functions both within an organization and externally to the regulatory programs they support. Guidance documents, used properly, can channel the discretion of agency employees, increase efficiency, and enhance fairness by providing the public clear notice of the line between permissible and impermissible conduct. While guidance documents do not have the force of law in the way regulations do, they are often heavily relied on internally to establish, issue, and describe agency policy, responsibilities, methods, and procedures. Guidance documents, viewed externally, provide a level of assurance for the equal treatment of all parties and provide transparency, consistency, and accountability.

1.6   **Background.** On February 14, 2012, the President signed the FAA Modernization and Reform Act of 2012 (the Act), Public Law 112-95. Pursuant to section 313 of the Act, the FAA chartered the Consistency of Regulatory Interpretation Aviation Rulemaking Committee (ARC). The ARC created a forum for the U.S. aviation community to assess, determine the root causes of, and provide recommendations to reduce inconsistent interpretation and application of regulations.

The ARC specifically cited the important role of guidance documents. In their 2012 report, the ARC called for the development of instructions for FAA personnel with policy development responsibilities. The intent of this recommendation was to ensure that new guidance does not contradict or otherwise negate a current acceptable method of compliance and that guidance documents (when not administrative in nature) are consistent with regulatory language. This order provides a standardized framework for authors of guidance documents.

1.7   **Definitions.** For the purposes of this order, the term "guidance documents" refers to directives and ACs.

1.7.1   <u>Directives.</u> Directives are the primary means within the FAA to issue, establish, and describe agency policies, organization, responsibilities, methods, and procedures. The primary audience for directives is internal stakeholders, including designees, delegated organizations, and organization unit members. If a directive applies to your work, you must follow the directive. See Appendix A, Related Web Sites and Publications, for a link to FAA Order 1320.1, FAA Directives Management, which provides more information.

    1.7.1.1   **Orders.** Orders are permanent directives and stay in effect until canceled.

    1.7.1.2   **Notices.** Notices are temporary directives and expire 1 year from their effective date or have a cancellation date before 1 year. Notices can be used to communicate emergency information or when a situation requires immediate action. You should not draft a notice to announce a permanent change.

    1.7.1.3   **Supplements.** Supplements to orders are issued by organizations other than the originator to provide additional internal guidance or instructions pertaining to the order. Issuance of supplements is rare.

1.7.2   <u>ACs.</u> ACs provide information on methods, procedures, and practices acceptable to the Administrator for complying with regulations. While ACs do not establish requirements, they can help the implementation of regulations by providing standardized implementation methods for compliance and can be used to resolve general misunderstandings of a regulation. ACs may contain explanations of regulations, best practices, and other information useful to the aviation community. The primary audience for ACs is external stakeholders, but ACs also provide information to internal stakeholders. See Appendix A for a link to FAA Order 1320.46, FAA Advisory Circular System, which provides more information.

1.7.3   <u>Other.</u> The FAA has other methods to convey important safety and/or administrative information to the industry and FAA personnel. While not specifically addressed in this order, you should be aware that these options are available and when they should be used.

    1.7.3.1   **Safety Alerts for Operators (SAFO).** SAFOs contain important safety information that is often critical. A SAFO may contain information alone or a combination of information and recommended (nonregulatory) action to be taken voluntarily. See Appendix A for a link to FAA Order 8000.87, Safety Alerts for Operators, which provides more information.

    1.7.3.2   **Information for Operators (InFO).** InFOs contain valuable information for operators that should help them meet administrative requirements or certain regulatory requirements with relatively low urgency or impact on safety. InFOs contain information or a combination of information and recommended (nonregulatory) action. See Appendix A for a link to FAA Order 8000.91, Information for Operators (InFO), which provides more information.

Chapter 2. Core Principles of Writing Guidance Documents

2.1   **Guidance Documents.** The important role that guidance documents play cannot be emphasized enough. AFS recognizes the value of guidance documents in providing predictability, stability, and consistency to stakeholders. Because of the important role of guidance documents, it is important that AFS uses good guidance practices when drafting or revising these documents.

As previously discussed, the primary audiences for ACs and directives are not the same. ACs are mainly created for external stakeholders and provide information on the methods, procedures, and practices that the industry may use to comply with regulations. Directives, on the other hand, are mainly for internal stakeholders and are the primary means the FAA uses to issue, establish, and describe policies to its workforce. While the specific triggers for updating ACs and directives may vary, both sets of documents should adhere to the good guidance practices discussed in this chapter. These practices align with those currently in use across the federal government.

Note: Some orders and content within FAA Order 8900.1, Flight Standards Information Management System (FSIMS), are administrative in nature and are not based on regulatory or statutory requirements. Adherence with the good guidance practices below is not required for administrative documents or sections/paragraphs within Order 8900.1. An example of an administrative document is FAA Order FS 1100.1, Flight Standards Service Organizational Handbook.

2.2   **Must Be Based on Regulatory or Statutory Requirements.** Guidance cannot create or change regulatory or statutory requirements.

2.2.1   Cannot Create New Regulatory Requirements. Regulatory requirements can only be created through rulemaking, which includes public notice and comment on the FAA's proposed regulations. For example, if certain recordkeeping requirements are established by a regulation, guidance documents can provide options and effective practices for computerized recordkeeping, but must not require all certificate holders to computerize their recordkeeping. This new requirement could only occur through rulemaking.

2.2.2   Must Conform to Regulatory Requirements. In some cases, a regulatory requirement stays the same, but over the years, the guidance regarding that regulatory requirement is created, updated, and changed to address innovations in technology, changes in the operating environment, or what we have learned from accident investigations. There is value in updating guidance to reflect the current aviation environment, but the newly updated guidance must continue to conform to the regulatory requirements. It cannot "drift" from the baseline regulatory requirements to the point that the updated guidance, in effect, creates new regulatory requirements. As previously noted, new or amended requirements can only occur through rulemaking or statutory amendments.

2.2.2.1 **Drift.** As the United States Court of Appeals, District of Columbia Circuit, observed in a case decided in 2000, "Several words in a regulation may spawn hundreds of pages of text as the agency offers more and more detail regarding what its regulations demand of regulated entities. Law is made, without notice and comment, without public participation, and without publication in the Federal Register or the Code of Federal Regulations." (*Appalachian Power Co. v. E.P.A.*, 208 F.3d 1015, 1020 (D.C. Cir 2000).) For example, certain regulations allow participation in voluntary safety programs. Guidance documents could identify the safety benefits of these voluntary safety programs, but could not require certificate holders to participate in a voluntary safety program. Guidance documents should also not be presented in such a way that make it significantly burdensome for regulated entities that do not participate in a voluntary safety program. Doing so, in effect, could create a new requirement.

2.2.3 <u>Must Be Based on Existing Regulations, Even with Changes to Associated Technologies and Operating Environments.</u> When the regulations stay the same, but the associated technologies and operating environments change, guidance documents can go through numerous updates to increase safety value and relevance. When there are ongoing revisions to guidance documents, sometimes the scope, complexity, and methods of compliance can lose their scalability for small certificate holders.

2.2.3.1 **Scalability.** When the FAA publishes new regulations, the FAA must address concerns about the scalability of the new requirements and their impact on small business entities. For example, when the FAA published the Safety Management System (SMS) Final Rule, the requirements were designed to be applicable to certificate holders of various sizes, types of operations, and complexities. The FAA stated clearly in the Final Rule that while large air carriers could comply with certain data requirements with specialized information technology systems, very small air carriers could use basic desktop software (e.g., spreadsheet and basic database products) to comply with the same requirements. New or updated guidance documents could not invalidate the method of compliance included in the preamble to the SMS Final Rule. For example, guidance could not require all air carriers to invest in complex information technology systems, without an amendment to the underlying SMS regulations.

2.3 **Must Be a Reasonable Application of the Rule.** Guidance documents must be firmly based on the regulatory requirements. Guidance must not add to or relieve a requirement imposed by the regulations. For example, if a regulation appears ambiguous, a legal interpretation should be requested. Only the Office of the Chief Counsel can issue legal interpretations. Guidance documents must not interpret, but can be used to clarify the agency's intention with regard to implementation of a rule.

2.4 **Are Not Legally Binding to Regulated Entities.** Although guidance documents include a connection and reference to the regulations, guidance documents are just that: guidance. On their own, these documents are not legally binding. A full discussion of the

non-legally binding nature of guidance is contained in the Office of Management and Budget (OMB) Final Bulletin for Agency Good Guidance Practices, published January 25, 2007 (72 FR 3432).

2.5 **Should Explain Changes in Compliance Methods.** In line with the FAA's statutory responsibility to ensure safety in air commerce, we may create or update guidance to increase safety value, address changes in the operating environment, or incorporate what we have learned from accident investigations. In some circumstances, this may invalidate certain methods of compliance contained in previously issued guidance. It is important to provide a rationale for a change in acceptable compliance methods to provide transparency for all stakeholders. These explanations can be brief, but at a minimum should include what has changed and why, so readers clearly understand why the previous method of compliance is no longer valid.

Include the rationale for changes made to compliance methods as follows:

- Order 8900.1 – Include the rationale in the Executive Summary Form. Portions of the information from the Executive Summary Form are available in the Change History in Order 8900.1.
- Orders (other than 8900.1) – Include the rationale in the Explanation of Changes paragraph.
- ACs – Include the rationale in the Purpose or Cancellation paragraph.
- Notices – Include the rationale in the Purpose of This Notice paragraph.

Note: Updates to all guidance documents require an Executive Summary Form. However, this form does not accompany the document when it is published.

2.6 **Methods of Compliance Updates.** Methods of compliance can be updated for a variety of reasons, including the ones below.

2.6.1 Is No Longer in Compliance with a Statute.

2.6.1.1 A change to a statute that is the underlying basis for certain regulations or guidance may invalidate previously issued guidance.

For example, on December 13, 2007, the Fair Treatment of Experienced Pilots Act (Public Law 110-135) amended Title 49 of the United States Code (49 U.S.C.) by adding § 44729. Along with raising the upper age limit for pilots to 65, § 44729 specified that a pilot who has attained 60 years of age may serve as pilot in command in certain international operations, only if there is another pilot in the flight deck crew who has not yet attained 60 years of age. Section 44729 also stated that this crew pairing requirement would sunset on the date that the International Civil Aviation Organization (ICAO) removed a similar pilot pairing limitation in ICAO Standard 2.1.10. On November 13, 2014, ICAO removed the pilot pairing limitation from their Standards and the statutory basis for the FAA crew pairing requirement no longer existed. Also on that same date, even before the FAA was able to

amend its regulations to reflect the changed requirements, the FAA issued revised guidance (invalidating previously issued guidance) that the FAA would no longer enforce the crew pairing requirements.

2.6.1.2   In some cases, guidance is issued on the basis of a statutory requirement with no associated FAA regulations. For example, in the fall of 2003, Congress established a flight attendant certification requirement in the Vision 100—Century of Aviation Reauthorization Act. The Act required that after December 11, 2004, no person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate, which AFS identifies as a "Certificate of Demonstrated Proficiency," issued by the FAA. In response, the FAA did not create new regulations, but addressed the statutory requirement via AFS guidance documents. If there is an amendment to the underlying statute on which the AFS guidance documents regarding a "Flight Attendant Certificate of Demonstrated Proficiency" are based, then AFS could issue revised guidance, invalidating previously issued guidance.

2.6.2   Was Issued in Error.

2.6.2.1   The courts have asserted that regulatory agencies have the ability to correct errors. For example, each Labor Day weekend since 1964, the Cleveland National Air Show has hosted an aerial demonstration along the shore of Lake Erie at Burke Lakefront Airport in Cleveland. To host this event, the Air Show has applied each year to the FAA for a "Certificate of Waiver or Authorization." Order 8900.1 outlines the requirements to issue a certificate of waiver for an aviation event. However, several legislative requirements put in place after September 11, 2001, required the FAA to establish no-fly zones over major sports events, which were scheduled to occur close to the air show. Additionally, in 2004, based on discussions between internal FAA stakeholders in AFS and the Air Traffic Organization, and further analysis of subsequent legislation, the FAA denied the waiver as requested and approved a partial waiver with some strict limitations.

The Cleveland National Air Show organizers took their case to the United States Court of Appeals. The Sixth Circuit decision in 2005 affirmed that "…the freedom of agencies to correct mistakes is a matter of recognized importance." The Sixth Circuit additionally noted that "A government agency, like a judge, may correct a mistake, and no principle of administrative law consigns the agency to repeating the mistake into perpetuity." (*Cleveland Nat. Air Show, Inc. v. U.S. Dep't of Transp.*, 430 F.3d 757, 765 (6th Cir. 2005).)

2.6.3   Guidance That No Longer Supports a Finding of Compliance.

2.6.3.1   New or updated guidance may invalidate previously issued guidance if the guidance no longer supports a finding of compliance.

For example, the FAA continually reviews and updates the standard average passenger weights listed in AC 120-27, Aircraft Weight and Balance Control, after the release of new National Health and Nutrition Examination Surveys (NHANES). This survey is facilitated by the National Center for Disease Control and is designed to assess the health and nutritional status of adults and children in the United States. If the FAA finds that the data from NHANES indicates a weight change of more than 2 percent, the FAA updates this AC to include the new standard average weights. This invalidates the previously issued guidance regarding standard average passenger weight because that data no longer supports a finding of compliance with the regulatory requirements regarding weight and balance.

Chapter 3. Drafting Effective Guidance

3.1   General. AFS has a key responsibility to incorporate the principles of consistency, interdependence, and critical thinking into how we develop guidance to support our safety mission. AFS guidance documents should adhere to good guidance practices, have clear intent, be based on thorough and accurate research, support current regulatory requirements, and reflect AFS policy. When guidance is developed without these critical attributes, it can contribute to an uneven and inconsistent application of AFS guidance and FAA regulations.

3.2   Identify and Write for Your Audience. It is important to keep the reader in mind. Readers may include a broad range of internal and external stakeholders, even though different types of guidance documents have different primary audiences (e.g., the primary audience for directives is FAA personnel and ACs are primarily for external audiences). It may be necessary to write both an AC and update Order 8900.1 to ensure internal and external stakeholders have all the information they need on a particular subject.

3.3   Choose the Correct Guidance Document. A description of the different types, purposes, and limitations of guidance documents can be found earlier in this order in Chapter 1, paragraph 1.7, Definitions.

3.4   Do Your Research. Ensure that the guidance you are developing does not conflict with other guidance and conforms to the regulations.

3.4.1   Regulations. Review the relevant regulations, as well as regulatory history. Include the preambles from the Notice of Proposed Rulemaking, as well as the Final Rule. Also include relevant FAA legal interpretations in the review.

3.4.2   Related Documents. Review the relevant guidance and reference documents. Be aware of and consider the interfaces between all FAA guidance and other documents that address a certain issue, as well as the need for a consistent FAA message. For example, if you are tasked with updating a section of Order 8900.1, you should also review Order 8900.1 in general for other references to the topic to ensure consistency throughout the order. You should also review all other FAA documents on the topic to ensure there are no contradictions between the materials. A list of these documents can be found in Appendix A. For example, AC 39-9, Airworthiness Directives Management Process, and several sections in Order 8900.1, Volume 3, Chapter 59, cover the same topic and process. As a result, a change in one document is likely needed in the other documents. When drafting ACs and directives on the same topic, it is imperative that the documents do not conflict with each other.

3.5   Identify Interdependencies for Informal Collaboration. Do not assume that the formal FAA coordination process provides the same kind of information as reaching out to internal stakeholders and subject matter experts (SME) during the initial drafting and research process. The extent of interdependency depends on the scope or complexity of the topic.

In most instances, it is valuable to collaborate with stakeholders and SMEs when preparing the draft. SMEs in other AFS divisions, regional and field offices, as well as in other FAA/Aviation Safety (AVS) lines of business, can:

- Provide valuable knowledge, expertise, and perspectives;
- Provide new information, procedures, or training aids when needed;
- Let you know if a policy or procedure will work;
- Help you identify effective practices that can be leveraged, or challenges and inconsistencies you need to address in your guidance;
- Allow you to provide your management with overall situational awareness early in the development process;
- Include external stakeholders, as applicable;
- Identify potential conflicts or inconsistencies with other guidance documents, SAFOs, InFOs, programs, activities, training aids, or Data Collection Tools (DCT); and
- Ensure your document is in line with current AFS and AVS policy.

Although the guidance being drafted may be the focus, other areas such as certification and surveillance procedures, and their associated automation tools, must be considered as well. Interdependency is more than simply relying on others to get the guidance complete; it is the understanding that subject matter expertise may not exist within the Office of Primary Responsibility (OPR). For example, if a policy division creates new or updated Order 8900.1 guidance, the Flight Standards National Field Office (AFS-900) may be required to develop or update DCTs, Safety Assurance System (SAS) automation tools, and certification or surveillance procedures. Identifying these interdependencies early increases efficiency and improves the overall quality of the newly developed guidance.

3.6   **Write a Document People Can Understand.** Write a document so the reader can understand its meaning on the first read. Use plain language writing techniques to achieve this goal. The following list includes plain language writing techniques:

- Organize your guidance document. Organization is important to developing a clear document.
- Provide useful headings.
- Write short sentences and short sections.
- Define the actors and then use pronouns to clarify actions/responsibilities.
- Use active voice.
- Use clear and consistent word choices. This helps the reader understand the document and supports an efficient "key word" search for guidance on a particular subject.
- Understand the difference between "may," "must," and "should." Avoid the use of "shall" in documents because its meaning can be unclear. (See table below.)
- Use of acronyms should be limited to avoid overly complicating the guidance.

Term	Meaning
May	Desirable/Optional
Must	Mandatory
Must not	Prohibited
Should	Expected/Recommended

3.7   Capture the Regulatory or Statutory Reference in Your Document. To remain focused on the underlying regulatory or statutory basis that guidance documents support and to assist automated search functions, AFS will include regulatory or statutory citations in guidance documents. This requirement already exists for ACs. As outlined in Order 1320.46, ACs must cite the regulatory requirement that the AC is supporting in the Purpose paragraph. With this order AFS is extending this requirement to all directives, including Order 8900.1.

For notices and orders other than Order 8900.1, include a specific reference to the regulatory or statutory citation the directive supports in the Purpose paragraph. The last sentence of the Purpose paragraph should contain the regulatory or statutory citation. For example, "[t]his notice contains guidance that is pertinent to § 91.313," "[t]his order contains guidance that is administrative in nature," or "[t]his order contains guidance that is pertinent to Title 49 U.S.C. § 44702."

Administrative guidance is guidance that is not directly supported by a regulation or statute (e.g., this order or Order FS 1100.1).

If you are updating or drafting sections of Order 8900.1 include the regulatory or statutory citation in a new paragraph directly under the section header. Title the paragraph, "Source Basis:" then include the regulatory or statutory citations or the word "administrative." For example:

Source Basis: Section 61.55, Second-in-Command Qualifications:
- Section 61.153, Eligibility Requirements: General.
- Section 61.155, Aeronautical Knowledge.
- Section 61.157, Flight Proficiency.
- Section 61.159, Aeronautical Experience: Airplane Category Rating.

Source Basis: Appendix A to Part 121, First Aid Kits and Emergency Medical Kits.

Source Basis: Special Federal Aviation Regulation No. 106, Rules for Use of Portable Oxygen Concentrator Systems On Board Aircraft.

Source Basis: Administrative.

Source Basis: Title 49 U.S.C. § 44728, Flight Attendant Certification.

The source basis may contain regulatory citations, statutory citations, and the word "administrative"; in this case, include all, if applicable. If there are multiple regulatory or statutory citations, put them in a bulleted list. The source basis may include multiple

regulatory or statutory sections. Be sure to list each section and not just the applicable subpart. In the case where the source basis is in one of the appendices of a part, list the applicable appendix. (See Figure 3-1, Example of Source Basis in Order 8900.1, below.)

Figure 3-1. Example of Source Basis in Order 8900.1

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1/30/14   8900.1 CHG 325

VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 33 CABIN SAFETY AND FLIGHT ATTENDANT MANAGEMENT

Section 6 Operations—Cabin Safety

Source Basis:
- Section 121.311, Seats, Safety Belts, and Shoulder Harnesses.
- Section 121.333, Supplemental Oxygen of Emergency Descent and for First Aid; Turbine Engine Powered Airplanes with Pressurized Cabins.
- Section 121.570, Airplane Evacuation Capability.
- Section 121.571, Briefing Passengers Before Takeoff.
- Section 121.573, Briefing Passengers: Extended Overwater Operations.
- Section 121.574, Oxygen for Medical Use by Passengers.
- Section 121.575, Alcoholic Beverages.
- Section 121.576, Retention of Items of Mass in Passenger and Crew Compartments.
- Section 121.577, Stowage of Food, Beverage, and Passenger Service Equipment During Airplane Movement on the Surface, Takeoff, and Landing.
- Section 121.587, Closing and Locking of Flightcrew Compartment Door.
- Section 121.589, Carry-On Baggage.

3-3546 SERVICE OF ALCOHOLIC BEVERAGES. The boarding of a passenger who appears to be intoxicated is a violation of Title 14 of the Code of Federal Regulations (14 CFR).

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The trigger to add the regulatory, statutory, and/or an administrative citation will be the creation or change of an order. For Order 8900.1, provide the correct source basis for the entire section when updating the section or a paragraph within the section (excluding editorial updates).

3.8   **Use Good Guidance Practices.** Be sure to use the good guidance practices discussed in this order. Appendix B, Guidance Development Checklist, includes a detailed checklist to help you.

Chapter 4. Review and Clearance

4.1   Importance of Stakeholder Review for New and Revised Guidance Documents. The importance of having individuals and groups not involved in the development of the document review it prior to publication cannot be overstated.

While there is only one OPR for a document, it is likely there are one or more stakeholders, some very significant. It is critical to get input, feedback, and concurrence from these stakeholders by way of informal and formal reviews.

Internal formal coordination is the only type of review that requires a signed clearance record (CR).

4.2   Types of Informal and Formal Collaboration and Review. There are informal and formal methods available for the review of draft AFS guidance documents. Some guidance documents, such as changes due to minor, editorial updates, require little to no review or coordination. Others, such as a significant change to Order 8900.1 or an AC, may require substantial collaboration and review. Regardless of the type, reviewers are encouraged to:

- Provide specific suggestions on how to change the content; and
- Provide a rationale as to why the change is needed.

4.2.1   Informal Review and Clearance. Informal review or pre-clearance provides a proactive review of draft policy documents by internal stakeholders prior to formal coordination. This benefits AFS by incorporating the key principles of critical thinking, consistency, and interdependence in the development process.

> **4.2.1.1   Critical Thinking.** Reviewers from other divisions and field offices may analyze and question proposed changes from a different perspective.
>
> **4.2.1.2   Consistency.** Reviewers may help account for the different work environments in which the proposed guidance will apply and can ensure consistency with existing guidance, programs, and activities.
>
> **4.2.1.3   Interdependency.** While the author is a SME, other stakeholders and SMEs may offer insight based on their unique knowledge, responsibilities, and experience.

The primary way AFS achieves informal review of guidance documents is through the Document Control Board (DCB). The DCB consists of representatives from all AFS divisions and regional offices for the open review and discussion of new guidance documents or changes to existing guidance. The DCB typically reviews all AFS guidance documents except those identified as AFS-1 Priority projects, which address an emergency or safety-critical issue, and editorial updates.

The DCB provides an organized method for informally coordinating draft documents with internal stakeholders. Informal coordination helps you become aware of impacts that may not have been considered previously. It can also identify and give you a chance to address potential negative stakeholder response before the internal formal review process.

Note: Refer to FAA Order 8900.3, Flight Standards Service Document Control Board.

4.2.2 Internal Formal Coordination. This formal review period involves all AFS divisions, all AFS regional offices, and other offices identified by the OPR that have a stake in the document. Directives and ACs are distributed throughout AFS for review for a specific number of days. Reviewing offices must indicate their concurrence or nonconcurrence, along with any comments, by signing a CR.

Note: Refer to Orders 1320.1 and 1320.46.

4.2.2.1 **Required Reviewers.** For certain documents, only those offices selected by the OPR, or those self-selected during DCB review, must respond to formal coordination. A reviewing organization that is identified as a required reviewer creates a work stoppage if it does not provide a signed CR.

4.2.2.2 **Assigning a Reviewer.** It is very important that the reviewing organizations ensure they appoint the appropriate SME(s) to conduct a thorough review of the new or changed parts of the draft guidance documents.

4.2.3 Importance of the Document CR. AFS requires signed CRs on all guidance documents presented to AFS-1 for final signature prior to publication. The reviewing office's division manager may physically sign or use an approved method of digitally signing a CR indicating their concurrence or nonconcurrence. As stated in Order 1320.1, guidance must not place requirements on another FAA organization without their knowledge and consent. The CR documents this consent.

4.2.4 External Coordination. Once the final draft is complete, AFS encourages OPRs to seek public comments on certain draft guidance documents, particularly ACs. Public comment is an opportunity for AFS to increase transparency, clarity, value, and usability of our guidance. Public comment should occur only after the DCB has fully vetted the document and AFS-1 has reviewed and approved it for public release. The Technical Information and Communications Programs Branch (AFS-140) manages the process of obtaining AFS-1 approval for public review on behalf of the OPR, concurrent either with or after internal formal coordination.

AFS-140 posts the draft guidance document on the Aviation Safety Draft Documents Open for Comment: Aircraft Certification Service and Flight Standards Service Web site (https://www.faa.gov/aircraft/draft_docs/) with clear directions regarding submission of comments.

You may consider submitting a document for a second public comment period if the initial comments received resulted in a significant change to the document.

4.3   **Review of Comments.** OPRs must review and consider all comments and incorporate comments that improve the document or correct information. OPRs must provide justification for any comments they do not accept from internal stakeholders and public reviewers. AFS creates a permanent, official case file for all orders, notices, and ACs. The official case file, which is subject to Freedom of Information Act requests, includes all comments and their disposition received from internal formal coordination and public review.

4.4   **Final Review and Division Approval.** After all comments have been dispositioned, the OPR reviews the final draft and ensures the final draft is compliant with Title 29 of the United States Code (29 U.S.C) § 794 (referred to as Section 508). The document then gets routed through the division for approval. The division manager must sign the CR. The final draft and supporting documents then move to AFS-1 for review and signature.

Chapter 5. Publication of Guidance

5.1 **AFS-1 Approval on the Guidance Document.** The final guidance document preparation and publication steps are managed by AFS-140. This includes:

- Reviewing the contents of the final clearance package, as they become part of the official case file;
- Obtaining guidance document publication numbers from the FAA directives program manager for non-Order 8900.1 documents;
- Applying the publication number and effective date (date of signature) to the final documents;
- Verifying the document is HTML-ready and Section 508-compliant; and
- Preparing the digital version of the document for publication on the Internet, which includes the public FAA Web site, the Regulatory and Guidance Library (RGL), and FSIMS.

Note: All new documents posted to FSIMS are listed on the FSIMS home page in the Recent Documents window for 30 days. FSIMS update notifications are emailed to internal subscribers based on their area of specialty.

5.2 **Publications on the Internet.** Documents must be published on one or more of the following approved document information management systems:

- FSIMS.
- RGL.
- FAA.gov.

Chapter 6. Stakeholder Feedback

6.1 **Value of Stakeholder Feedback.** After guidance documents have been published, they become subject to various forms of stakeholder feedback. Feedback provides valuable input to the guidance developers in a structured format. Reviewing feedback provides OPRs an opportunity to identify errors and discrepancies. Feedback is an essential part of continuous improvement.

Feedback is reviewed periodically by the OPR. Depending on the nature of the feedback, changes may be made to guidance documents.

OPRs and guidance developers who incorporate feedback into guidance development processes support a strong workforce relationship. This allows an opportunity for internal stakeholders at all levels of the organization to contribute to guidance documents. This also enhances the interface with certificate holders and applicants.

Note: Inconsistencies between ACs and directives on the same topic should be resolved as soon as practical. Providing conflicting information to AFS personnel and industry can make compliance difficult. If AFS field personnel discover a conflict between a directive and an AC, they should raise the issue with the appropriate policy office for resolution. The selected method of feedback may depend on the impact of the conflict.

6.2 **Methods of Delivering Feedback.** Internal and external stakeholders can provide feedback on published AFS guidance documents through a variety of methods.

6.2.1 FSIMS Feedback. Applies to Order 8900.1 volumes, chapters, and sections only.

Note: Questions about Order 8900.1 must be coordinated with local office management. Refer to Order 8900.1, Volume 1, Chapter 1, Section 1, subparagraph 1-4A.

6.2.2 AVS Directive Feedback System. Applies to all guidance documents used by AVS employees.

6.2.3 Directive Feedback (Agency Level). Completed using the FAA Form 1320-19, Directive Feedback Information.

6.2.4 Direct Feedback. From internal or external stakeholders in the form of email or telephone calls to AFS divisions.

6.2.5 AVS Stakeholder Feedback Process. Applies to all Quality Management System (QMS) documents including QMS processes, programs, work instructions, forms, standard operating procedures, etc.

6.3 **Expectations of OPRs.** OPRs are responsible for meeting deadlines for the review and disposition of feedback items. If no deadlines are set, OPRs must review all feedback items as soon as possible.

In accordance with good guidance practice, OPRs should review open feedback items whenever creating or updating guidance documents.

OPRs are expected to manage feedback items for use in future guidance development activities within the division.

Chapter 7. Periodic Review of Existing Guidance

7.1   **Responsibility of the Policy Division.** Each AFS policy division has a key responsibility to stakeholders to ensure that its guidance documents are current, reflect the regulations, and do not contradict one another. As discussed previously, good guidance documents are consistent with the applicable rules and with each other.

7.2   **Value of Periodic Review.** When guidance documents do not reflect current regulatory requirements and FAA, AVS, and AFS policies, the outcome is an uneven and inconsistent application of agency guidance and standards. Additionally, this can negatively affect the communication and coordination between field, regional, and headquarters personnel, which may lead to further inconsistency in the application of agency guidance and standards.

            Guidance documents require regular and organized review to ensure currency and consistency. Order 1320.1 requires each OPR to review, revise, modify, or rescind all directives for which it is responsible at least every 3 years.

            Order 1320.46 does not specify a triennial review, but states that the office issuing an AC must ensure that all of its ACs remain current.

7.3   **AFS Guidance Review.** In keeping with the requirements and intent of these two orders, AFS policy divisions will review all of their orders, order supplements, and ACs at least every 3 years for currency, accuracy, and consistency; this includes each section of Order 8900.1. Notices do not fall under this review requirement, as they expire within 1 year of issuance. The OPR is responsible for conducting the triennial review. AFS policy divisions may also want to include other types of documents, such as SAFOs, InFOs, job aids, job task analyses, and others, as part of the triennial review; this ensures consistency among these supporting documents and the regulations, related directives, and ACs.

7.4   **Key Elements of Review.** Although each policy division may have a different approach that works well with their organizational structure, an effective review of each discrete guidance document every 3 years should at least include the information, checks, and follow-on actions listed below.

7.4.1   Review Information. Name of reviewer, date of review, and result of review (i.e., document is current or needs updating/cancelling).

7.4.2   Review Process and Key Content Checks. This list is not all inclusive.

            7.4.2.1   Ensure accuracy and currency of references and hyperlinks. All documents referenced are considered to be the current version. If a version has content specific to a certain revision, use the revision letter (e.g., 8900.2A, TSO-C135a).

7.4.2.2   Ensure the document includes applicable regulation or statutory references, is consistent with the current regulation(s), and that the guidance remains a reasonable application of the rule. See Chapter 3, paragraph 3.7 of this order for more detail.

7.4.2.3   Ensure the document does not invalidate and is consistent with other guidance on the topic by identifying and reviewing all of the known associated documents, training materials, Web sites, and any other related content. See Chapter 3, paragraphs 3.4 and 3.5 of this order for more detail.

7.4.2.4   Review feedback received on the document.

7.4.2.5   Recommend coordinating and collaborating with other FAA or industry stakeholders during the review for input, to ensure consideration of new technology, practices, and changes in FAA policies and national and international policy.

7.4.3   Follow-On Actions. OPRs should follow their guidance review process to address necessary revisions to guidance documents. Ensure revision of any of the associated documents, training materials, Web sites, and other related content that require updating to ensure consistency between all documents.

Appendix A. Related Web Sites and Publications

**A.1   Writing and Correspondence Guidance:
(https://my.faa.gov/org/linebusiness/arp/forms-guidance/writing.html).**

- FAA Correspondence Manual
  (https://my.faa.gov/content/dam/myfaa/tools_resources/branding_writing/Correspond
  ence_Manual.pdf).
- FAA Order 1360.16, Correspondence Policy
  (http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.info
  rmation/documentID/14560).

**A.2   Plain Language:
(https://my.faa.gov/org/linebusiness/arp/forms-guidance/writing.html).**

- FAA's Plain Language Program
  (https://my.faa.gov/tools_resources/branding_writing/plain_language.html).
- Federal Plain Language Guidelines
  (http://www.plainlanguage.gov/howto/guidelines/FederalPLGuidelines/).
- Improving Communications from the Federal Government to the Public
  (http://www.plainlanguage.gov/).
- Must versus Should
  (https://employees.faa.gov/news/focusfaa/story/index.cfm?newsId=71635&cid=na10
  0).
- Passive Voice (https://employees.faa.gov/news/focusfaa/story/?newsId=70181).
- Plain Language: It's the law (http://www.plainlanguage.gov/plLaw/).
- Writing User-Friendly Documents
  (https://my.faa.gov/content/dam/myfaa/tools_resources/branding_writing/plain_langu
  age/learn_more/Writing_User_Friendlier_Documents.pdf).

A.3   FAA Orders:

- AFS DCB Portal
  (https://avssp.faa.gov/avs/afsteams/AFS1/DCB/SitePages/Home.aspx).
- Order 1000.36, FAA Writing Standards
  (http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.info
  rmation/documentID/13496).
- Order 1320.1 VS SUP 1, FAA Directives Management
  (http://fsims.faa.gov/wdocs/orders/avs%20sup%201320.pdf).
- Order 1320.1, FAA Directives Management
  (http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.info
  rmation/documentID/14958).
- Order 1320.46, FAA Advisory Circular System
  (http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.info
  rmation/documentID/1027306).

- Order 1360.16, Correspondence Policy (http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/14560).
- Order 1700.6, FAA Branding Policy, Use of the FAA Logo, FAA Signature, and DOT Seal (https://employees.faa.gov/tools_resources/orders_notices/index.cfm/go/document.information/documentID/14769).
- Order 8000.87, Safety Alerts for Operators (http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/14810).
- Order 8000.91, Information for Operators (InFO) (http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/14806).
- Order 8900.1, Flight Standards Information Management System (FSIMS) (http://fsims.avs.faa.gov/).
- Order 8900.3, Flight Standards Service Document Control Board (https://employees.faa.gov/tools_resources/orders_notices/index.cfm/go/document.information/documentID/1019844).
- Order IR 8100.16, Aircraft Certification Service Policy Statement, Policy Memorandum, and Deviation Memorandum Systems (http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/946174).
- Orders Database (http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/6e2772c458daedd985257692005171f1!OpenView).

A.4   AFS Technical/Business Processes: (https://my.faa.gov/org/linebusiness/avs/offices/afs/qms/regional_system.html).

- AFS-001-000-S2, Requesting a Review of Legal Interpretation (LI) by the AFS Director for Submittal to AGC Standard Operating Procedure (https://my.faa.gov/content/dam/myfaa/org/linebusiness/avs/offices/afs/qms/AFS-001/wi/AFS-001-000-S2.pdf).
- AFS-002-103, Directive and Advisory Circular Production.
- AFS-002-103-F1, Union Form.
- AFS-002-103-F2, Executive Summary.
- AFS-002-103-F3, AFS Directive and AC Initial Feedback Form (Pre-Coordination).
- AFS-002-103-F4, AFS Directive and AC Comment Form (Coordination).
- AFS-002-103-F5, AFS-1 Priority Memo Request.
- AFS-002-103-W1, Processing Request for Public Comments.
- AFS-002-104-W1, FSIMS Feedback Work Instruction.
- AFS-002-104-W2, Processing Minor Editorial Updates to the Content of FAA Order 8900.1 (Inspector Handbook).

**A.5   National Transportation Safety Board (NTSB):
(http://www.ntsb.gov/Pages/default.aspx).**

- Accident Reports
  (http://www.ntsb.gov/investigations/AccidentReports/Pages/AccidentReports.aspx).
- Aviation Accident Database and Synopses
  (http://www.ntsb.gov/_layouts/ntsb.aviation/index.aspx).
- Safety Advocacy (http://www.ntsb.gov/safety/Pages/default.aspx).
- Safety Alerts (http://www.ntsb.gov/safety/safety-alerts/Pages/default.aspx).
- Safety Recommendations (http://www.ntsb.gov/safety/safety-
  recs/_layouts/ntsb.recsearch/RecTabs.aspx).
- Safety Studies and Special Reports (http://www.ntsb.gov/safety/safety-
  studies/pages/safetystudies.aspx).

A.6   Other Reference Sites:

- Aerospace Medicine Technical Reports
  (http://www.faa.gov/data_research/research/med_humanfacs/oamtechreports/).
- Automated Exemption System (http://aes.faa.gov/).
- Aviation Handbooks and Manuals
  (https://www.faa.gov/regulations_policies/handbooks_manuals/aviation/).
- Aviation Safety Draft Documents Open for Comment: Aircraft Certification Service
  and Flight Standards Service (https://www.faa.gov/aircraft/draft_docs/).
- AVS Document Control Process, AVS-001-007
  (https://my.faa.gov/content/dam/myfaa/org/linebusiness/avs/programs/qms/AVS-001-
  007.pdf).
- Congress.gov: Current Legislative Activities (https://www.congress.gov/).
- Electronic Code of Federal Regulations (CFR) (http://www.ecfr.gov/cgi-
  bin/ECFR?page=browse).
- FAA Frequently Asked Questions (FAQ) (http://faa.custhelp.com/app/answers/list).
- FAA Notices
  (http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/0aefc1a
  a5a48508b85257692005257f0!OpenView).
- FAA Tools and Resources: Branding and Writing
  (https://my.faa.gov/tools_resources/branding_writing.html).
- FAA Web site (http://faa.gov/).
- Flight Standardization Board (FSB) Reports
  (http://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=FSB%20
  Reports).
- Flight Standards Document Control Process, AFS-001-007
  (https://my.faa.gov/site/search.html?omni=MainSearch&q=afs-001-007).
- ICAO Annexes (https://intranet.faa.gov/ats/aat/AAT30/ICAO/icao1.htm).
- InFOs
  (http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/inf
  o).

- Master Minimum Equipment List (MMEL) Policy Letters (http://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=MMEL%20Policy%20Letters).
- Office of Rulemaking (ARM) Historical Regulations (https://avssp.faa.gov/avs/arm/default.aspx).
- Office of the Inspector General (OIG) Reports (https://www.oig.dot.gov/oversight-areas/aviation).
- OMB Final Bulletin for Agency Good Guidance Practices (http://www.gpo.gov/fdsys/pkg/FR-2007-01-25/pdf/E7-1066.pdf).
- Order 8900.1, Flight Standards Information Management System (FSIMS), Change History (http://fsims.avs.faa.gov/fsims/fsims.nsf/8900contents?openform&from=menu).
- Regulations Division: Legal Interpretations and Chief Counsel's Opinions (http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/Interpretations/).
- Report on DOT Significant Rulemakings Information (http://www.dot.gov/regulations/report-on-significant-rulemakings).
- RGL (http://rgl.faa.gov/).
- Safety Assurance System Assistance, Feedback or Enhancement Process (SAFE) for Order 8900.1, Volume 10 (https://avssp.faa.gov/avs/afs900/CIPO/PRF/SitePages/Home.aspx).
- Safety Assurance System Data Collection Tool (http://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=SAS%20DCT).
- Safety Assurance System Resource Guide. If not logged into FSIMS (FSIMS/Publications/Safety Assurance System (SAS)/SAS Resources/Safety Assurance System Resource Guide). If already logged into FSIMS (https://avssp.faa.gov/avs/afs900/CIPO/PRF/SAS%20Resource%20Guide/Published%20SRG/story.html).
- SAFOs (http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo).
- U.S. Government Accountability Office (GAO): Search Federal Aviation Administration (http://www.gao.gov/search?q=federal+aviation+administration).
- Web-based Operations Safety System (WebOPSS) Guidance (http://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=OPSS%20Guidance).

A.7   Feedback Sites:

- AVS Directive Feedback System (https://ksn2.faa.gov/avs/dfs/pages/home.aspx).
- AVS Stakeholder Feedback (http://www.faa.gov/about/office_org/headquarters_offices/avs/stakeholder_feedback/).
- FSIMS Feedback (9-AWA-AVS-AFS-FSIMS-Librarian@faa.gov).

Appendix B. Guidance Development Checklist

The purpose of this checklist is to provide policy writers and reviewers a list of items to consider when developing or revising guidance documents. Not every question will apply to every guidance document project, but you can use the following questions as a tool to improve overall document quality.

Research:

- ☐ Did you reach out to internal stakeholders and other SMEs?
- ☐ Have all of your questions on the topic been addressed?
- ☐ Does this guidance relate specifically to SAS? If yes, did you consider the:
    - ☐ Safety attributes;
    - ☐ Correct reporting requirements (DCTs); and
    - ☐ Correct SAS automation module? (Refer to the SAS Resource Guide at https://avssp.faa.gov/avs/afs900/CIPO/PRF/SAS%20Resource%20Guide/Published%20SRG/story.html or contact the AFS-900 Continual Improvement Program Office (CIPO) for assistance)
- ☐ Did you write with the intended audience in mind?
- ☐ Did you research related regulations and guidance to ensure no conflict exists?
- ☐ Did you try to anticipate questions that readers may have and address them in the document?
- ☐ Did you review available feedback on the document (if revising a document)?

Regulatory Effects:

- ☐ Did you use words like must, must not, may, and should correctly?
- ☐ Did you make sure that your guidance document does not create or change a regulatory requirement?
- ☐ Is this guidance document a reasonable application of the rule?
- ☐ Does your document include a citation to the statutory provision or regulation to which it applies?
- ☐ Did you make sure that your document does not contradict or otherwise negate a current acceptable method of compliance?

Document Development:

- ☐ Have you organized your document to enhance understanding?
- ☐ Is the intent clear?
- ☐ Have you adequately defined all terms within the document?
- ☐ Is your content readable and understandable?

☐ Did you check contact information, job titles, emails, and Web links to ensure they are current?

☐ Does your document use standardized FAA and/or industry nomenclature?

Plain Language:

☐ Did you use informative headings, illustrations, tables, and white space effectively?

☐ Did you use active voice where possible?

☐ Did you use pronouns and name the actor and the action, to better help the reader understand the content?

☐ Did you use short sentences and short paragraphs?

Pre-Clearance and Coordination:

☐ Did you informally coordinate the document with internal FAA stakeholders?

☐ Did you consider their feedback during the initial drafting process?

☐ Did you present your document to the DCB?

☐ Did you consider posting your document for public comment prior to publication?

Stakeholder Feedback

Please provide feedback for this order using the AVS Directive Feedback System located here:

https://ksn2.faa.gov/avs/dfs/Pages/Home.aspx

Please submit any written comments or recommendations for improving this directive, or suggest new items or subjects to be added to it. Also, if you find an error, please tell us about it.

Subject: FAA Order FS 8000.96, Flight Standards Service Guidance Document Development