



AVIATION RULEMAKING ADVISORY COMMITTEE (ARAC) MEETING

March 18, 2021***1:00 PM – 4:00 PM

- Welcome and Introductions
 - Federal Advisory Committee Act (FACA) Statement
 - Ratification of Minutes
 - Status Reports
 - ARAC
 - Airman Certification System Working Group – Mr. David Oord
 - ❖ Expanded tasks of Sport Pilot and Recreational Pilot certificates and all additional remaining category and class pilot certificates and ratings (Present Recommendation Report to ARAC: 12/2021)
 - Part 145 Working Group – Ms. Sarah McLeod
 - ❖ Final Report (Present Recommendation Report to ARAC: 12/2021)
 - Designated Pilot Examiner Working Group (Present Recommendation Report to ARAC: 6/2021) – Mr. Sean Elliott
 - Training Standardization Working Group – Mr. Brian Koester
 - ❖ Preliminary Report (Present to ARAC: 6/2021)
 - ❖ Addendum Recommendation Report (Present to ARAC: 12/2021)
 - Transport Airplane and Engine (TAE) Subcommittee – Mr. Keith Morgan
 - Flight Test Harmonization Working Group – Mr. Brian P. Lee
 - ❖ Topic 16 Handling Qualities Rating Method (HQRN) (Present Recommendation Report to ARAC: TBD)
 - ❖ Phase 4 (Present Recommendation Report to ARAC: TBD)
 - Transport Airplane Metallic and Composite Structures Working Group – Mr. Doug Jury
 - ❖ Repeat Inspections and Crack Interaction (Present Recommendation Report to ARAC: 9/2021)
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- ❖ Structural Bonding and “Weak Bonds” (Present Recommendation Report to ARAC: 6/2021)
 - Ice Crystals Icing Working Group (Present Recommendation Report to ARAC: 12/2021) – Ms. Melissa Bravin and Mr. Allan van de Wall
 - Avionics System Harmonization Working Group – Mr. Clark Badie
 - ❖ Alerts for New Airplane Designs (Present Recommendation Report to ARAC: TBD)
 - Engine Harmonization Working Group (Present Response to FAA Inquiry to ARAC: 6/2021)
- Recommendation Report
 - Transport Airplane and Engine (TAE) Subcommittee – Mr. Keith Morgan
 - Avionics System Harmonization Working Group – Mr. Clark Badie
 - ❖ Low Energy Alerting Requirements Final Report
- New Taskings
 - Airman Certification System Working Group – “Call to Action” Safety Review of Pilot Certification Standards (Aircraft Certification, Safety, and Accountability Act, December 27, 2020)
 - Section 65.101 Repairman Certificate Portability Working Group (FAA Reauthorization Act of 2018, October 5, 2018)
- Any Other Business
 - FAA update on regulatory activities
 - Remaining Fiscal Year 2021 Meeting Dates
 - Thursday, June 17, 2021
 - Thursday, September 16, 2021

ARAC agendas, meeting minutes, and reports are available on the FAA’s committee website at https://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/committee/browse/committeeID/1

AVIATION RULEMAKING ADVISORY COMMITTEE RECORD OF MEETING

MEETING DATE: December 10, 2020

MEETING TIME: 1:00 PM EST

LOCATION: The Aviation Rulemaking Advisory Committee (ARAC) held a “virtual” meeting only. Participants received the login details prior to the meeting.

PUBLIC ANNOUNCEMENT: The Federal Aviation Administration (FAA) provided notice to the public of this ARAC meeting in a *Federal Register* notice published on October 13, 2020 (85 FR 64607).

ATTENDEES: **Committee Members**

Yvette A. Rose	Cargo Airline Association (CAA) <i>ARAC Chair</i>
David Oord	Lilium, Airman Certification Systems Working Group Chair, <i>ARAC Vice Chair</i>
Michelle Betcher	Airline Dispatchers Federation (ADF)
Doug Carr	National Business Aviation Association, Inc. (NBAA)
Tom Charpentier	Experimental Aircraft Association (EAA)
Ambrose Clay	National Organization to Insure a Sound Controlled Environment (N.O.I.S.E)
Christopher Cooper	Aircraft Owners and Pilots Association (AOPA)
Walter Desrosier	General Aviation Manufacturers Association (GAMA)
Gail Dunham	National Air Disaster Alliance Foundation (NADAF)
Stéphane Flori	Aerospace & Defense Industries Association of Europe (ASD)
Daniel Frieden-zohn	Embry Riddle Aeronautical University (ERAU)
Paul Hudson	FlyersRights.org
Randy Kenagy	Air Line Pilots Association (ALPA)

Sarah MacLeod	Aeronautical Repair Station Association (ARSA)
Justin Madden	Aircraft Mechanics Fraternal Association
Chris Martino	Helicopter Association International (HAI)
Paul McGraw	Airlines for America (A4A)
Keith Morgan	Pratt & Whitney, Chair of the Transport Aircraft and Engine (TAE) Subcommittee
George Paul	National Air Carrier Association (NACA)
Ric Peri	Aircraft Electronics Association (AEA)
Leslie Riegle	Aerospace Industries Association (AIA)
Larry Rooney	Coalition of Airline Pilots Association (CAPA)
Steven Udvar-Hazy	Aviation Capital Group
Bill Whyte	Regional Airline Association (RAA)
Attendees	
Melissa Bravin	The Boeing Company
Antonio Chiesa	Transport Canada Civil Aviation (TCCA)
Steve Cottrell	Aerion Supersonic
Maryanne DeMarco	Coalition of Airline Pilots Association (CAPA)
Sean Elliott	Experimental Aircraft Association (EAA)
Jeff Grabner	TechnoStrobe
Kalan Guiley	The Boeing Company
Doug Jury	Delta Air Lines
Brian Koester	National Business Aviation Association (NBAA)
Brian Lee	The Boeing Company
Nick Nadarski	Government Accountability office (GAO)
Perry Rea	The Boeing Company

Peter Turyk	P&WC
FAA	
Marcia Adams	Office of Communications
Nicole Bartolucci	Office of Aviation Policy and Planning
Kathleen Bradshaw	Aircraft Certification Service
Jimeca Callaham	Office of Rulemaking
Jose Castedo	Office of Aviation Policy and Planning
Eloise Castillo	Office of Aviation Policy and Planning
Paul Cloutier	Flight Standard Services
Thuy Cooper	Office of Rulemaking
Jim Crotty	Office of Rulemaking
Emily Davis	Office of Rulemaking
Ralen Gao	Office of Rulemaking
Scott Gore	FAA Government Affairs
Brent Hart	Office of Rulemaking
Sydney Hawthorne	Office of the Chief Counsel
Jesse Holston	Office of Rulemaking
Heidi Hunt	Office of Rulemaking
Nellie Lew	Office of Aviation Policy and Planning
Charneicia Mcgee	Office of Rulemaking
Suzanne Masterson	Aircraft Certification Service
Trey McClure	Flight Standards Service
Sean O'Tormey	Office of Rulemaking
Lakisha Pearson	Office of Rulemaking
Lorelei Peter	Office of the Chief Counsel
Brandon Roberts	Office of Rulemaking <i>Designated Federal Officer (DFO)</i>

Puja Sardana	The Regulatory Group/FAA
Mary Schooley	Aircraft Certification Service
Sandra Shelley	Aircraft Certification Service
Paul Siegmund	Aircraft Certification Service
Walt Sippel	Aircraft Certification Service
Todd Steiner	Office of Aviation Policy and Planning
Alan Strom	Aircraft Certification Service
Giles Strickler	Office of Rulemaking
Benjamin Thielen	Office of Aviation Policy and Planning
Mary Thompson	Flight Standards Service
Phan Tran	Office of Aviation Policy and Planning
Jeffrey Wharff	Office of Aviation Policy and Planning
Victor Wicklund	Aircraft Certification Service
James Wilborn	Aircraft Certification Service
Martin Zhu	Office of Aviation Policy and Planning

Welcome and Introduction

Ms. Yvette Rose, ARAC Chair, called the meeting to order at 1:03 p.m. Ms. Rose welcomed everyone to the last meeting of 2020. She asked Mr. Brandon Roberts, Designated Federal Officer (DFO), to review features of Zoom, the teleconference platform used for the virtual meeting. Mr. Roberts informed participants that the meeting was being recorded. Mr. Roberts reviewed features of Zoom and asked that participants who dialed-in using a phone number to identify themselves through Zoom or by emailing the ARAC (9-AWA-ARAC@faa.gov) to record their attendance. Mr. Roberts noted that the Federal Advisory Committee Act (FACA) rules will apply, and speakers will be recognized by the Chair, Ms. Rose.

Ms. Rose confirmed the ARAC members who were in attendance based on the participant list provided by Zoom. Ms. Rose thanked the FAA and supporting staff for

their efforts in conducting these meetings virtually and accurately tracking nonmember attendance.

Ms. Rose introduced three new members on ARAC - David Oord, *ARAC Vice Chair*, Christopher Cooper, and Justin Madden. Ms. Rose confirmed the ARAC now has 25 members.

Mr. Roberts read the required FACA, Title 5, United States Code (5 U.S.C.); Appendix 2 (2007) statement, and he confirmed that the meeting is public and that members of the public may address the ARAC with the permission of the Chair.

Ratification of Minutes

Ms. Rose asked for a motion to accept the minutes from the September 10, 2020,¹ ARAC meeting. Mr. George Paul motioned to accept the minutes, and Mr. Keith Morgan seconded the motion. ARAC voted to ratify the minutes with no objections.

Status Reports

A copy of the December 10, 2020, meeting packet, which includes the presentations, can be found at:

[https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/ARAC%20December%202020%20Meeting%20Packet%20\(FINAL\).pdf](https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/ARAC%20December%202020%20Meeting%20Packet%20(FINAL).pdf).

Airman Certification Systems Working Group (ACSWG)

Ms. Rose asked Mr. David Oord, ACSWG Chair, to provide the working group's status report to include an overview of membership, a summary of tasking, a review of the schedule, the status of tasking, and areas for ARAC consideration.

Mr. Oord noted that membership has largely stayed the same with consistent engagement despite COVID. He described the tasking, which includes standards, guidance, and test material. Mr. Oord explained that the schedule is on track and an interim report was submitted in June 2018. He stated that the final report is expected by December 1, 2021. He reviewed the schedule of meetings in 2020, all of which have been virtual, and noted that the 2021 meeting schedule is still under evaluation.

In the status of tasking, Mr. Oord stated that there is continued progress on all fronts. Mr. Oord presented the Unmanned Aircraft Systems Operating Handbook (FAA-H-8083-240) interim recommendation report.

Ms. Rose reminded members that all reports were provided in advance of the ARAC meeting. She asked if any members had questions regarding the ACSWG report.

¹ The September 10, 2020, meeting minutes can be found here:

[https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/ARAC%20December%202020%20Meeting%20Packet%20\(FINAL\).pdf](https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/ARAC%20December%202020%20Meeting%20Packet%20(FINAL).pdf).

Ms. Rose noted that, if the report is accepted by ARAC, it will go out for notice and public comment. No one had questions, and Ms. Rose asked if there was a motion to accept the report. Ms. Sarah MacLeod motioned to accept the report, and Mr. Larry Rooney seconded the motion. No one opposed, and the ARAC voted in favor of accepting the ACSWG interim recommendation report.

Part 145 Working Group

Ms. Rose asked Ms. Sarah MacLeod, the Part 145 Working Group Chair, to provide the working group's status and update on their preliminary report. Ms. Rose reminded ARAC that this was originally tasked on December 14, 2017, and the group has worked hard since then. Ms. Rose congratulated Ms. MacLeod as the recipient of Aviation Week's Lifetime Achievement Award.

Ms. MacLeod's status report included an overview of membership, a summary of tasking, the status of tasking, and areas for ARAC consideration. Ms. MacLeod thanked Mr. Ric Peri, the FAA representatives, and the working group members, including new ARAC member, Mr. Justin Madden, for their work. She noted that the schedule is on track and that her status update would focus on the two interim recommendations in the group's preliminary report. She reminded ARAC that there is an option to submit the report to the FAA without the recommendations or to submit the whole report.

Ms. MacLeod stated that the working group tasking required two significant steps. She explained that the first step was to investigate the relationship among and between part 145 regulations, internal and external guidance and policies to determine where each supports the other. She continued to explain that the second step was to find misalignments and make recommendations for improvements to ensure the internal and external guidance material is —

1. Aligned and compliant with the aviation safety regulations, other laws and executive orders reviewed in (1)(b).
2. Annotated to the applicable rule, other law, or executive order; and,
3. Consistently numbered to ensure a comprehensive relationship between the guidance document and the annotated rule, law, or executive order.
4. Developed to communicate the agency's expectations for compliance to the public and the FAA workforce in a comprehensive and consistent manner and includes the tools necessary to ensure the application and evaluation of compliance supports performance-based oversight that takes into account the amount, type, scope and complexity of work performed and the certificate holder's size.

Ms. MacLeod noted that the preliminary report provides a detailed description of the working group's review and analysis of the assigned tasks and completion of its first step.

She further noted that the working group expects to meet its December 2021 deadline to submit the final report for ARAC for consideration.

Ms. Rose asked a question regarding the scope of the part 145 recommendations as they relate to any NTSB or other agency safety recommendations. Ms. MacLeod noted that the current report is responding directly to what the group was tasked with, and she further explained what she believed to be the differences between NTSB's and FAA's roles, emphasizing that NTSB rules are often design requirements. Ms. MacLeod stated that the group's current recommendation report would be a tool for any regulated industry on how to resolve regulatory compliance issues using the same document.

After the discussion, Ms. Rose asked for a motion to approve and forward the group's preliminary report to the FAA. Ms. Rose reminded ARAC that the final report is expected in December 2021. Mr. Walter Derosier motioned to accept the interim report, and Mr. Paul McGraw seconded the motion. There were no objections, and the ARAC voted to accept the report.

Designated Pilot Examiners Working Group (DPEWG)

Ms. Rose asked Mr. Sean Elliott, the DPEWG Chair, to provide the working group's status report. The status report included an overview of membership, a summary of tasking, a review of the schedule, the status of tasking, and areas for ARAC consideration.

Mr. Elliott stated that the group has been making good progress despite the challenges of COVID. He noted that membership includes a new observer. He briefly reviewed the summary of tasking. Mr. Elliott detailed the consistent schedule, which included seven full working group meetings and several more subgroup meetings. He noted that, in a virtual format, half day zoom meetings work best.

Mr. Elliott said the status of the tasking is on track, and the working group plans to have the report submitted in advance of the June 2021 ARAC meeting. He described the main points of progress the group has accomplished so far, and he noted the interest to work on a recommendation for a more transparent termination process, especially during these uncertain times.

Ms. Rose made a comment regarding the scope of some of the recommendations the group is working on. She asked that the group note any recommendations that may fall outside of the scope of the FAA tasking notice. Mr. Elliott agreed. He said that he is not certain any recommendations will fall outside of the scope, but if there is any doubt, it will be noted. Mr. David Oord asked a question regarding the impact of the docket management system (DMS) on the working group and if there is any foreseen impact to DPE. Mr. Elliott stated the recommendation report will include information on how these systems should best work together.

Mr. Elliott did not list any areas for ARAC consideration.

Training Standardization Working Group

Ms. Rose asked Mr. Brian Koester to provide an update on the Training Standardization Working Group. Ms. Rose noted that the group recently completed their first meeting. Mr. Koester thanked Ms. Rose and confirmed the group had a successful first meeting with FAA staff to learn the parameters of the group and tasking. He noted that membership looked good, and the group plans to meet every other week. Mr. Koester stated the first item on their agenda is to recommend a master schedule. He hopes this will be done by June 8, 2021, six months from their first meeting in December 2020. Mr. Koester noted that the group is enthusiastic and grateful for this opportunity. Ms. Rose asked if any ARAC members had questions, and there were none.

Transport Airplane and Engine (TAE) Subcommittee

Ms. Rose asked Mr. Keith Morgan, the TAE Subcommittee Chair, to provide the subcommittee status report.

Mr. Morgan reviewed the meeting schedule and stated that there are currently five active TAE Subcommittee working groups: Flight Test Harmonization, Transport Airplane Metallic and Composite Structure, Ice Crystal Icing, Avionic Systems Harmonization, and Engine Harmonization.

Mr. Morgan reviewed the schedule of deliverables for the TAE working groups. He noted that TAE submitted the Transport Aircraft Metallic and Composite Structures report for ARAC consideration. The deadlines for the other working groups' reports are as follows: Avionics Systems report - March 2021, the Structural Bonding and Endurance Test Clarification reports - June 2021, and the Crack Interaction report - September 2021.

Flight Test Harmonization Working Group (FTHWG)

Mr. Morgan provided a status update for the FTHWG. He stated that phase 3 is complete, and the group has been planning for the phase 4 tasking. Mr. Morgan explained that the work they have been doing may need to be modified based on the formal tasking of phase 4.

Transport Aircraft Metallic and Composite Structures Working Group (TAMCSWG)

Mr. Morgan provided an overview of TAMCSWG status report. He reviewed membership, tasking, and the schedule. Mr. Morgan stated that Mr. Doug Jury would present the Structural Damage Capability (SDC) for Single Load Path (SLP) Structure Recommendation Report.

Ice Crystals Icing Working Group (ICIWG)

Mr. Morgan provided the ICIWG status report, including an overview of membership, a summary of tasking, a look at the working group's schedule, a status of tasking, and areas

for ARAC consideration. Mr. Morgan noted that the working group is on schedule, and the group meets every 3 weeks virtually due to COVID. Mr. Morgan stated that there were no areas for ARAC consideration at this time. He confirmed the ICIWG report is expected at the end of 2021.

Avionics System Harmonization Working Group (ASHWG)

Mr. Morgan provided a brief status update on the ASHWG. Mr. Morgan reviewed the summary of tasking and schedule of deliverables.

Engine Harmonization Working Group (EHWG)

Mr. Morgan explained that this working group is a reinvigoration of the endurance team formed to address questions from the FAA on the submitted recommendation report. He reviewed the tasking and noted that the team is meeting on a weekly basis. Mr. Morgan reviewed the six items for clarification, and he stated that the group is making good progress to provide adequate responses to each item. Mr. Morgan stated that the group does not need any help from ARAC at this time.

Mr. Morgan thanked Ms. Mary Schooley for all her help in working with the group. Ms. Rose asked if there were any questions for Mr. Morgan, and there were none.

Recommendation Report

Ms. Rose asked Mr. Jury to present the recommendation report from the Transport Aircraft Metallic and Composite Structures Working Group (TAMCSWG) and asked Mr. Doug Jury to provide an executive summary.

Mr. Jury described the purpose of the Single Load-Path Structures Recommendation Report, the background information, and the summary of the recommendations. He explained that the group developed a starting point of three high level recommendations in 2018. Mr. Jury explained the need to modify the 2018 recommendations and to propose new recommendations. He also summarized the new 2020 recommendations.

Ms. MacLeod asked about the focus on advisory circular (AC) 25.571-1D as it relates to design. Mr. Jury explained that the working group considered many factors, including material selection. Ms. MacLeod wanted clarification on the relationship between the language of the report with the goal to reduce the number of inspections by both the designer and the operator. Mr. Jury noted that a designer and operator may have competing inputs, and he explained that the group did consider structural design in their recommendation. He also mentioned that the recommendation is for single load path only, and a more robust system may need higher liability.

Ms. MacLeod asked if the working group considered crack technologies and could newer technology affect future recommendations. Mr. Jury explained that the rationale related

to cracks was based on existing policy associated with bonding and repairing. He noted that Ms. MacLeod's question would be further detailed in the Structural Bonding report.

Mr. Jury noted that the report does not require any rule change and summarized the cost benefit analysis. Ms. Rose thanked Mr. Jury for his summary and asked if any ARAC members had questions. No one did. Ms. Rose asked for a motion to accept the report. Ms. MacLeod motioned to accept the report, and Mr. Doug Carr seconded the motion. No one opposed, and the ARAC voted to accept the TAMCSWG recommendation report. Ms. Rose confirmed she would forward the report to the FAA.

New Taskings

Ms. Rose announced that the FAA would like to assign two new taskings to ARAC's ASHWG and FTHWG. She explained that, because both working groups are already established, there will not be a solicitation for members.

Avionics Systems Harmonization Working Group (ASHWG) Tasking

Ms. Rose asked Ms. Mary Schooley to present the ASHWG proposed tasking. Ms. Schooley stated that the FAA is tasking ARAC to develop recommendations on alerting when automatic ground spoilers are not armed for landing. She noted that the tasking would answer questions related to NSTB safety recommendations following certain events. Ms. Schooley asked if there were any questions on the tasking, and there were none. Ms. Rose asked for a motion to accept the tasking. Mr. Morgan motioned to accept the tasking, and Mr. Oord seconded the motion. No one opposed, and the ARAC voted to accept the tasking.

Flight Test Harmonization Working Group (FTHWG) Tasking

Ms. Schooley described the FTHWG tasking, noting this may be the group's final tasking. She stated the FAA is seeking recommendations regarding new or updated standards and guidance material for transport airplane performance and handling characteristics.

Ms. Rose asked why the FAA is seeking a cost benefit analysis for the ASHWG tasking but not for the FTHWG tasking. Ms. Schooley noted that the current tasking for the FTHWG includes a cost benefit analysis.

Ms. Rose asked if there were any questions, and there were none. She asked for a motion to accept the FTHWG tasking. Mr. Keith Morgan motioned to accept the tasking, and Mr. Larry Rooney seconded the motion. No one opposed, and the ARAC voted to accept the tasking.

Other Business

Ms. Rose asked Mr. Roberts to provide the FAA update.

DOT Policy on Guidance Materials and FAA Implementation

Mr. Roberts noted that ARAC requested a briefing on the DOT Policy on Guidance Materials and that Ms. Sydney Hawthorne (FAA/AGC) would present the briefing. Ms. Hawthorne explained and answered questions regarding the DOT policy on guidance materials. She referenced four sources for the current framework: the DOT General Counsel Guidance Memo, *Review and Clearance of Guidance Documents*, Executive Order 13891, *Promoting the Rule of Law Through Improved Agency Guidance Documents*, OIRA Memo, *Guidance Implementing EO Order 13891*, and DOT *Administrative Rulemaking, Guidance, & Enforcement Procedures Final Rule*, 49 CFR part 5, subpart C. Ms. Hawthorne defined Guidance by the definition offered in 49 CFR 5.25(c), (d). She described the FAA's review and clearance process for guidance material.

Ms. MacLeod asked for clarification on the intention of some of the language in the definition of Guidance. Ms. Hawthorne noted that the application of the definition is intended for any regulated parties and for the general public. Ms. MacLeod expressed that it may not apply to a Federal Government employee, and Ms. Hawthorne agreed that could be an exception. Ms. MacLeod emphasized that ARAC and other committees have previously tried to express to the FAA that the intention causes conflict. She explained that the conflict comes from guidance for applicants or certificate holders interpreted as optional are actually required because aviation safety inspectors require those actions to be taken in order to move forward with their jobs and responsibilities. Ms. Hawthorne agreed that some guidance can be tricky. Ms. MacLeod noted that using the word 'intend' allows for mixed interpretation.

Mr. Paul McGraw asked for an example of something that would require review by the DOT. Ms. Hawthorne noted that all guidance requires review- non-significant, economically significant, significant, and otherwise of importance to the Department's interests.

Ms. MacLeod asked for clarification on the definition of a significant rule. Ms. Hawthorne stated that a significant guidance document is defined in the final rule and considers factors such as the cost, the significance in relation to policy, and the relationship to other agency's rules. Ms. MacLeod summarized the DOT rule on guidance as being overly labor intensive. Mr. Oord asked if the final rule went through any notice and comment. Ms. Hawthorne believed that it had, but Mr. Roberts later noted that the Department issued the final rule without public comment. Mr. Paul McGraw noted that it seems too many processes require DOT review. Mr. Randy Kenagy asked if the FAA had a summary on what policies and procedures would change and what types of documents are affected. He also asked when these changes would be implemented. Ms. Hawthorne confirmed that the final rule has been implemented. Mr. Kenagy asked for clarification on implementation on the public side, and Ms. Hawthorne noted that the public can access the FAA's public guidance portal at <https://www.faa.gov/guidance/>.

Mr. Walter Derosier asked if, with the new processes in place, the FAA made any strides to address the backlog of recommendations made to the agency. Ms. Hawthorne noted that that question may be better suited for the Office of Rulemaking, and she is speaking from an Office of General Counsel perspective. Ms. MacLeod asked for the list of specific affected guidance. Ms. Hawthorne noted that the affected guidance is located on the FAA's public guidance portal.

Mr. Paul Hudson expressed that this regulation on the regulator has gone too far. He explained that, in 2017, ARAC spent a lot of time preparing information that did not receive follow up. Mr. Hudson expressed concern about how safety could be affected by the new implementations on guidance. He asked if the Department has issued any guidance since the rules effective date. Ms. Hawthorne said she could not speak on the effect of the guidance on aviation safety. She also said she does not have numbers on guidance issued since implementation. Mr. Hudson, supported by Ms. MacLeod, requested further information on the timeline for obtaining approval on guidance material.

Ms. Rose asked Ms. Hawthorne if it is correct to assume any AC issued as a draft for public comment has gone through the DOT process. Ms. Hawthorne confirmed that while significant ACs are reviewed by DOT, non significant ACs may not.

Ms. Rose and Mr. Roberts thanked Ms. Hawthorne for her time.

FAA Update on Regulatory Activities

Mr. Roberts reported that the following rules have published since the September ARAC.

- Extension of the Prohibition Against Certain Flights in the Pyongyang Flight Information
- Region (FIR) (ZKPP) Final Rule (2120-AL57)
- Second Limited Extension of Relief for Certain Persons and Operations during the Coronavirus Disease 2019 (COVID-19) Public Health Emergency Final Rule (2120-AL66)
- Amendment of the Prohibition Against Certain Flights in the Baghdad Flight Information Region (FIR (ORBB) Final Rule (2120-AL56)
- Amendment of the Prohibition Against Certain Flights in the Simferopol and Dnipropetrovsk Flight Information Regions (FIRs) (UKFV and UKDV); Partial Removal Final Rule (2120-AL58)
- Extension of the Prohibition Against Certain Flights in the Damascus Flight Information Region (FIR) (OSTT) Final Rule (2120-AL55)
- Streamlined Launch and Reentry Licensing Requirements Final Rule (2120-AL17)

He also noted that the FAA issued the Removal of the Special Rule for Model Aircraft - Final Rule (2120-AL43) on November 23, 2020, and it is awaiting publication in the Federal Register.

Mr. Roberts mentioned that the following are under review at the Office of Information and Regulatory Affairs (OIRA).

- Pilot Records Database (PRD)
- Remote Identification for Unmanned Aircraft
- Unmanned Aircraft Over People and at Night

Mr. Roberts asked if there were any questions regarding agency updates. Mr. Doug Carr asked about a RIN associated with FAA's active rulemaking on SMS part 135 and possibly part 145. Mr. Roberts noted that there is a longstanding proposal for airport SMS currently with the FAA. He stated that the rulemaking regarding operating parts is in the Spring Unified Agenda under the long-term action section

(<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202004&RIN=2120-AL60>).

Mr. Carr offered feedback on the PRD proposal, which was initiated over a decade ago, cautioning against dusting off old work and offering it as current thinking. He expressed that he hopes this does not continue to happen with SMS. He proposed meeting to discuss current SMS capabilities. Mr. Roberts stated that he will note that point.

Ms. Rose asked if there was a timeline update for PRD. Mr. Roberts noted that the rule is with OIRA for review and their review period is 90 days. He noted that OIRA formally accepted the final rule in late October. Mr. Roberts anticipates OIRA will clear the rule before the end of January.

Mr. Roberts said that the 2020 Fall Unified Agenda published, however it did not include any FAA updates. The information captures the information published in the Spring Unified Agenda.

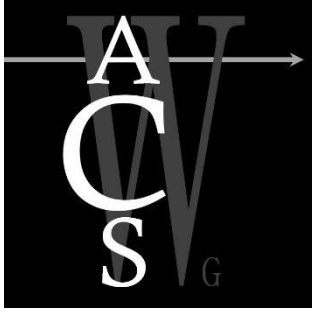
Remaining Fiscal Year 2021 Meeting Dates

Ms. Rose reviewed the Fiscal Year 2021 ARAC schedule. The dates are as follows --

- Thursday, March 18, 2021
- Thursday, June 17, 2021
- Thursday, September 16, 2021

Adjournment

Ms. Rose wished everyone happy holidays, and she adjourned the meeting at 3:22 p.m.



Airman Certification System Working Group Status Report to the Aviation Rulemaking Advisory Committee

David Oord
Working Group Chair

March 1, 2021

MEMBERS of ACSWG - INDUSTRY

- David Oord, Lilium
- Paul Alp, Boeing
- Cindy Brickner, SSA
- Paul Cairns, ERAU
- Kevin Comstock, ALPA
- Chris Cooper, AOPA
- Mariellen Couppee, Independent
- Eric Crump, Polk State College
- David Dagenais, FSCJ
- Maryanne DeMarco, CAPA
- Anna Dietrich, CAMI
- Rick Durden, Independent
- Megan Eisenstein, NATA
- David Earl, Flight Safety
- Tom Gunnarson, Wisk
- Lauren Haertlein, GAMA
- John Hazlet Jr., RACCA
- Jens Hennig, GAMA
- Chuck Horning, ERAU
- David Jones, Avotek
- John King, King Schools
- Janeen Kochan, ARTS Inc.
- Kent Lovelace, UND
- Justin Madden, AMFA
- John McGraw, NATA
- John "Mac" McWhinney, King Schools
- Crystal Maguire, ATEC
- Nick Mayhew, L3
- Phillip Poynor, NAFI
- Jimmy Rollison, FedEx
- JR Russell, NBAA
- Mary Schu, Mary Schu Aviation
- Roger Sharp, Independent
- Jackie Spanitz, ASA
- Burt Stevens, CFI Care
- Robert Stewart, Independent
- Tim Tucker, Robinson
- Robert Wright, NBAA
- Donna Wilt, SAFE
- Roger Woods, Leonardo
- Philipp Wynands, Metro Aviation



MEMBERS of ACSWG – FAA SMEs

- Susan Parson
- Barbara Adams
- Bill Anderson
- Robert Burke
- Dennis Byrne
- James Ciccone
- Bryan Davis
- Joel Dickinson
- Mike Duffy
- Troy Fields
- Ramona Fillmore
- Adam Giraldes
- Vanessa Jamison
- Laurin J. Kaasa
- Jeffrey Kerr
- Ricky Krietemeyer
- Mike Millard
- Anne Moore
- Kevin Morgan
- Margaret Morrison
- Richard Orentzel
- Katie Patrick
- Andrew Pierce
- Robert Reckert
- Jason Smith
- Shelly Waddell Smith
- Jeff Spangler
- Robert Terry
- Matt Waldrop
- Stephanie Williams
- Bill Witzig
- Jimmy Wynne



SUMMARY OF TASKING

- Provide recommendations regarding standards, training guidance, test management, and reference materials for airman certification purposes.
- Continuation of Pilot, Instructor, and Aircraft Mechanic certificates.
- Revisions for Private, Commercial, Remote Pilot certificates and the Instrument Rating.
- Added Sport and Recreational Pilot certificates – airplane.
- Added Private, Commercial, ATP, and Instructor certificates and Instrument Rating in additional aircraft categories–
 - Rotorcraft, powered lift, lighter-than-air, glider, etc.

SCHEDULE

- Interim reports
 - PVT, COM, ATP, Instructor, and AMT certificates and Instrument Rating – no later than June, 2018 - complete
- Final recommendation reports no later than December 1, 2021
 - 18-month charter extension approved at last meeting

SCHEDULE

- 2020 Meetings –
 - March 17 & 18 (cancelled)
 - June 23 (virtual meeting)
 - September 22 (virtual meeting)
 - December 8 (virtual meeting)
- 2021 Meetings –
 - March 16 (virtual meeting)
 - June 15-16 (TBD)
 - September 21-22 (TBD)
 - December 14-15 (TBD)

STATUS OF TASKING

- Continued progress on Standards, Guidance, and Test Management
 - Refinement and improvement of existing Standards
 - Change management process
 - ACS code consistency and refinement
 - Update sample questions to reflect live test questions and codes
 - New test management service implemented
 - ACS Exam Boards (AEBs)
 - Draft Airman Certification Standards under review
 - Helicopter instructor, Powered-Lift instructor instrument, LTA, Weight-Shift Control, Powered Parachute.

AREAS of ARAC CONSIDERATION

- **December 2019**
 - Outlined working group members concerns about delay in publishing new Airman Certification Standards – due in large part to promulgation of DOT’s administrative rulemaking procedures
- **Letter sent last month, reiterating those concerns**
 - Queue of ARAC approved unpublished work product has grown to twelve ACS
 - Training and testing providers relying on outdated practical test standards
 - No means to prepare for new entrants (powered-lift, drones, eVTOL, etc.)
 - Open to solutions that will enable backlogged and future ACS to be published and free from lengthy and unnecessary processes and procedures that will make the overall airman certification system less flexible and ultimately, less safe.

February 23, 2021

Carlos Monje Jr., carlos.monje@dot.gov
Senior Advisor, Office of the Secretary
Department of Transportation

John Putnam, john.putnam@dot.gov
General Counsel (Acting)
Department of Transportation

Brandon Roberts, Brandon.Roberts@faa.gov
Director, Office of Rulemaking
Federal Aviation Administration

Mark Bury, Mark.Bury@faa.gov
Deputy Chief Counsel
Federal Aviation Administration

RE: Publication of Federal Aviation Administration (FAA) Airman Certification Standards (ACS)

Messrs. Monje, Putnam, Roberts, and Bury:

As industry members of the Aviation Rulemaking Advisory Committee's Airman Certification System Working Group, the undersigned respectfully request that the department reconsider its relatively recent reluctance to publish FAA ACS, the product of a decades-long industry-FAA collaboration that—when published—will provide the framework under which aviators are trained and contribute to the overall safety of the U.S. aviation system.

In 2011 a diverse group of aviation community stakeholders joined the FAA to develop a new approach to airman (e.g., pilot and mechanic) certification. The goal of the industry-agency collaboration was to modernize the existing airman certification system—by providing a clearer understanding of what knowledge and skill was required of successful applicants. Over the last decade, an FAA-chartered ACS working group contributed countless hours to develop an integrated system that clearly defines the knowledge and skill required to hold an FAA airman certificate, and the framework to ensure testing, guidance, and training are in alignment. The foundational document that pulls all these pieces together is the ACS.

Since the first ACS was published in 2016, the agency has released six certification standards under the watchful eye of the FAA-industry working group.¹ The aviation community was quick to adopt the new documents and they have since proven to be an important asset. The ACS will clearly communicate what an applicant needs to know, consider, and do to attain airman certification. In response, the training community has developed programs that focus on competencies in lieu of the traditional rote memorization of commonly-asked questions. The new standard will continue to be a game changer for the advancement of aviation education.

The collaborative process under the ACS Working Group has also provided transparency and fairness in the agency's decision-making and contributed to new-found trust between aviation community stakeholders and the FAA. Published ACS have been available for public comment and review on the agency's website, and industry representatives have communicated the new standards to their respective constituencies throughout the development and revision of these safety-critical documents. This successful endeavor has also resulted in significant improvements to FAA certification handbooks and FAA knowledge exam test questions.

¹ Current ACS are published at https://www.faa.gov/training_testing/testing/acs/.

Part 145 Working Group Status Report to the Aviation Rulemaking Advisory Committee

Sarah MacLeod and Ric Peri

Working Group Chairs

March 2021 Meeting

Members of the Part 145 Working Group

- There have been changes—current membership (with changes noted by strikethrough) is attached.
- Some of the formerly official members have become Recognized Observers so continuity and expertise is available.



SUMMARY OF TASKING

- Comprehensive review of internal and external guidance material – relate to laws and regulations – on certificating and overseeing all part 145 repair stations
 - ✓ Orders, notices, advisory circulars, job aids and safety assurance system (SAS) Data Collection Tools (DCTs)
 - ✓ Laws, executive orders
- Recommend improvements to guidance documents to ensure they—
 - ✓ Align with regulations, laws and executive orders
 - ✓ Annotate the applicable regulations, laws or executive orders
 - ✓ Are numbered to establish a relationship between the guidance and the underlying regulation
 - ✓ Communicate agency expectation of compliance to the public and FAA workforce in a comprehensive and consistent manner, with tools to ensure application and evaluation is based on performance-based oversight
 - ✓ Account for oversight of repair stations vis-à-vis amount, type, scope and complexity of the certificate holders' work and its size
- Develop a preliminary and final report containing the recommendations

SCHEDULE AND TASK STATUS

- Preliminary report submitted, accepted by ARAC and forwarded to the FAA in December 2020.
- Final report is on schedule to be submitted no later than 12 months after the preliminary report was forwarded to the FAA by ARAC that is December 13, 2021. The WG will provide the report to ARAC no later than the first week of November.
 - ✓ FAA representative, Chair and Co-Chair have regular meetings to—
 - Draft final report, and
 - Work on AMC
 - AMC being refined and will incorporate information from FAA guidance (internal and external) that aligns with the regulations.

AREAS of ARAC CONSIDERATION

The WG is aware of the myriad issues the agency is facing, but it would appreciate an overview from the Flight Standards Service management on agency's reaction to the preliminary report and that document's recommendations to ensure miscommunications or misunderstandings are addressed in the final report.

ARAC Part 145 Working Group Membership

Working Group Member Name and Title	Primary (p) Alternate (A)	Company
Sarah MacLeod Executive Director	Co-Chair	Aeronautical Repair Station Association
Jeremy Bryck Senior Director 145 Maintenance	P	Air Methods Corporation
Richard (Ric) Peri Vice President Government & Industry Affairs	Co-chair	Aircraft Electronics Association
Justin Madden Legislative Affairs Director	P	Aircraft Mechanics Fraternal Association (AMFA)
Jeff Cornell Senior Director, Quality	P	Aviation Technical Services
Samuel Edwards Administrative Manager Administrative Manager	P	Boeing Commercial Airplanes
Jeffrey Orth Senior Regulatory & Compliance Specialist	A	Boeing Global Services
Eric M. Monte Principal Quality Assurance Engineer	P	Collins Aerospace
Howard Whyte Quality Fellow — Regulatory	A-2	Collins Aerospace
Michael Tharp Senior Principal Engineer Component Engineering	A-1	Delta TechOps
David Fitzsimmons Program Manager	A-2	Delta TechOps
Rodney Markesbery Program Manager Regulatory Compliance	P	Delta TechOps
David Stapes Manager Regulatory Compliance	A-2	Delta TechOps
Brent Hart Analyst		Federal Aviation Administration Office of Rulemaking
Thuy Cooper Analyst		Federal Aviation Administration Office of Rulemaking
Paul Cloutier Working Group Representative		Federal Aviation Administrator Flight Standard Services Repair Station Branch
Mark House Senior Business Process Manager	A	GE Engine

ARAC Part 145 Working Group Membership

Working Group Member Name and Title	Primary (p) Alternate (A)	Company
Craig Fabian Regulatory Compliance Leader	P	GE Engines
Joseph Sambiase Director Airworthiness & Maintenance	P	General Aviation Manufacturers Association
Bill Hanf Owner	P	Green Mountain Avionics
Ronald Witkowski Director of Quality — Regulatory Compliance	P	Gulfstream
Steven Brewer Manager Structure Engineering	P	Kalitta Air
Justin Smith Director of Operations	P	Quality Aviation Instruments, Inc., D/B/A QAI
Sam J. Porter Senior Quality Manager	P	Sikorsky A Lockheed Martin Company
Rick Tober Director of Quality	P	Triumph Group Operations Left Triumph on October 7, 2020
John Fox Accountable Manager Senior Manager, Quality Control	P	United Airlines, Inc.
Richard Macklosky Manager, Regulatory Management Civil Aviation	P	United Technologies Corporation
Jeffrey Eagle Senior Regulatory Compliance Specialist	A - 1	United Technologies Corporation Pratt & Whitney
Stephanie Branscomb Director of Operations Quality Manager	A-1	Wysong Enterprise
Stephen R. Wysong President	P	Wysong Enterprise

ARAC Part 145 Working Group Recognized Observers

Some of the individuals that were originally cleared to be members of the working group are now Recognized Observers, so expertise has not be lost.

Recognized Observers (RO) Subject Matter Expert (SME) Observers	RO SME O	Company/Affiliation
Carol Giles Aircraft Maintenance and Systems Technology Committee Liaison	RO	National Air Transportation Association
Brian Koester Manager, Flight Operations & Regulation	RO	National Business Aircraft Association
Paul Hawthorne Director, Global Support Quality	RO	Moog, Inc.
Art Smith Vice President-Chief Quality Officer	RO	AAR Corp.
Jackie L. Black Manager Aircraft Maintenance Division	RO	Federal Aviation Administration
Rick Tober	RO	
Bruce DeCleene Director Office of Safety Standards Flight Standards Service	RO	Federal Aviation Administration
Wenderson Soares Pires	RO	Agencia Nacional de Aviacao Civil (ANAC)
Gary Daniel FAA DAR-T DMS Designee	RO	# 288511492 (FSDO CE19)



DPE Reform Working Group Status Report to the Aviation Rulemaking Advisory Committee

Sean Elliott, EAA Vice President
Working Group Chair

March 18th, 2020

MEMBERS/OBSERVERS of DPE Reform Working Group

Jason	Blair	Independent	WG Member
Paul	Cairns	Embry Riddle Aeronautical University	WG Member
Lisa	Campbell	Air-Mods Flight Training Center	WG Member
Chris	Cooper	Aircraft Owners and Pilots Association	WG Member
MaryAnne	DeMarco	Coalition of Airline Pilots Association	WG Observer
Mark	Dilullo	Threshold Technologies, Inc.	WG Member
Jon	Dodd	Coalition of Airline Pilots Association	WG Member
Mark	Ducorsky	Independent	WG Member
Sean	Elliott	Experimental Aircraft Association	WG Chair
Dan	Fluke	Air Line Pilots Association	WG Member
Jonathan	Freye	National Air Transportation Association	WG Member
Stephen	Gatlin	Pan Am Internatioanl Flight Academy	WG Member
Lauren	Haertlein	General Aviation Manufacturers Association	WG Observer
Thom	Holden	Federal Aviation Administration	WG Member
John	Kovar	Federal Aviation Administration	WG Member
Zachary	Noble	Helicopter Association International	WG Member
Randy	Rowles	Helicopter Institute / HAI	WG Member
David	Sullivan	Independent	WG Member
Tim	Tucker	Robinson Helicopter Company	WG Member

Thom	Holden	Federal Aviation Administration	WG Support
Jay	Kitchens	Federal Aviation Administration	WG Support
John	Kovar	Federal Aviation Administration	WG Support
Trey	McClure	Federal Aviation Administration	FAA Lead Support
Susan	Parson	Federal Aviation Administration	WG Support
Robert	Reckert	Federal Aviation Administration	WG Support
Bruce	Rengstorf	Federal Aviation Administration	WG Support
Mallory	Woodcock	Federal Aviation Administration	WG Support
Shawn	Knickerbocker	Independent DPE – **late add	WG Observer

SUMMARY OF TASKING

The DPE Reforms WG will:

- Provide advice and recommendations to the ARAC on the most effective ways to identify areas of needed reform with respect to regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties to meet the growing public need.
- The Group should review any relevant materials to assist in achieving their objective.
- Review all regulatory and policies related to designated pilot examiners appointed under 14 CFR 183.23. Specific areas include, but are not limited to, 14 CFR part 183, 14 CFR part 61, FAA Order 8900.1, FAA Order 8900.2, and FAA Order 8000.95.

SUMMARY OF TASKING (con't)

- Will make recommendations with respect to the regulatory and policy changes if necessary to allow a designated pilot examiner perform a daily limit of 3 new check rides with no limit for partial check rides and to serve as a designated pilot examiner without regard to any individual managing office.
- If the task could result in recommendations with substantive changes to policies and rulemaking, then the working group will consider the role of potential qualitative and quantitative costs and benefits, including impacts to resources, of these recommendations compared to their alternatives.
 - If available, the working group should provide preliminary cost and benefit information in the report.
- Develop a report containing recommendations on the findings and results of the tasks explained above.
 - The recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.
 - Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.
- The working group may be reinstated to assist the ARAC by responding to the FAA's questions or concerns after the recommendation report has been submitted.

SCHEDULE

- Full WG #1 meeting held October 29, 30, 31st in Washington, D.C.
- Three Subgroups Launched during the WG 1st meeting. Subgroups electronically meeting bi-weekly until tasks complete and ready for update and review during in person WG mtg #2
- COVID 19 impacts require termination of in person meetings – shifted to virtual format for a timeframe TBD.
- Full WG #2 meeting held virtually on March 19th via a Go2Meeting platform. Reviewed progress of all 3 subgroups.
- Full WG #3 meeting held virtually on May 21st via a Zoom platform. Briefings from senior FAA leadership, AFS status on Airman Certification ODA policy, and progress review for all 3 subgroups.
- Full WG #4 meeting held virtually on June 24th via a Zoom platform. AFB 720 reviewed IACRA capabilities current state, full group review of progress and emphasis of the process of merging appropriate recommendation concepts across the 3 sub groups, briefing of ARAC's approval of timeline extension of 6 months if needed, and progress review for all 3 subgroups.

SCHEDULE

- Full WG #5 meeting held virtually on August 11th via a Zoom platform. AFS briefing on recent situation with fraudulent examiner activity, AFS briefing on ODA draft policy status, review of a proposed DPE Code of Conduct developed within the aviation community and discussion of COC elements that might be applicable for inclusion into recommendations, review of merging of concepts status and cross pollination of recommendation concepts, and progress review for all 3 subgroups.
- Full WG #6 meeting held virtually on October 1st via a Zoom platform. AFS updated the group on 737 Max effects on delegation management and ODA policy timeline, Kevin Clover of the FAAST team presented information on new/existing apps that could be useful for DPE work, the group discussed Code of Conduct vs Code of Ethics and its potential use as a tool, Continued to review merging of concepts and cross pollination of recommendations, Introduced a new Strawman document for the consolidation of a three subgroup recommendations into a final document, and progress review for all 3 subgroups.
- Full WG #7 meeting held virtually on November 19th via a Zoom platform. Karen Lucke, AFS-600 Acting Division Manager, was introduced to the group and addressed the importance of the work being done, an update on the Code of Conduct was provided, additions and modifications to the Strawman document were reviewed, a new form for recommendation documentation for the 3 subgroups was introduced, full WG review of the recommendations from each of the 3 subgroups were discussed and debated, the selection Matrix was discussed and debated, A status color coding system was agreed upon for inclusion with the recommendation submissions documentation.
- Full WG #8 meeting held virtually on December 17th, 2020 via a Zoom platform. Karen Lucke, AFS-600 Acting Division Manager, addressed the group and recognized the work that is ongoing. Support Tools needed and Job Aids were discussed with the full group, a review of Misc items was completed and close outs were determined. A review of the various aspects of virtual surveillance, both positive and negative was taken. A dynamic discussion on termination appeal policy and opportunities for increasing transparency was had. Focus on the Selection Matrix was postponed until the January meeting.
- Full WG #9 meeting held virtually on January 21, 2021 via a Zoom platform. Final progress reports from each of the 3 subgroups were made, Rob Burke made a presentation on Gov models for improved transparency focusing on ASAP parallel efforts. The final schedule for completion of the recommendations was reviewed and agreed upon.

SCHEDULE

- Trey and Sean met with Thuy Cooper on Feb 4th to review formatting and submission aspects of DPERWG recommendations. May 14th 2021 is the deadline for submission of DPERWG recommendations with a full review planned for the June ARAC meeting.
- Full WG #10 meeting held virtually on February 18th via a Zoom platform. Karen Lucke welcomed the group and thanked all for the strong efforts to date. Final submission process to ARAC was reviewed. A further discussion on Ethics and Conduct was held and it was agreed that a component of this topic would be appropriate to include in the final recommendations. A strawman recommendation document was introduced and reviewed with appropriate format and broad buckets of topical areas. The selection matrix was distributed and reviewed with feedback from the group on its content and weighting. Members were asked to run through known individuals as a means of test driving the matrix and validation of the scoring measures. A follow up discussion on a Random Test Generator concept was held. A review of video and communication technology privacy protections was conducted. Sub groups leads were asked to meet virtually on March 9th to discuss prioritizations of topics and recommendations moving forward.
- Full WG #11 meeting will be held on March 11th via a Zoom platform.
- Full WG #12 meeting will be held on April TBD via a Zoom platform
- Final full WG meeting will be held on May TBD via a Zoom platform
- Final report back to ARAC by May 14th, one month ahead of the June 2021 quarterly meeting.

STATUS OF TASKING

- DPE Reform Work Group has completed 10 full group meetings. Outputs include:
 - Full review of ARAC WG process, rules of WG, milestones, and timeline
 - Full review of current state elements for DPE selection, training, deployment, & oversight
 - Three subgroups identified and sub group chairs selected. Specifically tasked with developing recommendations and process around:
 - DPE Selection Process
 - Training Elements and Mentoring
 - Deployment/Oversight
 - All 3 groups are considering the following while developing recommendations:
 - No GEO boundaries
 - Possible incorporation of Code of Conduct elements within certain recommendations
 - Maximum testing limitation for Designees
 - Mentorship opportunities
 - ODA Elements
 - Other models/parallel processes
 - Significant progress with a three areas of focus as outlined. DPE Selection Matrix under development, designee locator enhancements being considered, and industry/technological tools for designee support are all being explored. Recommendation concepts are maturing to the point of needing full WG review, integration, and cross pollination to ensure a well balanced, improved environment for all aspects of DPE work. Specific ties to ARAC tasking and recommended measures of success are being incorporated into each subgroup's recommendations. Level of consensus is being identified and a scoring color assigned. A few recommendations will be outside of scope, but impactful/necessary. Those will be clearly identified separate from WG tasking recommendations.
- Final recommendations are being framed into a strawman document that includes the specific tasking areas of the charter as well as the top priority items of each of the 3 sub groups. Consideration for Conduct and Ethics best practices, random test generator (s), and appropriate privacy protections for certain virtual surveillance aspects are being included. The final 3 meetings will be focused on prioritization/categorization of recommendations as well as creation of the final report document.

AREAS of ARAC CONSIDERATION

- None at this time

Training Standardization Working Group Status Report to the Aviation Rulemaking Advisory Committee

Brian Koester
Working Group Chair

March 05, 2021

MEMBERS of Training Standardization Working Group

Jon	Dodd	Coalition of Airline Pilots Associations
Steve	Hall	FlightSafety International
Aimee	Hein	CAE, Inc.
Jens	Hennig	General Aviation Manufacturers Association
Brian	Koester*	National Business Aviation Association
Doug	Carr	National Business Aviation Association
Todd	Lisak	Air Line Pilots Association
Steve	Maloney	Sun Air Jets
Allan	Mann	Wheels Up, LLC
John	McGraw	National Air Transportation Association
Brian	Neuhoff	Airbus Helicopters
Janine	Schwahn	Summit Aviation, Inc.
Annmarie	Stasi	Talon Air, LLC
Daniel	Von Bargaen	Jet Aviation Flight Services, Inc.
Mike	Walton	Textron

* Training Standardization Working Group Chair

FAA Partners

Rob Burke

Mary Thompson

Paul Preidecker

Tim Vander Ploeg

Russ Megargle

Mariellen Couppee

Shannon Salinsky

SUMMARY OF TASKING

The Training Standardization Working Group (TSWG) will provide advice and recommendations to the ARAC on the most effective ways to standardize curricula provided by training centers. The group is tasked with the following:

1. Recommend a detailed master schedule for the development of part 135 standardized curricula for each aircraft or series of aircraft;
2. Develop and recommend a standardized curriculum to qualify training center instructors and evaluators (check pilots) to provide part 135 training, testing, and checking;
3. Develop and recommend part 135 standardized curricula for each aircraft or series of aircraft, including the maneuvers, procedures, and functions to be performed during training and checking;
4. Recommend continuous improvements to each part 135 standardized curriculum for a specific aircraft or series of aircraft; and
5. Develop reports containing recommendations for standardized curricula and results of the tasks listed here. The group should review any relevant materials to assist in achieving their objective, including FAA Advisory Circular 142-1,2 Standardized Curricula Delivered by Part 142 Training Centers.

SCHEDULE

- June 2021 – Deadline for submitting initial recommendation report including the proposed master schedule for standardized curriculum development to ARAC. The deadline to submit the interim report to the FAA is June 30, 2021.
- December 2021 – Deadline for submitting the addendum recommendation report, including a standardized curriculum to qualify training center instructors and check pilots to provide part 135 training, testing, and checking to ARAC. The deadline to submit the interim report to the FAA is December 31, 2021.
- If unable to meet the abovementioned deadlines, the TSWG Chair will recommend that ARAC request an extension from the FAA.
- The Training Standardization Working Group may submit ad hoc recommendation reports, including continuous improvements, to standardized curricula, via ARAC to the FAA for review and consideration at any time.

STATUS OF TASKING

- Currently on track to meet June 30, 2021 deadline.
- Milestones:
 - TSWG has created Action Team breakout groups with specific tasking assignments, such as:
 - Regulatory Analysis
 - Instructor and Check Pilot Qualification
 - Aircraft-Specific Curriculum
 - Continuous Improvement
 - The voting members of the TSWG meet bi-weekly, with Action Teams meeting on a regular basis in between.
 - Action Teams are in process toward completing assigned tasks and will submit to the TSWG for review, feedback, edits and approval.
 - Assembled report final review target date April 27, 2021.

AREAS of ARAC CONSIDERATION

- None at this time.

Transport Aircraft and Engines Subcommittee Status Report to the Aviation Rulemaking Advisory Committee

Keith R. Morgan
Subcommittee Chair

18 March 2021

Members of the Transport Aircraft and Engines Subcommittee

Pratt & Whitney

ALPA

A4A

ASD

Airbus

Boeing

GAMA

AIA

Bombardier

NADA/F

Embraer

SRCA

TAE Meeting Schedule

- 2021 Meetings
 - January 26, 2021
 - February 11, 2021 (Ad hoc)
 - April 27, 2021
 - July 27, 2021
 - October 26, 2021

Active Working Groups

- Flight Test Harmonization
- Transport Aircraft Metallic and Composite Structures
- Engine Ice Crystal Icing
- Avionic Systems Harmonization
- Engine Harmonization

Look Ahead Report Submittal Schedule to ARAC

- March 2021
 - ASHWG final report
- June 2021
 - EHWG Endurance Test Clarification Report
 - TAMCSWG Structural bonding
- September 2021
 - TAMCSWG Crack Interaction
- December 2021
 - EICIWG – this is likely to roll into 2022 based on current progress

Flight Test Harmonization Working Group Status Report to the Transport Aircraft and Engines Subcommittee of the Aviation Rulemaking Advisory Committee

Brian P. Lee, Boeing
Laurent Capra, Airbus
Working Group Co-Chairs

26 January, 2021

MEMBERS of Flight Test Harmonization Working Group Phase 4

Authorities	OEM's			Observers
FAA Joe Jacobsen Bob Stoney Paul Giesman	Airbus Philippe Genissel + SME's	Embraer Murilo Ribeiro Tiago Costa + SME's	ATR Matthieu Ollivier Jean-Pierre Marre +SME's	JCAB (Japan) Shinsuke Yamauchi Teruke Koike
				CAAI (Israel) Yshmael Bettoun
EASA Matthias Schmidt	Boeing Matt Muehlhausen + SME's	Gulfstream Mike Watson +SME's	Airbus Canada Scott Black Joel Boudreault +SME's	Norwegian Airlines John Lande
				Georgia Tech David Anvid
Transport Canada Lee Fasken	Bombardier Tony Spinelli +SME's	Textron Kurt Laurie +SME's	DeHavilland Canada Eric Herrmann +SME's	Centre d'Essais en Vol Francois MEIGNIEN
				Operators
ANAC (Brazil) Pedro Donato	Dassault Philippe Eichel +SME's			ALPA John Cinnamon

STATUS OF TASKING

- Tasking for Phase 4 Received in December
- Planning for the 6 tasks is complete
- Work is under way
- ASHWG: Low Energy Alerting
 - There will be fall-out from the ASHWG Recommendation
 - FTHWG Phase 2 recommended
 - Low Energy Alerting for all phases of flight only for neutral-stability configurations
 - ASHWG recommends
 - Low Energy Alerting only for close-to-ground for all configurations

FTHWG Phase 4 under way

- Initial deliberation have begun (and are well along) on:
 - TALPA (Key participants to retire)
 - Dry Runway Braking
 - Narrow Runway Certification
- Initial conversations (Topic leaders and Co-Chairs) have begun on Topic 16 (FAME)
 - Kickoff telecom today
 - First meeting scheduled for June

Coronavirus Accommodation

- Quarterly (face-to-face) meetings
 - Evaluated with decision gate at ~T-6 weeks
 - Have gone virtual since June, 2020
 - Replace 5-days of 8-hour face-to-face with 5 days of 3 hour virtual meetings
 - Not nearly as efficient
 - Less time
 - Communication is not as good (no body language, etc.)
- March, 2021 meeting (Toulouse) is now planned to be virtual
- June, 2021 currently planned as face-to-face in Seattle
 - Planning large auditorium setting, each delegation at a different table, large distances
 - Will depend on:
 - International travel restrictions
 - Corporate travel restrictions
 - Personal travel restrictions
 - Decision gate in late April

FTHWG Phase 4 Meeting Plan

(Accommodating Coronavirus)

	Dassault Bordeaux	Boeing Seattle Virtual	Easa Cologne Virtual	FAA Seattle Virtual	Airbus Toulouse Virtual	Boeing Seattle	EASA Cologne	Embraer Melbour ne	Easa Cologne	TCCA Ottawa (tbc)	Airbus Toulouse	Textron Wichita	Dassault Paris	US	Europe	US
	March 2020 (2→6)	June 2020 (8→12)	Sept. 2020 (14→18)	Dec. 2020 (7→11)	March 2021 (1→5)	June 2021 (7→11)	Sept. 2021 (13→17)	Dec. 2021 (6→10)	March 2022 (7→11)	June 2022 (6→10)	Sept. 2022 (12→16)	Dec. 2022	March 2023	June 2023	Sept. 2023	Dec.202 3
Topic #16 HQM FAME																★
Topic # 32 TALPA (time of arrival performance)										★						
Topic # 33 Landing Distance on Dry Runway (dispatch)										★						
Topic # 21 Narrow runway operations												★				
Topic # 22 Derate thrust procedures																★
Topic # 26 Landing in abnormal configurations																★
ASHWG fallout (25.176)																

Buffer
&
Finalisati
on of
Phase V
preparati
on

Started work ahead of tasking

Formal Tasking Period

+ Single-topic telecom each week

Mostly HQ Specialists

Mostly Performance Specialists

★ Recommendation Report to TAE to meet tasking requirements to ARAC

STATUS OF TASKING ACTIVITIES

- Continuing to progress three of the Phase 4 topics virtually
 - Weekly telecons
 - Planned concentrated quarterly meetings – face-to-face when we can return to that format
- Kicking off FAME this week
- Consider progress to be on-track

2021: Anticipated

TAE : 26 January, 27 April, 27 July, 26 October

ARAC: 18 March, 17 June, 16 September, 9 December

AREAS for ARAC CONSIDERATION

- No additional guidance needed from FAA or ARAC

Transport Airplane Metallic and Composite Structures Working Group

*Recommendation Report, Extension Topics,
Briefing to the TAE – January 2021 meeting*

Doug Jury (Delta Air Lines)
Working Group Chair

January 26, 2021

Members of the Working Group

- Industry WG voting members:
 1. **Kevin Davis (replaced Mike Gruber, ret'd)** (Boeing)
 2. Chantal Fualdes (Airbus)
 3. Salamon Haravan (Bombardier)
 4. Benoit Morlet (Dassault Aviation)
 5. Antonio Fernando Barbosa (Embraer)
 6. Kevin Jones (Gulfstream)
 7. Toshiyasu Fukuoka (Mitsubishi Aircraft)
 8. David Nelson (Textron Aviation)
 9. **Ryan Higgins (replaced Phil Ashwell, ret'd)** (British Airways)
 10. Doug Jury (Delta Air Lines) –Chairperson
 11. Mark Boudreau (FedEx)
 12. Eric Chesmar (United Airlines)
- NAAs: FAA (Walt Sippel, Larry Ilcewicz, Michael Gorelik, Patrick Safarian, Linda Jahner); EASA (Richard Minter, Simon Waite); ANAC (Pedro Caldeira, Marco Villaron, Fabiano Hernandes); TCCA (Jackie Yu, Natasa Mudrinic); JCAB (Hiroshi Komamura); **Phil Ashwell (CAA)**
- **General public, non-voting participants: Allen Fawcett (retired, former SME participant), Mike Gruber (retired, former WG member & chair)**

Summary of Original Tasking

With the increased use of composite and hybrid structures recommendations regarding revision of the **fatigue and damage-tolerance requirements** & associated guidance material were previously provided in Final Report, dated 6/27/2018

Tasking was divided up into the following 12 focus areas:

1. Threat Assessment
2. Emerging material technology
3. Inspection Thresholds
4. Structural Damage Capability – Fail-safety
5. Aging, WFD & LOV (including ultimate strength & full-scale fatigue test evidence)
6. Testing (related to composite and hybrid materials including WFD test demonstration)
7. Repairs (bonding / bolting)
8. Modifications
9. EASA aging aircraft rulemaking and harmonization
10. Rotorburst
11. Disposition of cracking during full-scale fatigue testing
12. Accidental damage inspections included in the ALS conflicts w/ MSG-3 program

During final report submission and review by ARAC in September, 2018 three separate topics were raised as needing further evaluation and recommendation from this existing WG.

Summary of Tasking – extended topics

Three additional items for rule & guidance recommendation development

1. Structural Damage Capability (SDC) for Single Load Path (SLP) structure **(completed)**:
 - Develop requirements and guidance material for single load path (SLP) structure, which by definition has no SDC
 - **ARAC approved this report on 12/10/2020**
2. Structural Bonding and “Weak Bonds”
 - FAA requests further clarification from the working group on how to address disbonds and weak bonds as a manufacturing defect
3. Repeat Inspections & Crack Interaction
 - Advisory Circular 91-82A provides evaluation considerations for establishing inspection thresholds and repeat intervals, including consideration of crack interaction with little guidance in AC. Based on this, the FAA is requesting information from the working group on how to address crack interaction when establishing inspection programs.

Summary of Tasking – extended topics (continued)

Working Group continues to work through **the remaining two** items through smaller tasking groups, consisting of 4-8 WG member teams (aka subteam)

Final report delivery scheme will be **two** separate reports

- **As with SDC/SLP report**, no rule change expected for any of the tasks. Guidance change only.
- Structural bonds guidance development is progressing.
- Evident there is wider variety of engineering positions on guidance for crack interaction – some generally favorable direction on development of general guidance recommendations.

COVID-19 pandemic created challenges for the Aviation Industry to continue full-time efforts on remaining topics.

- A negative economic impact experienced by most companies
- Resources (finances and personnel) are diminished, which has resulted in higher work-load , furloughs, or shorter work hours for working group members
- Working Group focused efforts mostly on one report at a time

Summary of Tasking – extended topics (continued)⁰⁶⁵

Item 2: Structural bonds & Weak Bonds

- FAA requests further clarification from the working group on how to address disbands and weak bonds as a manufacturing defect
 - “Weak bonds listed under manufacturing defects is somewhat confusing because, although it is clearly a manufacturing defect, it is unlike any of the other manufacturing defects that are typically listed (i.e., all others are relatively small and either starter flaws for metal fatigue or allowable defects for composites).”
 - “Bonding may be acceptable to use if stringent/reliable manufacturing in-process quality control practices are in place to ensure that a weak bond is: 1) extremely rare (justifying the size constrained by 2.) and 2) localized to a size at or within arresting design features.”
- No rule change proposed.
- Guidance changes under consideration:
 - AC 20-107B: additional modification – proposed change recommendations for WG review: Parag. 6, 8, 10
 - AC 25.571-1D: under the original report (section 3.1.2 wrt metal-to-metal bonding)
 - AC 21-26: reviewed but no changes proposed because of no mention of structural bonding
 - BRSL – proposed edits to para. 10 in AC 20-107B; objective: alignment with BRSL
- Other proposals include continuation of regulatory & industry activities to promote knowledge transfer and best practices (manufacturing, design and engineering) that can provide benefit supplemental to regulatory materials updates (guidance)
- Rationale for quality control document content
- Much of work prepared and under review by subteam
 - Initial round of draft report completed by two members – other subteam members are still finishing their sections and providing comments on other sections
- WG member focus has been directed on getting resolution to SLP report – **Latest draft with inputs from critical subteam to be shared with full WG tomorrow (1/27/2021) and discussed during a telecom.**
- **Discussed with ARAC to present report at the June 2021 meeting. Should be prepared for presentation at next TAE meeting.**

Summary of Tasking – extended topics (continued)

Item 3: Crack interaction

- Team direction:
 - Rule change:
 - No – general consensus position as of now
 - Currently one dissenting position related to harmonization with EASA rule language
 - Guidance changes:
 - No single recommendation on guidance change will reach consensus
 - Will likely be two sets of recommendations – each supported by rationale by subset of WG team
 - Example cracking scenarios (real images, FAA participant recommended example, other schematic model examples) – dissenting position is that is too prescriptive
 - Alternative recommendation: crack interaction to be considered in cases where it is expected – do not have full consensus on this proposal (dissenting position is that proposal does not go far enough)
 - Remaining difference between WG members about what crack interaction is (i.e., crack interaction vs. load redistribution).
 - Clear that this must be resolved in report
 - Based on observed roadblocks, FAA has provided feedback to sub-team as to what items they would like to see addressed in report.
 - Latest attempt to draft report to capture the above has been prepared by WG member submitted to smaller team for initial review.
 - Report items:
 - Tasking boundary between WFD scenarios discussion for report
 - Omission of threshold and rationale discussion
 - Are recommendations warranted from safety perspective? Discussion about inclusion of AD surveys needs documentation of methodology and results, otherwise need to remove this position – also need some discussion about other DAHs not included in this WG (STC holders, etc). If this is not well presented in compelling way, will likely be omitted from report.
- WG team support – certain feedback suggests strong interest in reaching conclusion on this subject, but work is progressing slower than pre-COVID.
- ARAC agreeable to presenting this report at September 2021 meeting.

Deliverable & Schedule

Deliverable: three reports containing:

- Recommendations on appropriate performance-based requirements
- Recommendations on any new guidance or changes to existing guidance
- Qualitative and quantitative costs and benefits of the recommendations

Milestones ^[1]:

• TAE Status 2	March 2019
• WG face to face meeting (San Francisco)	April 2019
• TAE Status 3	May 2019
• Second Face to Face, ATL	Oct 2019
• Three recommendation reports – submitted to TAE	
• 1: Structural Damage Capability – Single Load Path	Oct/Nov 2020 DONE
• 2: Structural Bonding	Early 2021
• 3: Crack Interaction	Mid 2021

^[1] May find impact to WG member availability to participate due to COVID-19 related business decisions (furloughs, leave of absences, etc.)

Meeting cadence:

- *Sub-teams (including NAA representatives) would meet more frequently*
- *Bi-weekly progress meetings (virtual) with FAA*
- *Full WG meetings (virtual) – monthly or as needed*

Ice Crystal Icing Working Group Status Report to the Aviation Rulemaking Advisory Committee

Melissa Bravin
Allan van de Wall
Working Group Co-Chairs

18 January 2020

MEMBERS of ICI WG

Member Name	Organization	Role
Alan Strom	(FAA-ANE Standards) <u>FAA Representative</u>	FAA Representative
Philip Haberlen (new Jan-21)	(FAA-ANE Standards) <u>FAA Representative</u>	FAA Representative
Keith Morgan	Pratt & Whitney	ARAC Representative
Melissa Bravin	Boeing Commercial Airplanes	WG Co-Chair – Airplane – P
Allan van de Wall	GE Aviation	WG Co-Chair – Engine – P
Tom Dwier	Textron Aviation	Airplane – P
Pierre-Emmanuel Arnaud	Airbus	Airplane – P
Bryan Lesko	Air Line Pilots Association	Other – P
Rikki Gardonio (left ALPA)	Air Line Pilots Association	Other – B
Jon Saint-Jacques	A4A/Atlas Air	Other – P
David Dischinger	Honeywell	Engine – P
Keith Wegehaupt	Honeywell	Engine – P
Jim Loebig	Rolls-Royce	Engine – P
Roberto Marrano	Pratt & Whitney Canada	Engine – P
Shengfang Liao	Pratt & Whitney East Hartford	Engine – P
Kehei Oyabu (left Mitsubishi)	Mitsubishi MITAC	Airplane – B
Brian Matheis (passed away)	UTAS	Other (probe) – P
John Harvell (retiring Jan-21)	Rolls-Royce	Engine – P
Roxanne Bochar	Pratt & Whitney	Engine - P

Member Name	Organization	Role
Philip Chow	FAA	Consultant
Jeanne Mason	FAA	Consultant
Walter Strapp	Met Analytics Inc.	Consultant
Dan Fuleki	National Research Council Canada	Consultant
Ashlie Flegel	NASA	Consultant
Tom Ratvasky	NASA	Consultant
Terry Tritz	Boeing	Consultant
Adam Malone	Boeing	Consultant
Bob Hettman	FAA	Non-voting role
Doug Bryant	FAA	Non-voting role
Eric Duvivier	EASA	Non-voting role
Julien Delanoy	EASA	Non-voting role
Fausto Enokibara	ANAC	Non-voting role
David Johns	TCCA-probes	Non-voting role
Eric Fleurent-Wilson	TCCA-engines	Non-voting role
Masato Fukushi	JCAB	Non-voting role
John Fisher	FAA	Non-voting role
Mauricio Caio Rosin (new Oct-20)	TCCA	Non-voting role

SUMMARY OF TASKING

- The ICIWG will provide advice and recommendations to the ARAC through the TAE Subcommittee on Appendix D to Part 33, and harmonization of §33.68 *Induction System Icing* requirements as follows:
 1. Evaluate recent ICI environment data obtained from both government and industry to determine whether flight testing data supports the existing Appendix D envelope.
 2. Evaluate the results carried out in Task 1 and recommend changes to the existing Appendix D envelope, as required.
 - a) Under Tasks 1 and 2, examine how compliance with §33.68(e) and §25.1093(b)(1) can be shown to demonstrate that at the airplane level, engine effects that could prevent the continued safe flight and landing of the airplane during encounters in ice crystal icing conditions would be extremely improbable (10^{-9}). If that cannot be shown, recommend changes to the text of §33.68 or §25.1093 (or a combination of both) that would provide the level of safety described by §25.1309(b)(1).
 3. Compare available service data on air data probes from both government and industry probes on Appendix D, including any changes proposed in Task 2. Determine whether engine or aircraft data probe responses warrant the use of a different environmental envelope from those proposed in Task 2, or to the existing Appendix D envelope.
 4. Evaluate the results from Task 3 and recommend ICI boundaries relevant to aircraft and engine air data probes. If the working group proposes a different envelope for aircraft and engine air data probes, recommend if these should be included in the existing Appendix D, or create a new appendix to Part 33.
 5. Identify non-harmonized FAA or EASA ICI regulations or guidance. If the working group finds significant differences that impact safety, propose changes to increase harmonization that may also include icing environments other than Appendix D as a secondary objective.
 6. Recommend changes to the Advisory Circular AC20-147a, *Turbojet, Turboprop, Turboshift and Turbofan Engine Induction System Icing and Ice Ingestion*, based on Task 1 through 5 results.
 7. Assist the FAA in determining the initial qualitative and quantitative costs, and benefits that may result from the working group's recommendations.
 8. Develop a recommendations report containing the results of tasks 1 through 6. The report should document both majority and dissenting positions on the findings, the rationale for each position, and reasons for disagreement.

SCHEDULE

- Teleconferences every 3 weeks through the end of 2020
 - ✓ 10 December
- January 2021 F2F meeting cancelled (COVID-19)
 - Weekly 1-hour meetings 14 January through 25 February
- March 2021 F2F meeting cancelled (COVID-19) – same weekly teleconference plan in-work
- Current ARAC ECD extended to December 2021

STATUS OF TASKING

072

- **Agenda items related to Appendix D atmospheric definition**
 - Definition of “cold part” (upper left-hand portion) of Appendix D envelope
 - Proposal to fair in TWC at a higher level (adiabatic vs. 0.65% adiabatic) down to current HAIC-HIWC TWC levels for cold part of envelope
 - ICICLE campaign data examined in support of this definition
 - Effect of continental vs. oceanic MCS
 - Mixed Phase (liquid + ice water) atmospheric definition discussion
 - Potential use of existing Appendix C definition (note: no change to Appendix C)
 - Probe susceptibility to mixed phase
- **Actions regarding potential of elevated TWC levels in high aerosol regions**
 - ARAC ECD December 2021
 - FAA/ U of Nagoya high aerosol flight campaign scheduled for 2022
- **Sub-Team:** Probability analysis for ICI encounters, ARAC members tasked to develop Probability of MCS Encounter
- **Analysis of in-service events vs. currently defined App D envelopes**
- **Economic impact analysis**
- **Additional recommendations for AC 20-147A & ARAC report**

AREAS of ARAC CONSIDERATION

- None

Avionic Systems Harmonization Working Group Status Report to the Aviation Rulemaking Advisory Committee

Clark Badie
Working Group Chair

March 2021

ASHWG Task

Task:

Identify and develop recommendations on low energy alerting requirements to supplement previous work

Background:

ASHWG previously tasked to develop standards and guidance material for low speed alerting systems, that may complement existing low speed alerting requirements.

Update:

As a result of the Asiana Flight 214 accident, NTSB recommended to the FAA to “develop design requirements for context-dependent low energy alerting systems for airplanes engaged in commercial operations” (NTSB Safety Recommendation A–14–043)

• https://www.nts.gov/_layouts/ntsb.recsearch/Recommendation.aspx?Rec=A-14-043

ASHWG Task

- Task Deliverable: Provide advice and recommendations to the ARAC through the TAE Committee in a report that addresses the following questions relative to new airplane designs, along with rationale.
 1. Do you recommend any changes to the existing low speed alerting requirements to provide additional pilot reaction time in cases where the airplane is both slow and close to the ground?
 2. Do you recommend any new or revised guidance material to define an acceptable low energy alert?
 3. After reviewing airworthiness, safety, cost, and other relevant factors, including recent certification and fleet experience, are there any additional considerations that the FAA should take into account regarding avoidance of low energy conditions?
 4. Is coordination necessary with other harmonization working groups (e.g., Human Factors, FlightTest)? If yes, coordinate with that working group and report on that coordination.
 5. Develop a report containing recommendations on the findings and results of the tasks explained above.
 - a. The recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.
 - b. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

ASHWG Summary

Status:

- Completed the report update offline through periodic telecons and ad-hoc discussions.
- Smaller group of team members completed final points
 - Methods to ensure low energy alerting is 'timely' given requirements vs. practical means
 - Use of the term 'to the extent practicable' vs alternative wording
- Offline pace was effective but a bit slow due to schedules and work interruptions
- Additional round of feedback from external stakeholders (e.g. FHTWG members) has been completed and included in the latest version
- Final report draft sent to ASHWG team for vote
- Final report approved by the TAE Feb. 11, 2021
- Virtual meeting in early February to review new task
 - New team members to be included

ASHWG Roster

078

Joe Jacobsen	FAA	Joe.Jacobsen@faa.gov
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Brian Lee	Boeing	brian.p.lee@boeing.com
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Clark Badie	Honeywell	Clark.badie@Honeywell.com
Brian Bourgeois (* for new pending task)	Boeing	brian.d.bourgeois@boeing.com
Alex Rummel (* for new pending task)	Gulfstream	Alex.Rummel@gulfstream.com
ATR Representative (* for new pending task)	ATR	

AREAS of ARAC CONSIDERATION

- None

ARAC Engine Harmonization
Working Group Status
150 Hour Alternate Endurance Test
14 CFR 33.87

26 January 2021

Peter Turyk (P&WC) – Working Group Chair

Alternate Endurance test – CAPP action status

At CAPP meeting #16, authority concerns were presented and Industry was asked for clear detail differences / specific items for reopening of the ARAC (ACTION 16-09I).

Specific items were identified as follows:

- Severity equivalence demonstration clarification,
- “Hybrid test”, clarification of prescriptive elements (including CPA purpose),
- Use of “ T_{metal} ” approach, re-assessment.

Letter specifying concerns & requesting reconvening of Alternate Endurance Test WG delivered by FAA to the ARAC (Mar 19, 2020); TAE took the action to respond.

Current Team Membership

Peter Turyk* (Chair)	Pratt & Whitney Canada
Alan Strom	FAA-ANE Standards (currently on detail)
Antony Boud*	EASA
Yves Cousineau*	Transport Canada
Keith Morgan	Pratt & Whitney
Ed Barry	GE Aviation
Colin French	Rolls-Royce plc
Bruce Cook	Rolls-Royce Deutschland Ltd & Co KG
Joelle Rambour	SAFRAN
Doug Hogge*	Williams International
Pat Markham*	HEICO
Pierre-Emmanuel Arnaud	Airbus
Dave Manion	Boeing
* Continuing from previous ARAC working group	

Other Participants/Subject Matter Experts:

Brent Hart – Office of Rulemaking, FAA

Phil Haberlen – FAA-ANE Standards

Alternate Endurance test – WG activity status

WG reconvened to address 6 specific feedback items/questions

- Severity equivalence process and its intended purpose.
- Severity equivalence process for other than creep failure modes, including failure modes not currently addressed by § 33.87 regulation.
- Constraints for implementing the recommended hybrid performance-based and prescriptive solutions.
- Role of the engine CPA.
- Simplify the possible approaches by removing the T_{metal} option.
- Various acceptable outcomes for an alternate endurance test.

All questions have been discussed & responses provisionally agreed

- Subgroups formed to address individual questions
- Most discussed issues are: severity equivalence & T_{metal} option

Alternate Endurance test – WG activity status

Responses to all six questions have been completed

Final Report is in preparation:

- Original Final Report being revised where required to address areas of requested clarification
- Additional section to contain detailed responses to the six questions
- Supplementary material to be provided in response letter to assist in preparation of future guidance, if deemed appropriate

Target completion on track for end of Q1 2021

Areas of ARAC Consideration

None

Avionics Systems Harmonization Working Group (ASHWG) Recommendation Report Briefing to the Aviation Rulemaking Advisory Committee

Clark Badie
Working Group Chair

11 February, 2021

ASHWG MEMBERS

Joe Jacobsen	FAA	Joe.Jacobsen@faa.gov
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ASHWG Task

Task:

Identify and develop recommendations on low energy alerting requirements to supplement previous work

Background:

ASHWG previously tasked to develop standards and guidance material for low speed alerting systems, that may complement existing low speed alerting requirements.

Update:

As a result of the Asiana Flight 214 accident, NTSB recommended to the FAA to “develop design requirements for context-dependent low energy alerting systems for airplanes engaged in commercial operations” (NTSB Safety Recommendation A-14-043)

https://www.nts.gov/_layouts/ntsb.recsearch/Recommendation.aspx?Rec=A-14-043

ASHWG Task

- Task Deliverable: Provide advice and recommendations to the ARAC through the TAE Subcommittee in a report that addresses the following questions relative to new airplane designs, along with rationale.
 1. Do you recommend any changes to the existing low speed alerting requirements to provide additional pilot reaction time in cases where the airplane is both slow and close to the ground?
 2. Do you recommend any new or revised guidance material to define an acceptable low energy alert?
 3. After reviewing airworthiness, safety, cost, and other relevant factors, including recent certification and fleet experience, are there any additional considerations that the FAA should take into account regarding avoidance of low energy conditions?
 4. Is coordination necessary with other harmonization working groups (e.g., Human Factors, Flight Test)? If yes, coordinate with that working group and report on that coordination.
 5. Develop a report containing recommendations on the findings and results of the tasks explained above.
 - a. The recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.
 - b. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

ASHWG Summary

Status:

Completed the report update offline through periodic telecons and ad-hoc discussions.

- Offline pace was effective but slow due to schedules and work interruptions
- Report submitted to report to the TAEIG on 29 January 2021
- Proposed date to vote 11 February 2021

RECOMMENDATION(S)

- Changes to existing requirements are recommended to provide the flightcrew with adequate time to react in cases where the airplane is slow, close to the ground, and with insufficient thrust for continued safe flight and landing (a ‘low energy’ condition).
- Change 25.1303 Flight and Navigation Instruments title to include “and Low Energy Alerting”
 - ❖ Add 25.1303 (c) (3) “A timely low energy alert, alone or in combination with low energy protection, to assist the flightcrew in continuing safe flight, to the extent practicable, in any normal landing configuration.”

RECOMMENDATION(S)

- Changes to AC 25-7D paragraphs 32.2, 4.11.2.4, 5.1.1.5, 7.3.1.4.3, and 42.4.4.2.4 are recommended to provide guidance for low energy alerting, alone or in combination with low energy protection. Note that all changes are highlighted.
 - ❖ A new paragraph 32.2.1.6 provides guidance for the design of a low energy alert and, as applicable, low energy protection.
 - The title of existing paragraph 32.2.2 is proposed to clarify applicability associated with Overspeed Alerting to differentiate from low energy.
 - ❖ A new paragraph 32.2.3 provides guidance for evaluation of a low energy alert and, as applicable, low energy protection.
 - Guidance material changes are proposed to paragraphs 4.11.2.4, 5.1.1.5, 7.3.1.4.3 and 42.4.4.2.4 to clarify guidance for various compliance demonstrations with the incorporation of the proposed low energy alert. Modifications to this guidance are generally related to the acceptance of alerting without fundamentally changing the associated performance demonstration.

RECOMMENDATION(S)

- The ASHWG strongly recommends that the FAA examine other contributing factors which could result in inadvertent low energy conditions, including Unstable Approaches and associated possible mitigation strategies.
 - The ASHWG recommends that a follow-on task be considered which identifies guidelines to reduce the likelihood of unstable approaches.
- The ASHWG also considers that expanding proposed rulemaking to other phases of flight should be based on relevant accident/incident data.
 - Consistent with the prior “Phase 1” ASHWG report
 - Additional data, including a report issued by NASA, may provide additional information that was not available when the “Phase 1” report was issued.

RECOMMENDATION(S)

- The ASHWG acknowledges overlap in the proposed 25.1303(c)(3) requirement compared to the recent FTHWG Phase 2 recommendation for a new 25.176(c) to require low energy alerting in the absence of conventional speed stability.
- It should be noted that the FTHWG recommendation addresses the entire flight envelope only for aircraft that do not meet conventional speed stability requirements whereas the ASHWG recommendation is isolated to the approach to landing at low altitude and is applicable for all types of aircraft. Therefore, the ASHWG recommendation does not replace the FTHWG recommendation.
- The ASHWG recommends that the FTHWG should review and revise, as necessary, their recommended 25.176(c) requirements after consideration of the ASHWG proposal for a new 25.1303(c)(3).

RECOMMENDATION(S)

- During the working group assessment, the working group noted that the existing 25.1303 and AC 25-7D frequently use the term ‘warning device.’ As referenced in AC 25.1322.4.b future updates to AC 25-7D should consider the term ‘alerting’ in place of ‘warning device’ and appropriate references.
- The working group noted that the existing FAA requirements (human factor requirements) 25.1302, 25.1322, 25.1523 and their ACs along with Appendix D of Part 25 were not included in AC 25-7D. These new references, which are now included in the proposed AC changes contained in this report, should be further integrated in other applicable paragraphs of the AC 25-7 in future AC 25-7 revisions
- The ASHWG recommends a review by the non-US regulatory agencies. EASA and ANAC were not participants in the ASHWG.



Aviation Rulemaking Advisory Committee Task Notice

[DATE]

ACTION: This document serves as notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the ARAC a new task to perform a “call to action” safety review of pilot certification standards. The FAA Administrator has been directed to initiate this review in order to bring stakeholders together to share lessons learned and best practices, and to implement actions necessary to address any safety issues identified. This notice informs the public of the new ARAC activity for the Airman Certification System (ACS) Working Group (WG).

BACKGROUND: The ARAC is governed by the Federal Advisory Committee Act (5 U.S.C., Appendix 2). The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking, to the FAA Administrator, through the Associate Administrator of Aviation Safety.

Congress passed the Consolidated Appropriations Act on December 21, 2020; and the President signed the bill into law on December 27, 2020. This legislation established the Aircraft Certification, Safety, and Accountability Act (ACSAA). Sections 119(c)(2)(D) and 119(d) of the ACSAA direct the FAA to initiate a “call to action” safety review of pilot certification standards:

(D) a review of revisions made to the airman certification standards for certificates over the last 4 years, including any possible effects on pilot competency in basic manual flying skills;

(d) CALL TO ACTION ON AIRMAN CERTIFICATION STANDARDS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this title, the Administrator shall initiate a call to action safety review of pilot certification standards in order to bring stakeholders together to share lessons learned, best practices, and implement actions to address any safety issues identified.

(2) CONTENTS.—The call to action safety review required under paragraph (1) shall include—

(A) a review of Administration regulations, guidance, and directives related to the pilot certification standards, including the oversight of those processes;

(B) a review of revisions made to the pilot certification standards for certificates over the last 5 years, including any possible effects on pilot competency in manual flying skills and effectively managing automation to improve safety; and

(C) a process for aviation stakeholders, including aviation students, instructors, designated pilot examiners, pilots, airlines, labor, and aviation safety experts, to provide and discuss any observations, feedback, and best practices.

(3) REPORT AND RECOMMENDATIONS.—Not later than 90 days after the conclusion of the call to action safety review pursuant to paragraph (1), the Administrator shall submit to the congressional committees of jurisdiction a report on the results of the review, any recommendations for actions or best practices to ensure pilot competency in basic manual flying skills and in effective management of automation, and actions the Administrator will take in response to the recommendations.

The FAA is tasking the ARAC ACS WG to conduct this call to action safety review, and to provide recommendations to address any findings. The review must include the following areas:

- regulations, guidance, and directives related to pilot certification standards;
- oversight of associated processes;
- the transition from Practical Test Standards (PTS) to ACS, including revisions made to standards and any possible effects on pilot competency in:
 - manual flying skills; and
 - managing automation to improve safety; and
- a process for aviation stakeholders (including students, instructors, designated pilot examiners, pilots, airlines, labor representatives, and safety experts) to discuss observations, provide feedback, share lessons learned, and document best practices.

On [DATE], the FAA assigned the task to the ARAC; and the ARAC designated the task to the ACS WG. Participants of the existing ACS WG will serve as members of the working group reporting to the ARAC. The ACS WG will solicit and collect stakeholder feedback, provide advice and recommendations on the assigned task, and review and approve submission of the recommendation report to the ARAC for its consideration. The ARAC must deliberate and discuss the report prior to voting on whether to submit the recommendation report to the FAA.

THE TASK: The ACS WG will provide advice and recommendations, to the ARAC, on the most effective ways for the FAA to:

- provide oversight of pilot certification standards processes;
 - manage the possible effects of changing standards on pilot competency in relation to manual flying skills and effectively managing automation; and
 - receive, adjudicate, and implement feedback from internal and external aviation stakeholders.
1. The ACS WG will review and identify any safety issues concerning pilot certification standards, and associated references and materials, including, but not limited to:
 - a. PTS documents;
 - b. ACS documents;
 - c. regulations, orders, handbooks, advisory circulars, and other FAA-produced documents used as ACS references; and
 - d. pilot knowledge test questions.

The review must include aviation stakeholder input, as described in the ACSAA. For any safety issues identified, the ACS WG will develop recommendations for addressing those issues.

2. The ACS WG will review existing processes for the development and management of pilot certification standards and identify any areas for improvement.
3. Develop a report containing recommendations on the findings, and the results of the tasks explained above:
 - a. The recommendation report should document both majority and dissenting positions on the findings, and the rationale for each position.
 - b. Any disagreements should be documented, including the rationale for each position and, the reasons for the disagreement.

SCHEDULE:

The ACS WG will provide a status update at each ARAC meeting, and will submit a final recommendation report for the ARAC's consideration in June 2022. The final recommendation report is due to the FAA no later than June 30, 2022.

ACS WG ACTIVITY: The ACS WG will comply with the procedures adopted by the ARAC and as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.
2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the ARAC.
3. Provide a status report at each ARAC ACS WG Meeting.
4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.
5. Present the final recommendation report at the June 2022 ARAC Meeting.

PARTICIPATION IN THE WORKING GROUP: The ARAC ACS WG is comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC. The ACS WG includes a wide range of stakeholders to ensure all aspects of this task is considered in development of the recommendations.

The provisions of the guidance from the Office of Management and Budget, dated August 13, 2014, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on agency boards and commissions if participating in their "individual capacity". The revised guidance now allows registered lobbyists to participate on agency boards and commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government". (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

Roles and Responsibilities

Members of the ACS WG, assigned to this new tasking, should actively participate in the working group by attending all meetings, and providing written comments when requested. Members should devote the resources necessary to support the ACS WG in meeting any assigned deadlines. Members should also keep their management, and those they may represent, advised of ACS WG activities and decisions to ensure the proposed technical solutions do not conflict with the position of those they represent. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC ACS WG Chair and the FAA's ARAC ACS WG Sponsor.

Confidential Information

All final work products submitted to the ARAC are public documents. Therefore, it should not contain any nonpublic, proprietary, privileged, business, commercial, and other sensitive information (collectively, "confidential information") that working group members would not want to be publicly available. With respect to working groups, there may be instances where members will share commercial information, within the working group, for purposes of completing an assigned task. Members must not disclose to any third party, or use for any purposes other than the assigned task, any and all confidential information disclosed to one party by the other party, without the prior written consent of the party whose confidential information is being disclosed. All parties must treat the confidential information of the disclosing party as it would treat its own confidential information; but, in no event, shall it use less than a reasonable degree of care. If any confidential information is shared with an FAA representative on a working and/or task groups, it must be properly marked in accordance with the Office of Rulemaking Committee Manual, ARM-001-15.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, working group meetings are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of the ACS WG meetings.

FOR FURTHER INFORMATION CONTACT: Karen Lucke, Acting Manager of the Federal Aviation Administration's Flight Standards Service, Regulatory Support Division (AFS-600), via email at: karen.lucke@faa.gov.



Aviation Rulemaking Advisory Committee Task Notice **(ADD ANNOUNCEMENT DATE)**

ACTION: Notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC) and solicitation of members.

SUMMARY: The Federal Aviation Administration (FAA) has assigned ARAC a new task to make recommendations on the feasibility of allowing a repairman certificate issued under § 65.101 of title 14, Code of Federal Regulations (CFR) to be portable from one employing certificate holder to another.

This notice informs the public of the new ARAC activity and solicits membership for the new § 65.101 Repairman Certificate Portability Working Group.

BACKGROUND: On (DATE), the FAA assigned this task to ARAC, which ARAC designated to the newly established § 65.101 Repairman Certificate Portability Working Group. The Working Group will provide advice and recommendations on the assigned task.

The establishment of this ARAC Working Group was mandated by Congress. On October 5, 2018, Congress enacted Public Law (P.L.) 115-254. Section 582 of P.L. 115-254 required the FAA to assign to ARAC the task of making recommendations with respect to the regulatory and policy changes, as appropriate, to allow a repairman certificate issued under § 65.101 to be more portable from one employing certificate holder to another.

Currently, under § 65.101, individuals employed and recommended by an FAA-certificated repair station or air carrier, may apply for and obtain a repairman certificate allowing supervision and/or approval for return to service of the maintenance, preventive maintenance, or alteration of civil aviation products and articles performed under the auspices of the air carrier or repair station certificate. The repairman certificate differs from a mechanic certificate issued under part 65 subpart D, in that it only qualifies the individual to work under the authority of an air agency repair station or air carrier certificate (i.e., "only in connection with the duties for the certificate holder by whom the repairman was employed and recommended"). When the repairman leaves the employment of the repair station or air carrier, the individual loses the repairman certificate and the individual and the new employer must reapply for another repairman certificate.

The Working Group is asked to provide recommendations on the feasibility of increasing the portability of repairmen certificates across employing certificate holder.

THE TASK: The Repairman Certificate Portability Working Group will provide advice and recommendations to ARAC on the most effective ways to allow a repairman certificate issued under § 65.101 to be more portable from one employing certificate holder to another. The Working Group will review all relevant materials to assist in achieving their objective.

The Work Group is tasked:

- (1) To perform a comprehensive review of internal and external guidance material and regulations, that pertain to certificating a repairmen under § 65.101. This review will include reviewing –
 - (a) The pertinent sections of the part 65 preamble(s) to gain a thorough understanding of the intent of the limitation of a repairman working under an entity.
 - (b) FAA Guidance as necessary: i.e. FAA Orders, Notices, Advisory Circulars, Job Aids and Data Collection Tools.
 - (c) Processes and requirements by which the FAA process the application and issue the Repairmen Certificate.
- (2) Develop recommendations:
 - (a) That would increase the portability of repairmen certification issued under § 65.101 across employing certificate holders.
 - (b) To ensure an adequate number of repairman are available to perform their duties and provide documentation of how this number was derived
 - (c) That maintain, or improve, the current level of safety with regard to repairmen training and certification under § 65.101.
 - (d) That will clearly identify the need and the benefits of a portable repairman certificate while taking into consideration the costs and ramifications if any.
- (3) Provide qualitative and quantitative cost and benefits analysis and source documents for all recommendations that result in a change to either the CFR or FAA guidance.
- (4) Develop a preliminary and final report containing recommendations based on the analysis and recommendations. The reports should document both majority and dissenting positions on the recommendations and the rationale for each position. Disagreements should be documented, including the reason and rationale for each position.
- (5) The Working Group may be reinstated to assist the ARAC in responding to the FAA's questions or concerns after the recommendation report has been submitted.

SCHEDULE: This tasking notice requires two reports.

- The preliminary report is due to the FAA no later than 12 months after the first working group meeting.
- The final recommendation report is due to the FAA no later than 12 months after ARAC forwards the preliminary report to the FAA.

The preliminary and final recommendation reports must be submitted to ARAC for deliberation prior to submission to the FAA.

WORKING GROUP ACTIVITY: The Working Group must comply with the procedures adopted by the ARAC and as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.
2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by ARAC.
3. Provide a status report at each ARAC meeting.
4. Draft and submit the preliminary and final recommendation reports based on the review and analysis of the assigned tasks.
5. Present the preliminary and final recommendation reports to ARAC at a scheduled meeting for public discussion.
6. If the working group was reinstated to answer questions the FAA had regarding the recommendation report, present the findings in response to the FAA's questions or concerns about the recommendation report at the ARAC meeting.

PARTICIPATION IN THE WORKING GROUP: The Working Group will be comprised of technical and regulatory experts having an interest in the assigned task. A working group member need not be a member representative of ARAC. The FAA would like a wide range of stakeholders to ensure all aspects of the tasks are considered in development of the recommendations.

The provisions of the August 13, 2014, Office of Management and Budget guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental

groups, etc.) or state or local government.” (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

NOMINATION PROCESS: Candidates are required to submit, in full, the following materials to be considered for membership. Failure to submit the required information may disqualify a candidate from the review process.

1. A résumé or curriculum vitae.
2. A statement describing the candidate’s interest in the task and the expertise the candidate would bring to the working group.

Nominations must be submitted electronically (by E-mail) to Bryan Davis at bryan.davis@faa.gov. The subject line should state “§ 65.101 Repairman Certificate Portability Working Group Nomination.” The FAA must receive all requests by [day], [date] at [time Eastern Standard Time]. The ARAC and the FAA will review the requests and advise you whether or not your request is approved.

Roles and Responsibilities

If you are chosen for membership on the working group, you must actively participate in the working group, attend all meetings, and provide written comments when requested. You must devote the resources necessary to support the working group in meeting any assigned deadlines. You must keep your management and those you may represent advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those you represent. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the FAA, including the Designated Federal Officer, and the Working Group Chair.

Confidential Information

All final work products submitted to the ARAC are public documents. Therefore, it should not contain any nonpublic proprietary, privileged, business, commercial, and other sensitive information (collectively, Confidential Information) that the working group members would not want to be publicly available. With respect to working groups, there may be instances where members will share Commercial Information within the working group for purposes of completing an assigned task. Members must not disclose to any third party, or use for any purposes other than the assigned task, any and all Confidential Information disclosed to one party by the other party, without the prior written consent of the party whose Confidential information is being disclosed. All parties must treat the Confidential Information of the disclosing party as it would treat its own Confidential Information, but in no event shall it use less than a reasonable degree of care. If any Confidential Information is shared with the FAA representative on a working and/or task groups, it must be properly marked in accordance with the Office of Rulemaking Committee Manual, ARM-001-15.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, working group meetings are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

FOR FURTHER INFORMATION CONTACT: Bryan Davis, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591. Telephone: 202-267-1675; Email: bryan.davis@faa.gov.

Overview of Recent Executive Orders and “Freeze Memo”

Presentation to Aviation Rulemaking
Advisory Committee

March 18, 2021



105

Federal Aviation
Administration



Recent Executive Actions

- “Freeze” Memo
- EO 13992: Revocation of Certain Executive Orders Concerning Federal Regulation
- Memorandum Modernizing Regulatory Review
- EO 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.



“Freeze” Memo

This memo from the President’s Chief of Staff directs agencies to:

- Withdraw regulations that were not issued and published before noon on January 20, 2021, until those rules can be reviewed/approved by a Department head appointed by the President after noon on January 20, 2021.
 - “Consider” postponing by 60 days the effective dates of rules that were issued and published in the Federal Register, but have not yet become effective.
- Published rules impacted by “freeze” memo:
 - Streamlined Launch and Reentry Requirements
 - Remote Identification of Unmanned Aircraft
 - Operation of Small Unmanned Aircraft Systems Over People
 - Special Flight Authorizations for Supersonic Aircraft



Revocation of Certain Executive Orders¹⁰⁸ Concerning Federal Regulation

- This EO revokes the following policies:
 - EO 13771 “Reducing Regulation and Controlling Regulatory Costs” – often referred to as the “2-for-1”.
 - EO 13777 “Enforcing the Regulatory Reform Agenda” – birthplace of RRTFs.
 - EO 13875 “Evaluating and Improving the Utility of Federal Advisory Committees” – resulted in update to DOT Order 1120.3C.
 - EO 13891 “Promoting the Rule of Law Through Improved Agency Guidance Documents” – often referred to as “guidance on guidance.”
 - EO 13892 “Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication”.
 - EO 13898 “Increasing Government Accountability for Administrative actions by Reinvigorating Administrative PAYGO”
- OMB/Department heads directed to take prompt action to rescind all rules, orders, regulations, guidelines, and policies implemented on the basis of cancelled EOs.



Modernizing Regulatory Review

- Directs OIRA and OMB to review EO 12866 (“Regulatory Planning and Review”), as modified by EO 13563 (“Improving Regulation and Regulatory Review”) and produce recommendations to improve and modernize regulatory review.
- Affirms a commitment to centralized regulatory review while also emphasizing on change rather than a return to previous processes.



Protecting Public Health/Environment and Restoring Science to Tackle Climate Crisis.

- Creates policy to listen to the science to improve public health and protect our environment.
- Directs all agencies to immediately review and take action to address the promulgation of Federal regulations and other actions during the last 4 years that conflict with this policy.

