



Aviation Rulemaking Advisory Committee Task Notice March 19, 2021

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 March 18, 2021, 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 could increase the portability of repairmen certification issued under § 65.101 across employing certificate holders.
 - (b) That maintain, or improve, the current level of safety with regard to repairmen training and certification under § 65.101.
 - (c) 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 **April 19, 2021, at 5:00 pm EDT**. 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.