

[4910-13]

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on December 6, 2012, at 1:00 p.m.

ADDRESS: The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 8th floor, Conference Room 8 A/B/C.

FOR FURTHER INFORMATION CONTACT: Renee Butner, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267- 5093; fax (202) 267-5075; e-mail Renee.Butner@faa.gov.

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a meeting of the Aviation Rulemaking Advisory Committee taking place on December 6, 2012, at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, 20591. The Agenda includes:

1. FACA Overview
2. ARAC Charter and Member Expectations
3. Recommendation Reports
 - a. Rulemaking Prioritization Working Group (RPWG) Recommendation Report (ARAC)
 - b. Avionics Systems Harmonization Working Group – Low Speed Alerting, Phase 2 Recommendation Report (TAE)
4. Status Reports From Active Working Groups

- a. Airman Testing Standards and Training Working Group (ARAC)
 - b. Flight Controls Harmonization Working Group (TAE)
 - c. Airworthiness Assurance Working Group (TAE)
5. New Tasks
- a. Engine Bird Ingestions Requirements – Revision of Section 33.76
 - b. Transport Airplane Performance and Handling Characteristics
6. Status Report from the FAA
- a. Process Improvement Working Group (PIWG)

Attendance is open to the interested public but limited to the space available. The FAA will arrange teleconference service for individuals wishing to join in by teleconference if we receive notice by November 29. Arrangements to participate by teleconference can be made by contacting the person listed in the “FOR FURTHER INFORMATION CONTACT” section. Callers outside the Washington metropolitan area are responsible for paying long-distance charges.

The public must arrange by November 29 to present oral statements at the meeting. The public may present written statements to the Aviation Rulemaking Advisory Committee by providing 25 copies to the Designated Federal Officer, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading “FOR FURTHER INFORMATION CONTACT.”

Issued in Washington, DC, on November 15, 2012

Lirio Liu
Designated Federal Officer
Aviation Rulemaking Advisory Committee

AVIATION RULEMAKING ADVISORY COMMITTEE

RECORD OF MEETING

MEETING DATE: December 6, 2012

MEETING TIME: 1:00 p.m.

LOCATION: Federal Aviation Administration
800 Independence Avenue, SW.
8th Floor
Room 8ABC
Washington, DC 20591

PUBLIC ANNOUNCEMENT: The Federal Aviation Administration (FAA) told the public of this Aviation Rulemaking Advisory Committee (ARAC) meeting in a Federal Register notice published November 21, 2012 (77 FR 69916).

ATTENDEES: Committee Members

Dan Elwell Aerospace Industries Association (AIA),
ARAC Chair

Michael Doellefeld Boeing Commercial Airplanes,
ARAC Vice Chair

Craig Bolt Pratt & Whitney,
*Transport Airplane and Engine
Subcommittee, Chair*

Dr. Tim Brady Embry Riddle Aeronautical University

Mark Bury Federal Aviation Administration (FAA),
Office of the Chief Council, AGC-200

Doug Carr National Business Aviation Association
(NBAA)

Walt Desrosier General Aviation Manufacturers
Association (GAMA)

Gail Dunham National Air Disaster
Alliance/Foundation (NADA/F)

Marie-Anne Dromaguet Transport Canada Civil Aviation
(TCCA)

Bill Edmunds	Air Line Pilots Association, International (ALPA)
Sean Elliot	Experimental Aviation Association (EAA)
Rolf Greiner*	Airbus, AeroSpace and Defence Industries Association of Europe (ASD)
Julian Hall	European Aviation Safety Agency (EASA)
Robert Ireland	Airlines for America (A4A)
Norman Joseph	Airline Dispatchers Federation (ADF)
Lirio Liu	Federal Aviation Administration (FAA), <i>Office of Rulemaking, ARM-1</i> <i>Designated Federal Officerl (DFO)</i>
Sarah MacLeod	Aeronautical Repair Station Association (ARSA)
Ric Peri	Aircraft Electronics Association (AEA)
Bob Robeson	Federal Aviation Administration (FAA), <i>Office of Aviation Policy and Plans,</i> <i>APO-300</i>
Yvette Rose	Cargo Airline Association (CAA)
Melissa Rudinger	Aircraft Owners and Pilots Association (AOPA)
Melissa Sabatine	American Association of Airport Executives (AAAE)
Joe Tiberi	International Association of Machinists and Aerospace Workers (IAMAW)
Chris Witkowski	Association of Flight Attendants-Communications Workers of America (AFA)
David York	Helicopter Association International (HAI)

Attendees

Ann Bechdolt	U.S. Department of Transportation (DOT), <i>Office of the Secretary– Assistant General Counsel for Regulation and Enforcement, C–50</i>
Rick Bedard*	FlightSafety International
Diego Benedetti*	Agência Nacional de Aviação Civil (ANAC)–Brazil
Michelle Betcher	Airline Dispatchers Federation (ADF)
Nick Brohm*	Virgin America
Renee Butner	Federal Aviation Administration (FAA), <i>Office of Rulemaking, ARM–020</i>
Diane Cook*	Federal Aviation Administration (FAA), <i>New England Region–Aircraft Certification Service Engine and Propeller Directorate, ANE–111</i>
Brenda Courtney	Federal Aviation Administration (FAA), <i>Office of Rulemaking, ARM–200</i>
Damon Cox	Airline Dispatchers Federation (ADF)
Piedro Di Donato*	Agência Nacional de Aviação Civil (ANAC)–Brazil
Emily Dzedzic	PAI Consulting
Bob Frenzel	Federal Aviation Administration (FAA), <i>Office of the General Council, AGC–220</i>
Rob Hackman	Aircraft Owners and Pilots Association (AOPA)
Katie Haley	Federal Aviation Administration (FAA), <i>Office of Rulemaking, ARM–200</i>
Mike Helvey	U.S. Department of Defense (DOD)
John Hunter*	Modification and Replacement Parts Association (MARPA)

Joe Jacobsen*	Federal Aviation Administration (FAA), <i>Northwest Mountain Region–Transport Airplane Directorate, ANM–111</i>
Mike Kaszycki*	Federal Aviation Administration (FAA), <i>Northwest Mountain Region–Transport Airplane Directorate, ANM–100</i>
Ida Klepper	Federal Aviation Administration (FAA), <i>Office of Rulemaking, ARM–100</i>
Jill Laptosky	U.S. Department of Transportation (DOT), <i>Office of the Secretary– Assistant General Counsel for Regulation and Enforcement, C–50</i>
Eric Lesage	Airbus Americas
Melissa Loughlin	Federal Aviation Administration (FAA), <i>Office of Rulemaking, ARM–200</i>
Julie Lynch	Federal Aviation Administration (FAA), <i>Office of Rulemaking, ARM–020</i>
Andrew May*	General Electric Company
David Oord	Aircraft Owners and Pilots Association (AOPA)
Susan Parson*	Federal Aviation Administration (FAA), <i>Flight Standards Service, AFS–300</i>
Brian Richardet*	Cessna Aircraft Company
Ben Sanders	U.S. Department of Transportation (DOT), <i>Office of the Secretary– Executive Secretariat Committee Management Officer (CMO)</i>

Charlie Smith*	Federal Aviation Administration (FAA), <i>New England Region–Aircraft Certification Service Engine and Propeller Directorate, ANE–111</i>
Don Stimson*	Federal Aviation Administration (FAA), <i>Northwest Mountain Region–Transport Airplane Directorate, ANM–111</i>
Alan Strom	Federal Aviation Administration (FAA), <i>New England Region–Aircraft Certification Service Engine and Propeller Directorate, ANE–142</i>
Scott VanBuren	Federal Aviation Administration (FAA), <i>Office of Accident Investigation and Prevention, AVP–5</i>
Judith Watson*	Federal Aviation Administration (FAA), <i>New England Region–Aircraft Certification Service Engine and Propeller Directorate, ANE–111</i>

*Attended via teleconference.

WELCOME AND INTRODUCTION

Mr. Dan Elwell, ARAC Chair, called the meeting to order at 1:10 p.m. and thanked the ARAC members and the public for attending. He clarified this meeting is being held under the new ARAC charter. Mr. Elwell invited the attendees to introduce themselves. He then asked the Designated Federal Officer (DFO), Ms. Lirio Liu, to read the required Federal Advisory Committee Act (FACA), Title 5, United States Code (U.S.C.) Appendix 2 (2007) statement.

CERTIFICATION OF MINUTES

Mr. Elwell stated the first item on the agenda is to certify the minutes from the August 30, 2012, meeting. Mr. Elwell asked if any members had additional revisions. With no revisions or objections, he certified the minutes.

FACA OVERVIEW

Mr. Elwell invited Mr. Ben Sanders to speak about the FACA requirements.

Mr. Sanders stated he works for DOT and is responsible for ensuring advisory committees conform to the requirements of FACA. He noted DOT has 24 advisory committees, including

five FAA committees. Mr. Sanders stated the Executive Branch has approximately 1,000 committees with 60,000 members.

Mr. Sanders stated his presentation will describe the legal structure governing the activities conducted by the ARAC. He noted the main regulation the ARAC adheres to is FACA. Mr. Sanders explained Congress passed it with the following two main goals: to promote transparency in the government, while allowing the private sector to provide input in a public forum; and to help contain the costs associated with advisory committees. He noted the Government spent \$395 million on advisory committees in fiscal year 2011.

Mr. Sanders stated there are a number of controls in place to make sure all committees operate efficiently. He noted DOT provides detailed reports of activities and recommendations to the U.S. General Services Administration (GSA), which then presents the information to Congress. Mr. Sanders stated the DOT also reviews FACA Committee charters every two years and presents the information to the GSA to ensure there is adequate reason to keep the ARAC operating and that the ARAC's advice is still valuable to the department.

Mr. Sanders noted several others laws, such as the Freedom of Information Act, 5 U.S.C. § 522 and the Government in the Sunshine Act, 5 U.S.C. § 552b, govern how advisory committees conduct their meetings. He stated it is a requirement that these meetings be open to the public and the public has the opportunity to comment. Mr. Sanders noted meetings can be closed if they concern matters of national security or personnel issues, or if the attendees are discussing commercial or trade secrets. He explained the Secretary of Transportation must approve closed meetings. Mr. Sanders added each committee must prepare and publish a notice to the Federal Register 15 days before the meeting to give the public the opportunity to prepare for the meeting.

Mr. Sanders noted all ARAC deliberations should take place in open meetings. He stated committee members should not discuss committee issues outside of the public forum. Mr. Sanders added all ARAC recommendations sent to the FAA must come from the committee as a whole. He stated members should copy an FAA employee on any email traffic regarding ARAC matters to ensure activities within ARAC are FACA compliant. Mr. Sanders noted Ms. Liu is creating an email box for these emails. Ms. Liu agreed and stated she will provide the email address once the FAA creates it.

Mr. Sanders noted the ARAC is not subject to more stringent requirements. He stated committees doing sensitive work, such as grant approvals, require committee members to be free of conflicts of interest. Mr. Sanders noted the ARAC members are representing their particular areas of interest, so there is no expectation of impartiality.

Mr. Sanders noted the work of DOT advisory committees is crucial in providing the United States a fast, efficient, and safe transportation system. He stated the experience, expertise and perspectives of the committees drive all aspects of DOT's work. Mr. Sanders expressed gratitude to the committee members, on behalf of DOT, for taking the time to serve on the committee and for sharing their experience with the FAA. He asked if anyone had questions.

With no questions, Mr. Elwell thanked Mr. Sanders for his presentation.

ARAC CHARTER AND MEMBER EXPECTATIONS

Mr. Elwell stated the next agenda item is the discussion of the ARAC charter and the FAA's expectations. He noted the discussion is important because this is the first meeting under the new charter.

Mr. Elwell stated he wants to address some items before turning the presentation over to Ms. Liu. He noted the charter is just over three pages long and some of the changes warrant attention. Mr. Elwell stated item No. 3, Objective and Scope of Activities, discusses the ARAC's opportunity to give advice and recommendations on rulemaking activities. He stated the intent is for the ARAC's actions and recommendations to result in better rules and guidance materials. Mr. Elwell noted this is timely because a recent Congressional bill mandated FAA to form an Aviation Rulemaking Committee (ARC) to study regulatory interpretations, consistency, rulemaking, and guidance material. He stated the ARC has been busy and he believes its recommendations will impact the ARAC's work.

Mr. Elwell highlighted item No. 9, Estimated Number and Frequency of Meetings. He explained the charter does not include mandatory attendance ratios; however, the charter reduces the number of ARAC members from roughly 50 to 25, with the expectation that members will attend meetings regularly. Mr. Elwell stated it is important to have full stakeholder engagement and comments. He noted, while there is no requirement, the ARAC expects full attendance because there are only four meetings each year. Mr. Elwell added the ARAC expects the alternate member to attend if a primary member cannot.

Mr. Elwell reminded the ARAC members they are speaking on behalf of their industry sector rather than their individual companies. He stated members of the public can represent whomever they want, but ARAC members must represent their industry sector in deliberations. Mr. Elwell then invited Ms. Liu to begin her presentation.

Ms. Liu noted Mr. Elwell touched on some important points. She added she would discuss some administrative issues with respect to the new charter. Ms. Liu stated the FAA signed the charter and it became effective on September 17, 2012. She noted the charter is valid for the next two years and reflects the ARAC restructure.

Ms. Liu stated that under the new structure, the ARAC absorbed the Executive Committee (EXCOM). She noted the previous ARAC structure had approximately 55 members and met twice since its inception. Ms. Liu stated EXCOM met four times a year. She stressed the ARAC has been reduced in size to make it more manageable. Ms. Liu noted all subcommittee reports will go through the ARAC rather than going directly to the FAA, which is compliant with the FACA requirements.

Ms. Liu stated because she is the Director of the Office of Rulemaking (ARM), she is the only DFO.

Ms. Liu stated the FAA has reached out to members no longer formally participating on the ARAC and followed up with a formal letter prior to this meeting. She noted these previous members can continue to participate through subcommittee work and taskings as they express interest in areas that affect their sector of the industry.

Ms. Liu noted the ARAC will meet roughly four times a year and she reiterated the need for participation by the member or their alternate. She stated the FAA will send appointment letters to member representatives and their alternates after this meeting.

Ms. Liu stated the Chair and Vice Chair serve in their position for two years, with the Vice Chair typically becoming the Chair at the end of the two years. The ARAC then selects a new Vice Chair. Ms. Liu noted there are no term limits for member representatives and alternates.

Ms. Liu asked if anyone had a question. Ms. Yvette Rose asked about the procedure if neither the member nor the alternate can attend the meeting. Ms. Liu stated the member must alert the FAA in advance of the scheduling conflict, as the member and alternate are the only individuals that represent the industry segment on the ARAC. She stated Ms. Renee Butner sends out the meeting notice in advance and tries to find the best date to accommodate all members.

Mr. Elwell asked if Mr. Michael Doellefeld had anything to add. Mr. Doellefeld reiterated gratitude for the participation by the ARAC members because the ARAC's objective is important. He noted there are bylaws that accompany the charter and the FAA could re-circulate those to the ARAC. Ms. Butner stated the next ARAC agenda will include the approval of the bylaws.

Mr. Doug Carr asked for insight on how the FAA determines which issues go to the ARAC and which issues go to ARCs. Ms. Liu stated the FAA is revising the Committee Manual and will clarify the difference between the ARAC and ARCs. She stated the FAA can create ARCs outside the constraints of FACA. Ms. Liu noted a Congressional mandate affords the FAA the authority to form ARCs. She stated because the ARAC falls under FACA requirements, it is open to the public and must meet certain requirements for time, costs, and meeting minutes. Ms. Liu noted the requirements governing ARAC are not the same for ARCs, and ARCs often can form and complete their tasks expeditiously. In addition, she stated the FAA can choose ARC members directly. Ms. Liu explained the FAA uses ARCs because they can be set up quickly and the FAA Administrator can approve the charter, rather than having to go through the Office of the Secretary of Transportation and GSA. She stated there are positive aspects of the ARAC, including a large body of industry participants. Ms. Liu noted the Committee Manual will help to clarify the differences and help the FAA decide which body should handle a given task.

Mr. Elwell noted it was an excellent question and added there were questions regarding the efficacy of the previous ARAC structure. He stated the changes made to the charter will help it be effective. Mr. Elwell invited former ARAC Chairs to speak on this subject because the ARAC's history is instructive to how the ARAC moves forward.

Ms. Sarah MacLeod stated the charter ensures the ARAC has the industry representatives and expertise to address issues. She noted ARCs may have a narrower focus and the FAA often forms them to address high profile issues. Ms. MacLeod stated the goal is to re-address the ARAC's effectiveness through industry input.

Dr. Tim Brady asked if membership on the ARAC precludes participation on ARCs. Ms. Liu stated it does not; the FAA chooses the appropriate ARC representatives and subject matter experts (SME) for the task, regardless of ARAC participation.

Mr. Elwell asked if there were additional questions or comments. With none, he stated the next item on the agenda is to review the recommendation reports.

RECOMMENDATION REPORTS

Rulemaking Prioritization Working Group (RPWG) Recommendation Report (ARAC)

Mr. Elwell invited Ms. MacLeod to present the report. Ms. MacLeod referred to page 8 of the RPWG report, which includes the follow-on recommendations to the first recommendation report. She stated the RPWG developed the rulemaking prioritization evaluation tools (R-PET) in the first recommendation report. Ms. MacLeod noted the FAA reviewed the R-PETs and tasked the RPWG with testing them. She stated the FAA assigned SMEs to test certain rules they had already promulgated. Ms. MacLeod noted the SMEs provided valuable input and the RPWG refined the R-PETs. She stated the RPWG has made further recommendations to the FAA about implementing the R-PETs. Ms. MacLeod asked if the attendees had any questions and stated she is looking for a motion for the ARAC to accept the recommendations.

Mr. Elwell noted the RPWG fulfills one of the 23 Future of Aviation Advisory Committee recommendations. He asked if there is a motion to accept the recommendations from the RPWG. Mr. Walt Desrosier provided a motion.

Ms. Liu referred to the flow chart on page 15 of the RPWG report and asked for an explanation of the ARAC stage. Ms. MacLeod stated the working group attempted to mirror the current Administrative Procedure Act, 5 U.S.C. § 500 process as the FAA explains them in orders and guidance materials. She stated the ARAC cannot take action unless the FAA tasks it.

Ms. MacLeod stated during the first round, the RPWG wanted to look at everything, similar to what the EASA advisory committee does. She noted EASA's advisory committee has a different system than the ARAC, so it is able to run most activities through a prioritization process. Ms. MacLeod stated the RPWG envisions that as the FAA matures the R-PETs and the 4-year look ahead and applies R-PETs to current rulemaking projects to determine whether they have been prioritized appropriately, the FAA could ask the ARAC for advice.

Ms. MacLeod stated the RPWG believes the ARAC can play an important role. She noted the FAA should collect data up front, rather than conduct rulemaking without a methodology for objective feedback during the development process. Ms. MacLeod stated the R-PETs will afford the FAA the opportunity to determine if a rulemaking project is a high priority or affects other rules. She explained refining the process is labor intensive, but it will help to collect and analyze the data.

Ms. Liu asked when the ARAC would be included in the process. Ms. MacLeod stated the FAA has the explicit authority to choose when the ARAC is involved. She added the ARAC would like to be included in all prioritization projects, but it does not have the resources to track every activity.

Mr. Doellefeld stated, as a member of the RPWG, the vision of ARAC involvement in the prioritization process aligns with the ARAC charter. He noted the ARAC is another body for validation and input for the FAA to determine if it correctly prioritized the rulemaking activities. Mr. Doellefeld added the SME input was invaluable in refining and testing the tools. He described the tools as a vast improvement and appropriate for implementation.

Mr. Elwell asked how long the prioritization process would take. Ms. MacLeod noted the RPWG created this process to place projects on the 4-year Rulemaking look-ahead. She stated the RPWG believes the FAA should apply this process to every rulemaking activity, even those mandated by Congress. Ms. MacLeod noted the FAA should still complete the analysis to see if it created the rule at the cost of something that may have been better. She stated the RPWG strongly recommends the FAA use the tools to determine the prioritization of all rulemaking activities and industry use them to question the prioritization of any rulemaking.

Mr. Desrosier noted the 4-year look-ahead is a document the FAA updates regularly based on current events, new directions, and funding. He stated, in the event of a Congressional mandate, the R-PETs are tools to determine how to prioritize a rule with regard to the others. Mr. Desrosier contended these tools help create visibility and transparency during planning, with regard to resource impacts and effects on other items in the plan. He noted the prioritization process also provides visibility when the FAA decides to expedite a rule even though the tool places it as a lower priority, which the FAA has the discretion to do at any time.

Mr. Desrosier noted another key element of the prioritization process is an opportunity for transparency in the planning process. He added it is not a definitive list mandating the specific order of projects, but a tool to solicit industry input.

Mr. Desrosier noted another part, not included in the report, is the important step of how the FAA coordinates with other bilateral partners. He added there are redundant activities and the prioritization process will help with the harmonization and coordination among authorities. Mr. Desrosier stated part of the value of the 4-year look ahead and a prioritization tool is improving efficiency and will help to not only solicit industry input for consideration but also generate a higher level of coordination.

Ms. MacLeod stated the process also provides resource management tools, allowing the FAA to evaluate how a change to one part of a rule will affect advisory circulars and other rules. She noted the process will alleviate the need to develop new rulemaking projects to fix unintended consequences.

Mr. Elwell asked if anyone had comments or questions. Mr. Rolf Greiner asked if the 4-year look ahead document is available for public review. Ms. Liu stated it is created by ARM and is not typically distributed to the public; it is used internally to help identify areas where agencies like TCCA and EASA are working on similar projects. She noted the FAA uses the document for scheduling purposes to harmonize projects. Ms. Liu explained the document identifies significant rules, which are also available on the DOT Web site.

Ms. Liu noted the FAA is considering how to incorporate industry feedback by using the R-PETs.

Ms. Liu noted the RPWG revised the weighting and number scales in this version and asked if the R-PET results were subjective. Ms. MacLeod noted the original weighting did not work because the Rulemaking Assessment Questionnaire did not line up with the Rulemaking Assessment Matrix. In addition, she stated users did not understand the entire Safety Management System (SMS) overview the RPWG was trying to apply to the process.

Ms. MacLeod noted people are not accustomed to weighing things by objective evidence. She stated the process users must be educated on how to evaluate the rulemaking activities based on safety related objectives. Ms. MacLeod stated the FAA must incorporate the SMS system with the tool for the FAA to obtain the full benefits. Ms. MacLeod also noted the process needs to be tested on future rulemaking activities, rather than rulemaking activities the FAA has already completed. Mr. Desrosier agreed and noted hindsight makes the SMEs evaluate the situation subjectively. Ms. MacLeod stated the SMEs had to come up with the same answer to justify the decisions the FAA already made. She noted the FAA needs to conduct a great deal of training, in addition to automating the process. Ms. MacLeod acknowledged the tools are not simple to use, but will need to be developed further.

Mr. Elwell thanked the RPWG for its hard work and commended it on an excellent report. He noted the ARAC has engaged in a lengthy discussion since Ms. MacLeod made the first motion to accept the recommendation report. Mr. Elwell asked for a motion, and the group acted and approved it, with the Association of Flight Attendants abstaining from the vote. Mr. Elwell stated the ARAC accepted the recommendation. He then invited Mr. Craig Bolt to present the next recommendation report.

Avionics Systems Harmonization Working Group (ASHWG)– Low Speed Alerting, Phase 2 Recommendation Report (Transport Airplane and Engine Subcommittee (TAE))

Mr. Bolt presented background information on this report. He stated the FAA originally tasked the ASHWG in April 2010. Mr. Bolt noted the tasking contained two phases. He explained Phase 1 involved answering ten technical questions relating to low speed alerting systems on new aircraft designs with respect to existing stall warning requirements. He stated the ARAC submitted the recommendations from Phase 1 in April 2011. Mr. Bolt noted the read-ahead packet for this meeting included a link to the Phase 1 tasking statement and recommendation report.

Mr. Bolt stated the Phase 2 tasking was in the read-ahead package for the ARAC's review and approval. He explained the tasking in Phase 2 was to address nine technical questions relating to guidance material or retrofit standards for existing aircraft. Mr. Bolt noted the questions included timeliness of alerting crew, recognizable alerts, and minimizing nuisance alerts.

Mr. Bolt stated the ASHWG conducted a survey of existing fleets including aircraft types certified in the United States, Europe, and South America. He noted the survey included fleet types accounting for 24,000 of the 28,000 commercial aircraft in service. Mr. Bolt stated the report has detailed assessment tables of all aircraft from the survey which demonstrate there is a wide range of systems in the current fleet that varies by generation of aircraft.

Mr. Bolt stated the ASHWG received briefings on loss of control events between 1999 and 2009 resulting in incidents or accidents involving low speed awareness or lack thereof. He explained, of all the events, six fit the criteria.

Mr. Bolt stated one of the recommendations is for the ASHWG to acquire additional data from other sources to determine what events did not lead to official incidents or accidents and learn how frequent these low speed events occur. He noted the prevalence of low speed events would affect future rulemaking and economic assessments. Mr. Bolt asked if there were any questions and suggested the ARAC approve the recommendations.

Ms. MacLeod asked about the ASHWG's recommendations. Mr. Bolt noted the report is to answer technical questions posed in the tasking. Ms. MacLeod stated there are many circular answers in the report. Mr. Desrosier noted the report went from the ASHWG through TAE for review. He stated, based on the available data, this report adequately answers the questions in the tasking. Mr. Desrosier noted the ASHWG requested more data to conduct additional analysis. Mr. Elwell asked if the report is incomplete. Mr. Desrosier stated the report is complete, but the ASHWG needs more data for further analysis.

Mr. Bolt stated, based on the available information, the ASHWG cannot justify rulemaking to retrofit the current aircraft fleet.

Dr. Brady asked if the ASHWG looked at derived airspeed from other electronic indications that did not consider the pitot static system. Mr. Bolt stated the ASHWG looked at all current aircraft fleets. He noted various aircraft have different methods of determining low speed awareness and there are methods under review that do not rely on the pitot static system.

Mr. Robert Ireland asked if the ASHWG considered the interplay of oral warnings and guidance recommendations associated with inadvertent windshear encounters. Ms. MacLeod cited page 5 of the report, which stated the ASHWG considered other factors including distractions in the flightdeck. She added the other factors considered were the effectiveness of the alerting in the aircraft and knowledge of the alerting systems. Mr. Bolt noted the ASHWG reviewed all phases of flight and all conditions.

Mr. Doellefeld stated the tasking was supposed to answer nine technical questions and make a recommendation on whether retrofit standards should be the same as standards for new designs. He asked if the ASHWG answered the second part of the tasking.

Ms. MacLeod noted the last paragraph of page 7 answers the tasking: "Any associated rulemaking which is drafted should be reviewed by the ASHWG, to ensure it is aligned with the findings in this report, and to facilitate the FAA/EASA harmonization." She stated there is no recommendation for rulemaking at this time. Mr. Bolt read from the statement the recommendation, which reads, "Therefore, the need to impose a rule on existing aircraft to incorporate a practical means to implement a low airspeed alert can only be substantiated once the following has occurred..."

Mr. Elwell stated the questions in the tasking are technical in nature, but some are subjective. Ms. MacLeod noted the taskings need to be more clear in the future. She stated, as a member with no background in the subject matter, she is unclear on the recommendation.

Mr. Elwell summarized the conversation and stated the questions are technical in nature and the recommendation is for the task to return to the ASHWG for more research before making a decision on rulemaking. He asked if there was any additional debate.

Ms. MacLeod asked if rulemaking activity has taken place regarding new design. Mr. Desrosier stated Phase 1 of the tasking involved new standards and noted TAE submitted the recommendations to the FAA. Ms. MacLeod stated the FAA has not yet created the standard, and Phase 2 is an evaluation for retrofitting. She noted this report is missing the current and proposed standards. Ms. MacLeod stated the ARAC must have the background information to make a recommendation. She noted the work is well done, but the report is unclear.

Mr. Elwell asked if Ms. MacLeod has an amendment to the report. Ms. MacLeod stated she does not, but she wants to keep this in mind for future reference. She stated the ARAC must determine its recommendation to the FAA.

Mr. Elwell stated the recommendation is on page 7, and the ARAC members must discuss the changes if the ARAC is going to change the wording. Mr. Desrosier noted the ASHWG completed its analysis of existing aircraft capabilities. He stated in order for the ASHWG to assess whether a retroactive rule is appropriate the ASHWG must first understand the effectiveness and associated cost of having an alert. Mr. Desrosier noted the ASHWG cannot recommend rulemaking without this information.

Ms. MacLeod stated it is difficult to conduct an evaluation without the first recommendation as a reference. She verified the ASHWG is recommending no retrofit and if there is a retrofit, the task should return to the ARAC for consideration after the new rule is promulgated. Mr. Bolt concurred. Ms. MacLeod suggested this should be the recommendation and the report should be used as justification for the recommendation to the FAA.

Mr. Ric Peri stated tasking numbers 1 through 6 were to collect data, which he asserted the ASWHG did well. He noted tasking numbers 7 through 9 require a conclusion, which is not clear. He stated he does not believe the ASHWG addresses the tasking by recommending the FAA not proceed with retrofitting but if the FAA does, they should retask the ASHWG. Ms. MacLeod read the tasking, which states the ASWHG will “. . . provide answers to the following low speed alerting technical questions . . . including a recommendation as to whether retrofit standards should be the same as standards for new designs.”

Mr. Bolt noted page 7 states the ASHWG does not recommend retrofit. Mr. Desrosier stressed the tasking asks whether the retrofit standards should be the same as the standards for new designs, not whether there should be retrofit standards. Ms. MacLeod agreed but stated without knowing the new standard, the ARAC cannot make a recommendation. She noted the need to do more research before the FAA sets a standard or requires a retrofit.

Dr. Brady stated the ASHWG requested more data. Mr. Bolt agreed and noted the ASHWG feels it needs more data to justify rulemaking. He stated the ASHWG answered the questions posed in the tasking and concluded there is insufficient justification for a retrofit standard without more data.

Mr. Elwell asked if the recommendation can be revised before the report is formally released. Ms. MacLeod agreed the text is unclear. Mr. Elwell noted Mr. Bolt reworded the recommendation as ASWHG Chair. Mr. Bolt stated he read what is in the report.

Mr. Bolt stated under the new ARAC structure, Mr. Elwell will send a cover letter with the report to the FAA explaining the ARAC's recommendation. Ms. MacLeod suggested rewriting the recommendation for clarity before voting. Mr. Desrosier urged the ARAC to send the report back to TAE to coordinate revisions to ensure the ARAC did not change the intent or add information TAE did not discuss. Ms. MacLeod stated the recommendation comes from the ARAC, so it is within its purview to make revisions. Mr. Desrosier stated the ARAC does not have the technical expertise to revise the recommendation. Ms. MacLeod stated the ARAC has the capability to edit the language.

Mr. Elwell stated he sees two possible solutions: the ASHWG can revise the contents of the report, or he can submit a cover letter with the report to help clarify the recommendation.

Ms. Gail Dunham asked if the six events could be included as a frame of reference. Mr. Elwell stated the ASHWG could add them as an appendix or include references to the six events. Mr. Bolt noted he is not sure how including the six events would contribute to the recommendation report. Ms. MacLeod stated the report mentions six events, so the specifics could help highlight the key factors considered in the report.

Mr. Doellefeld stated it sounds like the ASHWG needs to clarify the recommendation. He suggested TAE refine it and provide a single source recommendation. Mr. Doellefeld stated it would create confusion if the ARAC submits the report with a cover letter. He noted he is in favor of revising the report and then approving it. Ms. MacLeod agreed with the suggestion.

Mr. Bolt expressed his support for including a cover letter with the report. Mr. Elwell asked if any ASHWG members were in the room; none were present.

Mr. Doellefeld stated he likes the idea of a cover letter to accomplish the task now, but suggested any current confusion will be magnified in the future. He reiterated that clarifying the report is a better route, and it should not take the ASHWG long. Mr. Norman Joseph asked if there is any activity at the FAA that would preclude the timeframe, or if an immediate response is necessary.

Mr. Mike Kaszycki stated the ASHWG can take its time because the FAA is waiting on the follow-on task of the Joint Safety Implementation Team (JSIT) report. He noted this report will help the FAA make the decision regarding rulemaking. Mr. Desrosier stated the JSIT data is necessary to carry forth the recommendation.

Ms. Liu asked Mr. Kaszycki if he could create an executive summary for the report. Mr. Kaszycki stated he has been involved with the ASHWG but because it is an industry report, the FAA cannot provide the executive summary. He noted the FAA attends the ASWHG meetings to provide history and perspective. Mr. Bolt stated he will ask the ASHWG for an executive summary.

Mr. Elwell noted time is not a factor and he asked Ms. MacLeod to write her specific issues and send them to Mr. Bolt for distribution to the ASHWG. Ms. MacLeod offered to help the

ASHWG reformulate the report because there are many areas where the report needs clarification. Mr. Desrosier agreed with the need to clarify the report. Ms. MacLeod offered to edit the report and submit it to the Co-Chairs for their review.

Mr. Kaszycki noted Phase 1 of this task did not go through the ARAC, and acknowledged that without understanding of Phase 1, understanding Phase 2 is difficult. Ms. MacLeod referred to the RPWG report, in which the second phase report explained the work completed in the first phase. She stated the background section is designed to capture appropriate information for reference.

Mr. Bolt accepted Ms. MacLeod's offer to help clarify the report. He stated he will take the revisions to the ASHWG and have it draft an executive summary. Ms. Dunham stated the ASHWG should be involved in the revision. Mr. Elwell noted Ms. MacLeod will facilitate changes and the ASHWG will approve and revise them. He stated there is no need for a motion unless a member objects and wants to accept the recommendations as is. With no objection, Mr. Elwell stated the ARAC will not act on the recommendation until the next ARAC meeting.

Mr. Elwell invited Mr. David Oord, (Co-Chair of the Airman Testing Standards and Training Working Group [ATSTWG]) to present its first status report.

STATUS REPORTS FROM ACTIVE WORKING GROUPS

Airman Testing Standards and Training Working Group (ATSTWG) (ARAC)

Mr. Oord stated Mr. Jason Blair, National Association of Flight Instructors, is a Co-Chair, and Ms. Susan Parson and Mr. Van Kerns serve as the FAA Representatives of the ATSTWG. Mr. Oord explained the FAA established the ATSTWG to carry out the recommendations from the Airman Testing Standards ARC. He stated the ATSTWG wants to ensure the FAA airman testing and training material better support the reduction of fatal general aviation (GA) accidents. Mr. Oord noted the ATSTWG wants to ensure applicants for pilot certificates understand the risks associated with aviation and have the knowledge and skills to manage the risk.

Mr. Oord noted the work plan included in the read-ahead package is a first draft and the ATSTWG will update it as it progresses. He noted the ATSTWG met via teleconference on November 5, 2012, and held its first meeting at GAMA December 4 and 5, 2012.

Mr. Oord stated the ATSTWG wants to establish a structured airman testing and training system that is repeatable and sustainable. He noted the work plan on page 4 details the tasks assigned to the ATSTWG to be completed by September 30, 2013. Mr. Oord explained the tasks are divided into three phases.

Mr. Oord stated Phase 1 includes the development of an integrated airman certification standard (ACS). He noted the ATSTWG is first focusing on the private pilot certificate, flight instructor certificate, and instrument rating. Mr. Oord stated the ATSTWG developed an ACS worksheet containing the current pilot test standards for all certificates and ratings, current guidance, recommended guidance developed by the ATSTWG, as well as the objective, knowledge, skills, and risk management associated with each task. He noted the worksheet also includes the rationale for any changes the ATSTWG makes, sample questions it develops, and

recommendations for handbook changes. Mr. Oord stated once the ACS is changed, the FAA will post it in the Federal Register to solicit feedback from the public.

Mr. Oord stated the Phase 2 task is to realign, streamline, and consolidate existing guidance material with the integrated ACS documents. He noted the ATSTWG will create the standard first, then consolidate the available handbook material to make it more compatible with current technology.

Mr. Oord stated the Phase 3 task is to propose new knowledge test questions that will align with the ACS. He noted the ATSTWG will develop a process to review the test questions and gather input from the FAA and industry. Mr. Oord stated this process will mirror the NBAA's Certified Aviation Manager process.

Mr. Oord noted the ATSTWG will meet on February 21 and 22, 2013. He stated by that meeting, the ATSTWG will have the ACS completed for the private pilot certificate and instrument ratings. Mr. Oord noted the ATSTWG will develop the certificated flight instructor rating afterwards to avoid overlap. He stated during the February 2013 meetings the ATSTWG will develop the ACS for the certificated flight instructor rating and begin Phase 2. Mr. Oord asked if anyone had any questions.

Mr. Julian Hall stated EASA is currently working with the FAA on a comparison of rulemaking for private pilot certification and instrument ratings to extend the bilateral agreement. He suggested the information from bilateral agreement efforts may help with the ATSTWG's tasks. Mr. Hall noted the ATSTWG is composed entirely of members from the United States, with no European input. He suggested it might be worth bridging the gap between the U.S. and European systems to help with the negotiations for the bilateral agreements. Mr. Oord thanked him for the information. Mr. Hall stated the contact is Mr. Bradley Palmer in AFS-810.

Mr. Elwell asked if the ATSTWG engaged in discussions about military training models. He noted U.S. Air Force pilots historically start pilot training with no previous flight experience, so its policies, procedures, and techniques may differ from those training models used in commercial pilot training. Mr. Oord stated the ATSTWG does not have an SME with a military background, but he stated the ATSTWG is open to studying successful training models. Mr. Mike Helvey offered to provide military input.

Mr. Oord asked if Ms. Parson had any information to add. Ms. Parson noted the ATSTWG is very productive and she is looking forward to continued progress. Mr. Oord added the ATSTWG has split into two groups: private pilot certification and instrument ratings. He stated the efforts put forth by the ATSTWG are a radical departure from the current process, and the ATSTWG members are committed to the new process.

Mr. Elwell asked if anyone had additional questions. With no questions, Mr. Elwell invited Mr. Bolt to provide the next status update.

Flight Controls Harmonization Working Group (FCHWG) (TAE)

Mr. Bolt stated the FCHWG has a current tasking to assess rudder reversal, which stemmed from an Airbus A300 accident several years ago. He noted the task is to consider whether changes to part 25 of Title 14 Code of Federal Regulations (14 CFR) are necessary to address rudder pedal sensitivity and reversal.

Mr. Bolt stated this is a two part tasking. He explained Phase 1 of the tasking is to assess new aircraft, with a target date of March 2013 for the FCHWG to present its report to TAE. Mr. Bolt noted Phase 2 is to provide the same type of report for existing aircraft.

Mr. Bolt stated the FCHWG has issued a survey to examine rudder usage to gain a better understanding of the prevalence of rudder reversal. He noted the FCHWG is also examining pilot training and ALPA is obtaining feedback from the pilot community. Mr. Bolt stated the FCHWG is meeting the week of December 10, 2012, in Cologne, Germany.

Mr. Elwell asked if anyone had questions. With no questions, Mr. Elwell invited Mr. Bolt to present the last status report.

Airworthiness Assurance Working Group (AAWG) (TAE)

Mr. Bolt stated the FAA established the AAWG in 1988. He stated the AAWG established recommendations for widespread fatigue damage, with respect to existing aging aircraft. Mr. Bolt described its ongoing task as providing support for the implementation of widespread fatigue damage rules and support of structures tasks groups.

Mr. Bolt stated at their last meeting, the AAWG members highlighted their concerns about the differences in FAA rules as compared to EASA's notice of proposed amendment. He noted from the standpoint of harmonization, there would be discontinuity that may affect airframers and operators as they establish compliance methodology. Mr. Hall agreed with Mr. Bolt's assessment.

Mr. Elwell thanked Mr. Bolt for his update and invited Mr. Alan Strom to present the first new task, Engine Bird Ingestion Requirements.

NEW TASKS

Engine Bird Ingestions Requirements – Revision of Section 33.76

Mr. Strom stated he is proposing a new ARAC task to evaluate the need to revise bird ingestion regulations in 14 CFR § 33.76. He asserted the task will also address National Transportation Safety Board (NTSB) safety recommendations A-10-64 and A-10-65, issued May 21, 2010. Mr. Strom noted these safety recommendations are the result of an investigation of U.S. Airways Flight 1549 that experienced a dual engine loss of thrust and subsequent water landing after striking a flock of birds.

Mr. Strom stated the proposed task is to review and assess the adequacy of the standards and advisory material for § 33.76 bird ingestion requirements as follows:

- Determine the need for revision to the core ingestion element of § 33.76(c) (small and medium bird) requirements or advisory material or both, to assure that the intended safety objective of the current rule is met. Also, consider the threat from large flocking bird species in this assessment.
- Determine the need for new large flocking bird requirements and/or advisory material for Class D engines (1.35 m²–2.5 m² inlet areas) within § 33.76(d) (large flocking bird) to assure that the world fleet of Class D engines meets the intended safety objective of the current rule.
- Provide FAA with recommended responses to related NTSB safety recommendations.
- Define an industry-level management plan for periodic update and review of engine bird ingestion data, such that industry and the authorities can maintain an awareness of the bird threat experienced in service.

Mr. Strom stated this task follows related efforts by the FAA, EASA, and AIA in 2009 to reevaluate the bird ingestion threat. He stated the effort evaluated events between 1999 and 2009 to document bird threats observed in service. The effort was also to determine if existing certification requirements met the intended safety objective. Mr. Strom noted the new ARAC task is consistent with the recommendations and conclusions of the 2009 effort.

Ms. Rose asserted the wording in the task regarding the need for revision is unclear. She asked whether the FAA expects the Working Group to provide a recommendation for the revisions. Ms. Rose also asked if it is appropriate for the ARAC to respond about the third task, regarding the NTSB recommendations.

Mr. Strom stated the FAA's intent for the task was to evaluate the rule and propose revisions. Regarding the NTSB recommendations, he noted the ARAC will approve the Working Group's recommendations and deliver them to the FAA. Mr. Strom explained the Aircraft Certification Service Engine and Propeller Directorate (ANE) will then provide the recommendations to the Office of Accident Investigation and Prevention, and the FAA will respond to the NTSB recommendations. He stated this Working Group will provide the industry input for the recommendations to the NTSB.

Ms. MacLeod addressed Ms. Rose's question and stated ANE can ask the ARAC for recommendations, but the FAA does not have to accept and implement those recommendations. She stated the NTSB does not have to accept the FAA's recommendations either.

Ms. MacLeod reiterated the need for ANE to write the tasking clearly. She noted the tasking starts with the language "review and assess," but then discusses "determining the need." Ms. MacLeod stated for clarity, the language should be consistent throughout the tasking. She noted what the tasking is really asking for is an assessment of the core elements of ingestion for all birds, to see if the rule is adequate for current issues. Ms. MacLeod stated, as written, it seems ANE wants the ARAC to determine whether operators are complying with the rule.

Mr. Strom stated ANE could revise the task to consistently use the phrase “review and assess.” Ms. MacLeod agreed and noted the task is to review and assess the current rule, study the background and methodology of the rule, and examine the safety standards. She stated if the rule establishes a minimum standard that is no longer acceptable, the Working Group must match the rule to the current environment. Ms. MacLeod noted rather than repeat “review and assess” for each bullet point, the task could be reworded to state, “review and assess as follows.”

Ms. Dunham noted she has no problem with the language in the tasking, rather, she would like to know when the FAA will post the tasking and the due date for Working Group member nominations. She noted U.S. Airways Flight 1549 is just one of many bird strike accidents.

Ms. Rose stated ANE must revise the task to clarify whether the Working Group is responsible for drafting the recommended revisions to the current rule. She asked for an explanation of an industry-level management plan.

Mr. Strom noted other working groups have evaluated the bird-strike threat with data from 1971 through 2000, and from 1999 through 2009. He stated the purpose of the industry-level management plan is to ensure this process is repeated in the future and not conducted on an ad hoc basis.

Ms. MacLeod asked if the FAA would trigger the industry-level management plan. Ms. Rose asked if the plan is voluntary. Ms. MacLeod stated the FAA could trigger the industry-level management plan, as the tasking is written, but industry would not be required to complete it.

Ms. Rose stated including the related NTSB recommendations in the tasking would offer clarity. Mr. Elwell and other ARAC members agreed.

Mr. Bolt noted the ARAC likely will assign this task to TAE, and TAE is willing to form a working group to address it. He stated TAE can work with Mr. Strom and ARM to get clarification on the tasking. Mr. Bolt added the NTSB recommendation numbers, at a minimum, need to be included in the task. Mr. Bob Robeson suggested including a citation for the recommendations to assist the Working Group.

Mr. Peri noted he likes measurable results. He stated the tasking should include a review of the current regulations, policies, and advisory circulars and identify any deficiencies. Mr. Peri added the report should clearly identify the deficiencies so the FAA can measure the effectiveness of their solutions.

Mr. Elwell reiterated this task is for the Working Group to review and assess existing recommendations for any deficiencies, identify any deficiencies found, and present the ARAC with recommendations to address those deficiencies, while referencing the applicable NTSB safety recommendations. Mr. Elwell suggested the following wording for the task revision, “Review and assess the adequacy of the standards and advisory material for § 33.76, bird ingestion requirements, for any deficiencies. If deficiencies are found to exist, clearly articulate them and provide the ARAC recommendations to address them.”

Mr. Strom agreed with the concept, but noted the suggested wording expands the scope of the task. He noted bullets 1 and 2 of the tasking are narrowly focused on

§ 33.76 paragraphs (c) and (d); bullet 1 addresses the threat from large flocking birds and bullet 2 addresses whether large flocking birds should be added to § 33.76 paragraph (d).

Ms. MacLeod noted the ARAC members should provide comments in advance of the meeting to avoid changing language during the meeting. She stated the task language needs work to ensure the objectives are clear, so the ARAC can determine whether the recommendations addresses the tasking.

Ms. MacLeod made a motion for ANE to work with the ARAC to make the suggested revisions to the task. She stated once the revisions are complete, the ARAC can vote on the task via email.

Ms. Rose noted ANE understands the ARAC's revisions and suggested ANE implement them. Mr. Elwell agreed with Ms. Rose and thanked Mr. Strom for his efforts. Mr. Elwell asked Mr. Strom if he has enough feedback to revise and submit the revised task to Ms. Liu for ARAC approval.

Mr. Strom stated he has enough information to reword the task. He noted there is a technical writing process and he is unsure of how quickly he can deliver the revisions. Ms. Judith Watson noted the document must pass through the internal process to get approval from the appropriate parties.

Ms. Liu stated because the task has already been submitted and given to the ARAC and ARAC is requesting clarification, ANE can handle the revisions internally, rather than submitting it through the formal process. She stated once ANE handles the revisions, it should submit the draft to ARM, and ARM will circulate it within the ARAC for approval.

Mr. Strom agreed to revise the draft and deliver it to ARM. Mr. Greiner asked how long it will take to make the suggested revisions, keeping in mind the required completion date of March 30, 2015. Ms. Watson stated the changes should not take a significant amount of time. Mr. Elwell suggested 5 days. Ms. Watson noted it would take 2 or 3 weeks to get the appropriate approval.

Mr. Elwell asked if the same approval process would take place if the ARAC made the changes. Mr. Strom stated it would not be efficient for the ARAC to make them. Ms. Watson noted the ARAC can suggest language, but local management must agree on changes before they are passed to ARM.

Mr. Desrosier reiterated the ARAC is not changing the task, just clarifying the wording. Ms. Liu agreed with Mr. Desrosier and noted changing the wording will obviate the previous discussion about the ASHWG's recommendation report. She stated the ARAC wants to ensure the tasking is clear so the Working Group can address the tasks and align its report with the tasking. Ms. Liu noted she does not believe the edits need to go through the formal channels as discussed. She asked Mr. Strom to make the revisions and send the document to ARM the week of December 10, 2012; she will then distribute it to the ARAC the week of December 17, 2012. Ms. Liu stated once the ARAC approves, ARM will send the document to the Federal Register for publication.

Mr. Greiner asked if this process will be completed by the end of January 2013. Ms. Liu stated she expects completion in early January 2013. Ms. MacLeod withdrew her motion for the ARAC to clarify the task.

Ms. Dunham noted she wants this task to move forward. She stated the language is workable and the ARAC should organize the Working Group to see where the task goes. Ms. Dunham stated ANE cannot rewrite the task to dictate the outcome.

Mr. Elwell stated recommendations from working groups must match original taskings. He noted the tasks should be clarified before establishing a working group. Mr. Elwell suggested discussing a tasking template at a future ARAC meeting. He stated the ARAC should develop one if it does not already exist, to help define what a tasking should include and provide an example of a well written tasking.

Ms. Liu asked if the ARAC is treating this task the same as the Airman Testing Standards and Training Working Group task from the previous meeting: the ARAC accepts the task, Mr. Strom edits the document, Ms. Liu coordinates the ARAC's approval through email, and the FAA publishes the tasking. Mr. Elwell affirmed Ms. Liu's assessment.

Mr. Elwell invited Mr. Joe Jacobsen to present the final new task to the ARAC.

Transport Airplane Performance and Handling Characteristics

Mr. Jacobsen stated this tasking is to update and harmonize performance and handling characteristics, focusing on three areas: fly-by-wire, takeoff and landing performance, and handling characteristics. He noted this is a multi-phase project, and the tasking in the read-ahead package only includes the first phase. Mr. Jacobsen stated the first phase is to prioritize the topic areas and subsequent phases will address the prioritized list. He asked if anyone had questions.

Ms. MacLeod asked why the document includes "assess the need for development and harmonization of regulatory requirements and associated guidance material for airworthiness certification in the following areas" if the task is only for prioritization. She stated the wording sounds like the task is to develop and recommend, rather than prioritize. Ms. MacLeod noted the goal of the process improvement efforts from 2½ years ago was for new tasks to be concise and consistent, but these two new tasks have not achieved this.

Mr. Jacobsen stated the initial task is to prioritize. He noted ANM recognizes there are diverging standards regarding fly-by-wire aircraft designs at the FAA, EASA, TCCA, and ANAC.

Mr. Jacobsen stated ANM recognizes the need for harmonization and for the work needed to achieve that goal. He stated the task is to form a working group to prioritize the work so the FAA knows what to do first.

Mr. Carr noted the Takeoff and Landing Performance Assessment (TALPA) ARC addressed issues under item 2 of the tasking, including wet runway stopping performance in item 2b. Mr. Carr noted the ARC completed its work and submitted its recommendations to the FAA. He added that to his knowledge, the FAA had not acknowledged the recommendations or taken them into consideration for change.

Mr. Elwell asked Mr. Jacobsen if ANM considered the ARC's work. Mr. Jacobsen stated this task is separate from the ARC's work. He acknowledged there is some overlap, but this task will not duplicate the TALPA ARC's efforts.

Mr. Carr stated he is still confused about having another takeoff and landing performance working group and another set of recommendations when the FAA has not acted on the TALPA ARC's recommendations. He wondered if the FAA has evaluated whether the TALPA ARC's efforts might address some of these tasks.

Mr. Greiner stated he received input from specialists at Airbus who felt they did not have enough time to provide comments on the draft as presented. He noted the task includes multiple disciplines and many issues. Mr. Greiner stated Airbus is requesting more time for review and comment because there is insufficient clarity in the task submission. Mr. Bolt stated he received the same feedback from The Boeing Company (Boeing).

Mr. Elwell summarized the task; he stated Phase 1 is for the Working Group to reorder the list provided in the tasking based on the order the Group believes topics should be examined. He noted once the Working Group prioritizes the list, it would make recommendations for a work plan. Mr. Elwell asked Mr. Greiner whether the specialists at Airbus think 9 months is sufficient to accomplish the task.

Mr. Greiner stated 9 months may be sufficient to complete the task, but the tasking is not clear enough as written to make a determination. He noted Airbus did not succeed in commenting on the tasking because it is unclear.

Ms. MacLeod stated the FAA is tasking the ARAC with prioritizing the list; however, the language in the tasking does not support that initiative.

Mr. Peri asked if Mr. Jacobsen would explain the last sentence in the first paragraph of the tasking, which states, "This Phase 1 information may recommend standards and guidance development by the Flight Test Harmonization Working Group and task assignment/coordination with other appropriate harmonization working groups." Mr. Kaszycki stated he can remove that line if it is confusing. He noted the original goal was to recognize the Working Group's long-term goals, because other phases will follow. Mr. Kaszycki stated this tasking addresses the feedback ANM received from industry about what the FAA needs to address. He offered to work directly with Airbus and Boeing to clarify the tasking.

Ms. MacLeod stated Mr. Kaszycki must work with the ARAC to clarify the tasking because the FAA will make it public. Mr. Bolt noted Airbus and Boeing have developed specific questions about the tasking because they did not understand it is a prioritization tasking. He stated there are questions about the items chosen to prioritize because the FAA should consider some other items.

Mr. Kaszycki noted ANM recognizes the Working Group may come up with additional taskings. He stated ANM is open to modifying the task as the Working Group progresses.

Mr. Elwell summarized the recommended changes to remove the last sentence of first paragraph and the text in each of the numbered items that describe assessing the need for development. He

noted the second paragraph is an accurate description of the task; however, the task does not address the outstanding TALPA ARC recommendations. Mr. Kaszycki stated he is open to those modifications. For clarification, he stated ANM receives and resolves comments from the ARAC members before the FAA publishes the task in the Federal Register for public comment. He asked at what step in the process the ARAC will accept the task.

Mr. Elwell confirmed the process Mr. Kaszycki outlined. He stated the ARAC will handle this task in the same way as the Engine Bird Ingestion task; ANM will revise the task and deliver it to ARM, and ARM will coordinate with the ARAC through email before the task is published in the Federal Register. Mr. Kaszycki agreed to coordinate the revisions.

Mr. Greiner asked about the public comment process. Mr. Kaszycki stated the public has the opportunity to comment once the FAA posts the task to the Federal Register. Ms. Liu added the notice to the Federal Register is also the notification of tasking for industry to provide names for working group participation.

Mr. Joseph asked for clarity regarding the phases. He stated Phase 1 is to prioritize the list and Phase 2 is to start working on the highest priority item. Mr. Kaszycki confirmed Mr. Joseph's statement but added that Phase 2 will be a separate task for the ARAC to approve. Mr. Joseph stated if there is a separate task for Phase 2, all language regarding it should be removed from the tasking. Mr. Kaszycki noted it was included to notify the ARAC of future work. Mr. Elwell stated the less information about the future takings, the better.

Mr. Doellefeld asked if the revisions will include reviewing the TALPA ARC's recommendations. Mr. Carr volunteered to write a section of the tasking to address them. Mr. Kaszycki stated he received those comments from Airbus.

Mr. Joseph noted the issue is still regarding priority, so the task is to determine if ANM and the ARAC go forward with the takeoff and landing recommendations already provided.

Mr. Carr asked if it would be better to have a full list of items to prioritize, rather than just a few. Mr. Kaszycki stated the list in the tasking is the full list as ANM understands it. He noted once the SMEs gather to discuss the issues, they may identify additional items. Mr. Kaszycki agreed to review any additional issues for the prioritization list at this time. Mr. Carr stated he is happy to suggest issues, but it is ANM's responsibility to compile the list. Mr. Jacobsen reiterated the task includes everything of which ANM is currently aware, and was gathered through discussions with ANAC, EASA, and TCCA.

Mr. Don Stimson stated he was the FAA Co-Chair of the TALPA ARC. He noted the items in this new task are related to airworthiness issues that were not addressed by the ARC. Mr. Stimson stated wet runway overruns is the one area of overlap; however, the ARC was limited to available data and certification criteria. He noted this task is not intended to rehash the TALPA ARC's work but to study areas it did not address, such as basic assumptions about wet runway performance. Mr. Carr agreed with Mr. Stimson's assessment, but stated he still wants to see acknowledgement of the TALPA ARC's work.

Mr. Elwell thanked Mr. Jacobsen and Mr. Kaszycki for their work and noted he is looking forward to their revisions. Ms. Liu asked when they will be complete. Mr. Kaszycki gave an

estimated completion date of December 14, 2012. Ms. Liu agreed to coordinate the document after receiving the revised task.

Mr. Elwell invited Ms. Katie Haley to present the status report from the FAA.

STATUS REPORT FROM THE FAA

Process Improvement Working Group (PIWG)

Ms. Haley stated she received the FAA and the ARAC's recommended revisions to the Committee Manual. She added she will disposition of those comments by the end of December 2012 to make the Manual ready for publication in January 2013. Ms. Haley noted the changes to the Committee Manual have been included in the read-ahead package.

Ms. Haley stated one of the PIWG recommendations was to improve the tasking template to make it more robust. She added the FAA did revise the template because of the recommendation, but she will use the comments from the earlier discussion to continue to revise the template again.

Mr. Peri noted the template should begin with a clear problem statement so the ARAC can determine whether the tasking matches the problem and there are measureable effects. Ms. Haley agreed to include this in her revisions.

Mr. Elwell thanked Ms. Haley for her presentation and invited Mr. Bolt to present his off-agenda remarks.

OFF-AGENDA REMARKS FROM ARAC MEMBERS

Mr. Bolt noted he represents engine and airframe manufacturers under the new ARAC structure. He stated both General Electric and Pratt & Whitney have current exemptions to three sections of 14 CFR parts 21, 142, 146, and 147 that allow them to install interface components or aircraft type design hardware on their engines during engine production.

Mr. Bolt stated the regulations state the engine manufacturers must conform to type design, so putting an airframe supply part on the engines technically is nonconformance to the type design. He explained the FAA grants exemptions for a 2-year period, at the end of which the manufacturers must reapply for an exemption. Mr. Bolt stated AIA and the engine manufacturers would like a new rulemaking to eliminate the need for this exemption.

Mr. Bolt described his discussions with the FAA about this issue. He stated the FAA suggested the ARAC members discuss it at the ARAC meeting. He added he believes this is a straightforward rulemaking activity that does not warrant an ARAC tasking. Mr. Bolt noted the FAA might want to apply the R-PETs, but his recommendation is to bring this idea to the rulemaking process, rather than an ARAC tasking.

Mr. Desrosier noted there is interest for this initiative among several engine manufacturers within the GA community. He stated there are no technical, safety, or quality issues; rather it is a paperwork exercise because the FAA already approves the exemptions.

Ms. Liu stated a petition for rulemaking is appropriate if the ARAC does not create a working group to address the need. Mr. Desrosier observed a petition has been submitted. Ms. Liu stated the 14 CFR 21/Safety Management Systems ARC has been referenced and the FAA is considering examining its tasking to determine if it can address this issue. She agreed to take this action item for further discussions within ARM. Ms. Liu stated the petition for rulemaking is the appropriate means for this task noting the intention of the task is to simplify an existing FAA process. She agreed to look internally for other options.

Mr. Bolt stated he would be happy to resubmit the petition for rulemaking if the FAA would be receptive to it. Ms. Liu noted she will discuss this further within ARM and the ARAC can discuss it at the next meeting.


Mr. Desrosier noted the scope of the 14 CFR part 21 ARC is significant: the ARC is addressing broad changes to certificate procedures, as well as the incorporation of SMS. He reiterated this is a simple technical issue, which the FAA can address more effectively. Ms. Liu thanked him for his input. Mr. Elwell asked if there were any additional comments.

With no comments, Ms. Liu discussed dates with the attendees and concluded that the four ARAC meetings in 2013 will tentatively take place during the following weeks: March 18, June 24, September 16, and December 2, 2013. Ms. Butner will be coordinating specific dates.

Mr. Elwell reminded the meeting attendees to complete the FAA Office of Aviation Safety Quality Management System feedback form and give the completed forms to Ms. Butner.

ADJOURNMENT

With no additional comments or objections, Mr. Elwell adjourned the meeting at 3:51 p.m.

Approved by: 
Dan Elwell, Chair

Dated: 2/15/13

Ratified on: 3/5/13