



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

Detailed Implementation Plan

For

**The Federal Aviation Administration
Modernization and Reform Act of 2012**

Public Law No. 112-95, Section 313

January 15, 2015



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVATION ADMINISTRATION

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Table of Contents

Executive Summary	4
Committee Recommendations	4
FAA Initiatives.....	5
1. Develop a single master source for guidance organized by 14 CFR part.....	5
2. Develop instructions for FAA personnel with policy development responsibilities.....	8
3. Review FAA and industry training priorities and curricula with focus on appropriate use of guidance in conjunction with 14 CFR (and study the feasibility of developing a specific training program designed for personnel with regulatory development and oversight responsibilities).....	10
4. Establish a Regulatory Consistency Communications Board (RCCB).....	12
5. Improve rulemaking procedures to achieve greater clarity in final rules issued by the FAA.....	15
6. Establish a full-time Regulatory Operations Communications Center (ROCC) as a centralized support center to provide real-time guidance to FAA personnel and industry certificate/approval holders and applicants.....	17
APPENDIX A.....	18

Executive Summary

This implementation plan supplements the Federal Aviation Administration (FAA) Report to Congress on Section 313 of the FAA Modernization and Reform Act of 2012, Public Law (Pub. L.) 112-95, submitted on July 22, 2013. Section 313 required the FAA, in consultation with representatives of the aviation industry, to determine the root causes of inconsistent interpretation of regulations by the FAA's Flight Standards Service (AFS) and Aircraft Certification Service (AIR). The FAA chartered the Consistency of Regulatory Interpretation (CRI) Aviation Rulemaking Committee (ARC) on April 30, 2012, to address Section 313. As noted in the FAA Report to Congress, the FAA accepted the CRI ARC recommendations and developed this detailed implementation plan, along with a plan to measure its effectiveness in addressing the recommendations which the CRI ARC submitted to the Associate Administrator for Aviation Safety (AVS-1).

The FAA is pleased with the ARC's recommendations and plans to move forward with the implementation plan discussed here. However, the resources required to implement the ARC's recommendations will have to be balanced with other important FAA activities, including existing rulemaking initiatives, agency priorities, current projects, and the overall safety agenda. If existing or future priorities change, the FAA may have to modify elements of this implementation plan.

Committee Recommendations

The CRI ARC submitted the following recommendations (as prioritized by the ARC) to AVS-1 on November 28, 2012:

1. Develop a single master source for guidance organized by 14 CFR part.
2. Develop instructions for FAA personnel with policy development responsibilities.
3. Review FAA and industry training priorities and curricula with focus on appropriate use of guidance in conjunction with 14 CFR (and study the feasibility of developing a specific training program designed for personnel with regulatory development and oversight responsibilities).
4. Establish a Regulatory Consistency Communications Board (RCCB).
5. Improve rulemaking procedures to achieve greater clarity in final rules issued by the FAA.
6. Establish a full-time Regulatory Operations Communications Center (ROCC) as a centralized support center to provide real-time guidance to FAA personnel and industry certificate/approval holders and applicants.

FAA Initiatives

1. Develop a single master source for guidance organized by 14 CFR part.

Responsible Organization: AFS-1 and AIR-1

Person of Responsibility: AFS-140, Technical Information and Communications Branch
AFS-900, SASO Program Office, FSIMS Program Manager
AIR-100, Design, Manufacturing, and Airworthiness Division

The FAA will implement this recommendation by:

- Mapping (connecting) existing guidance material to the source Code of Federal Regulations (CFR) section where possible; and
- Supporting the development of the Dynamic Regulatory System (DRS).

AFS and AIR will map or link identified guidance documents at the service level to the appropriate CFR section where possible, with the eventual goal of creating a document management framework that encompasses all AVS regulatory guidance documents. AFS-1 and AIR-1 will use performance measures and metrics established at the outset of this effort to track progress to ensure accountability.

AFS and AIR will use this document mapping process to contribute to a requirements document for an electronic platform that will accommodate the search parameters emphasized by external stakeholders. While this effort will facilitate a long-term information technology (IT) solution similar to the Master Database concept recommended by the CRI ARC, current challenges with the execution of IT solutions make it necessary to uncouple development of the document management framework from deployment of an automated system on a single IT platform. However, AVS will closely monitor the DRS proof of concept (POC) proposed by the FAA Office of Information and Technology (AIT) to determine if it has the capability to integrate AFS and AIR guidance documents (mapped to source regulation(s)) with the desired functionality. An early enterprise architecture assessment identified 21 separate FAA document repositories or libraries that will need to be reviewed and incorporated in this process.

Action Plan

The FAA will:

- Map or link current identified guidance documents to the applicable source regulation(s) where appropriate.
- Support the development of the AIT DRS POC.

Milestones

Activity	Start	End
Issue AFS-1 memo to cancel outdated guidance.	11/1/2013	12/30/2013
Internal workgroup established by charter to complete activities associated with the recommendations made by the CRI ARC.	07/01/2014	11/30/2014
AFS and AIR define scope of current guidance documents by type (e.g., catalog documents by policy division/directorate, cancellation of outdated guidance).	11/15/2014	12/30/2014
AFS and AIR develop plan of action, with applicable performance measures and management-level accountability for progress, to map/link existing guidance documents (by type) to source CFR sections. Plan will include how to address guidance that cannot be mapped/linked to a source CFR section.	12/30/2014	3/30/2015
AFS and AIR initiate their plan of action to map/link guidance with applicable source CFR section.	3/30/2015	6/30/2015
Support the development of an AIT DRS POC.	7/1/2014	9/30/2015
Assess the results of DRS POC and work with AIT to develop requirements document and timeline for automated document management system.	9/30/2015	12/31/2015
Assess feasibility of integrating AGC Chief Counsel opinions and legal interpretations into DRS framework.	12/31/2015	03/31/2016

Standard of Closure

This recommendation will be closed when:

- 1) Each service develops and initiates a plan of action to link CFR sections to identified guidance material over a 3-year period.
- 2) DRS POC is completed.

Measures of Effectiveness

- 1) Addition of CFR sections to identified guidance has improved the search capability within Flight Standards Information Management System (FSIMS) and Regulatory and Guidance Library (RGL).
- 2) DRS POC allows effective searching on topics that cross the AFS-AIR organizations.

2. Develop instructions for FAA personnel with policy development responsibilities.

Responsible Organization: AFS-1 and AIR-1

Person of Responsibility: AFS-140, Technical Information and Communications Branch
AIR-100, Design, Manufacturing, and Airworthiness Division

AVS will implement this recommendation by evaluating current government best practices and transitioning to a comprehensive document management framework for drafting, revising, and reviewing regulatory guidance documents. This process includes:

- Developing and deploying a disciplined and standardized change management process for use in reviewing and revising guidance documents on an ongoing basis; and
- Improving guidance for personnel responsible for developing and revising guidance documents in the future.

To address this recommendation, AFS will review government best practices in guidance material development and management including FAA Order 8100.16, as specifically mentioned in the CRI ARC report, and applicable Office of Management and Budget bulletins related to the issue of guidance material management. Additionally, AFS will look for other examples of guidance management across government agencies.

AFS will utilize the internal workgroup to implement an AVS-level document management framework and business processes. The internal workgroup will be leveraged to review the best practices and draft an AVS-level order. This group will be used to ensure that the framework outlined in the order is workable at the service and division levels and is incorporated into work processes once the order is finalized.

Action Plan

The FAA will:

- Develop tools to ensure that guidance material development and revisions are conducted using sound risk-based change management practices.

Milestones

Activity	Start	End
Modify existing AFS Quality Management System (QMS) process to capture CFR section on identified guidance material.	9/01/2014	10/31/2014
Examine, review, and determine value of existing guidance relating to writing policy (e.g., AIR Order 8100.16).	9/30/2014	2/28/2015

Develop AFS-level document defining procedures and instructions for the development of guidance.	2/28/2015	5/31/2015
Draft a directive (e.g., order) defining standardized work processes, methodology, and change management processes to be used by personnel developing or revising regulatory guidance or policy documents.	2/28/2015	5/31/2015
Coordinate directives across AVS for an AVS-level document.	5/31/2015	8/31/2015
Align QMS process to ensure policy changes and guidance development utilizes sound change management practices.	9/01/2015	10/31/2015

Standard of Closure

This recommendation will be closed once an AFS-level document providing instructions on drafting guidance materials and an AVS-level document on guidance management has been drafted or identified.

Measures of Effectiveness

Success of the FAA’s response to this recommendation will be measured on feedback received through the AVS Directive Feedback System and on how many action requests are received in the QMS.

3. Review FAA and industry training priorities and curricula with focus on appropriate use of guidance in conjunction with 14 CFR (and study the feasibility of developing a specific training program designed for personnel with regulatory development and oversight responsibilities).

Responsible Organizations: AFS-1 and AIR-1

Person of Responsibility: AFS-500, Flight Standards Training Division

AIR-500, Planning and Program Management Division

To address this recommendation, the FAA will conduct a gap analysis of existing training to identify any deficiencies. The training will be reviewed for appropriateness for aviation safety inspectors (ASIs) and aviation safety engineers (ASEs) that are primarily responsible for applying regulations in the field and for ASIs and ASEs with rulemaking and policy development/revision responsibilities. The FAA will develop a plan of action to address any deficiencies found during the gap analysis. This plan of action will include appropriate performance measures. The agency will consider industry feedback on the plan of action when implementing changes to FAA personnel training.

The FAA will assess the feasibility of working with accredited institutions such as Aviation Accreditation Board International (AABI) to create a regulatory development and interpretation curriculum that would result in a certification/credential that could be incorporated into FAA hiring guidelines. The FAA will share the results of this with industry stakeholders.

Action Plan

The FAA will:

- Conduct a gap analysis of existing ASI and ASE regulatory training.
- Develop a plan of action to address any deficiencies found through the gap analysis.
- Assess the feasibility of an aviation regulatory application certification or credential.
- Review the results of the feasibility of an aviation regulatory application certification or credential with industry stakeholders.

Milestones

Activity	Start	End
Conduct a gap analysis on existing ASI and ASE training and identify any deficiencies for personnel responsible for regulatory application and/or intent (including SMEs developing rules/guidance material and those applying/interpreting regulations and guidance material).	12/31/2014	3/31/2015
Coordinate with industry stakeholders to review recommendations made by the FAA to address findings of the gap analysis.	5/01/2015	5/31/2015

Activity	Start	End
Develop a plan of action to address any remaining gaps/deficiencies in existing FAA personnel training.	5/31/2015	7/31/2015
Assess feasibility of working with accredited institutions to develop a rule development and intent curriculum that would result in a certification or credential that could be incorporated in FAA hiring guidelines.	10/30/2014	03/31/2015
Coordinate with industry to review results of feasibility, and the FAA determination on implementation, regarding working with accredited institutions to develop a rule development and intent curriculum that would result in a certification or credential that could be incorporated in FAA hiring guidelines.	05/01/2015	05/31/2015

Standard of Closure

This recommendation will be closed once a plan of action has been developed to address any issues found during the gap analysis and the feasibility of working with accredited institutions on developing regulatory training has been determined.

Measures of Effectiveness

AFS and AIR will utilize the existing course participant feedback processes to ensure newly created policy curriculum meets expectations.

4. Establish a Regulatory Consistency Communications Board (RCCB).

Responsible Organization: AFS-1 and AIR-1

Person of Responsibility: AFS-1 and AIR-1

The FAA will establish an RCCB to begin documenting, dispositioning, and tracking policy application and intent questions in a consistent manner. The RCCB will be responsible for developing a policy question tracking process that will be introduced internally at the outset, with the goal of expanding the process to external industry stakeholders in conjunction with appropriate milestones.

The RCCB process is envisioned to better address questions of appropriate application of regulations and policy than the current Consistency and Standardization Initiative (CSI) has been able to achieve. The agency will establish metrics to ensure that questions of regulatory application and intent are coordinated in a timely fashion with a feedback loop. Initially, these metrics may involve tracking the number of questions dispositioned by the RCCB, which will also help determine whether additional education or training is necessary for the FAA workforce. Over time, the metrics will involve tracking how quickly the questions are dispositioned, including how long it takes to appropriately incorporate or address information in an existing regulatory guidance document. Due to the role of the RCCB, the RCCB could be leveraged to assist in developing or improving business processes related to the development or revision of regulatory guidance documents.

Action Plan

The FAA will:

- Establish an RCCB to address questions of regulatory application or interpretation.
- Create an effective policy question tracking process that meets the needs of internal stakeholders.
- Assess the feasibility of expanding the policy question tracking process to external stakeholders.

Milestones

Activity	Start	End
Review existing AFS and AIR workgroups such as Document Control Board (DCB) to determine best platform to leverage resources for the RCCB.	10/01/2014	1/31/2015

Activity	Start	End
Draft order to establish an RCCB within AFS.	1/31/2015	3/31/2015
Develop an internal policy question tracking process (including feedback loop, timely response, and accountability for the RCCB) for use by FAA personnel to route questions of regulatory application or interpretation to the RCCB for disposition.	3/31/2015	6/30/2015
Develop methodology for tracking RCCB findings to ensure the information is communicated to the applicable FAA office(s), as well as industry stakeholders, and information that needs to be addressed in regulatory guidance documents is appropriately integrated in a timely fashion.	3/31/2015	6/30/2015
Develop communications strategy to educate the AFS workforce on RCCB.	3/31/2015	6/30/2015
Determine feasibility of expanding RCCB to AIR.	6/30/2015	8/31/2015
Develop communications strategy to educate the AVS workforce on RCCB.	8/31/2015	9/30/2015
Integrate RCCB and policy question tracking process into appropriate FAA personnel training courses.	07/31/2015	12/30/2015
Assess internal user satisfaction with the RCCB policy question tracking process.	10/01/2015	3/31/2016
Determine feasibility of expanding the RCCB to external industry stakeholders.	03/31/2016	6/30/2016
Determine the effect the introduction of the RCCB has had on the CSI.	03/31/2016	06/30/2016

Standard of Closure

This recommendation will be closed when the RCCB is established via an order, the follow-on activities of creating a standardized tracking process with a feedback loop have been established, and a determination has been made about expanding the RCCB to external stakeholders.

Measures of Effectiveness

1. The AVS QMS will be used to measure effectiveness of the RCCB in the following three areas:
 - a. Process Measures – Time taken to acknowledge receipt, review, and provide initial response to regulatory interpretation related questions received.
 - b. Product Conformity – Overall acceptability of answers provided to stakeholders (conforming to standards set).

- c. Stakeholder Feedback – Encompasses all aspects of the QMS process and includes the AVS Directive Feedback System.

5. Improve rulemaking procedures to achieve greater clarity in final rules issued by the FAA.

Responsible Organization: ARM-1, Office of Rulemaking

Person of Responsibility: ARM-200, Aircraft and Airports Rules Division

The FAA has closed this recommendation.

Rationale for Closure

The FAA's rulemaking process is an AVS-level QMS process that guides the Agency through a documented and structured approach to rulemaking. The rulemaking process is accompanied by a rulemaking work instruction that provides step-by-step details on the rulemaking process. This QMS process was last updated on March 17, 2014 when it was elevated to an AVS-level process.

The process and work instruction contain a requirement for a rule's preamble to contain a comprehensive explanation of the purpose, technical requirements, and intent of the rule. The process and work instruction are regularly reviewed and improved. The work instructions were last reviewed in September 2014. The FAA Office of Rulemaking (ARM) is currently working on reviewing the comments received during this review and making appropriate changes to the work instructions.

The FAA implemented a rulemaking prioritization process and tool in 2013. The prioritization tool was discussed in the FAA's Report to Congress on Section 313 of the FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, submitted on July 22, 2013, as a potential mechanism for addressing this recommendation.

FAA rulemaking includes other process elements that help ensure clarity in final rules. These elements include:

- Proposed and final rules are developed by subject matter experts and are subject to multiple rounds of review and concurrence by the responsible AVS program office, General Counsel, economists, and Associate and Administrator-level executives. Depending on the rule, it is also reviewed by the Office of the Secretary of Transportation and the Office of Management and Budget.
- Standard practice currently involves FAA review of industry comments submitted in response to the Notice of Proposed Rulemaking (NPRM), which are incorporated in the preamble to the final rule.
- The FAA's Rulemaking Management Council has instituted mandatory rulemaking training requirements for rulemaking team members. The FAA Office of Rulemaking also makes available training that supports good regulation development, such as Plain Language training and Paperwork Reduction Compliance Act training.

Standard of Closure

The creation and utilization of rulemaking processes and prioritization tool by all organizations within AVS.

Measures of Effectiveness

The FAA will review the comments received to the NPRM and identify any comments that relate to clarification on the purpose, technical requirements or intent of the proposed rule. Any comments identified in these areas, will be put in a database and the office of rulemaking will review the database annually to identify any trends or root cause elements so that continued improvement can occur.

6. Establish a full-time Regulatory Operations Communications Center (ROCC) as a centralized support center to provide real-time guidance to FAA personnel and industry certificate/approval holders and applicants.

Responsible Organization: AFS-1 and AIR-1

Person of Responsibility: AFS-1 and AIR-1

The FAA has closed this recommendation.

Rationale for Closure

The FAA has addressed this recommendation in its plan to establish a Regulatory Consistency Communications Board (RCCB). The FAA intends to pursue the RCCB concept, which will address the relevant components of this recommendation without creating the need to staff and allocate resources on the scale required by the original ROCC idea.

Standard of Closure

This recommendation will be closed once the FAA determines the feasibility of implementing the ROCC.

Measures of Effectiveness

NA

APPENDIX A
Section 313 Implementation Plan Milestone Status

1. Develop a single master source for guidance organized by 14 CFR part.

Milestones

Activity	Start Date	Projected End Date	Actual End Date
Issue AFS-1 memo to cancel outdated guidance.	11/1/2013	12/30/2013	12/3/2013
Internal workgroup established by charter to complete activities associated with the recommendations made by the CRI ARC.	07/01/2014	11/30/2014	1/20/2015
AFS and AIR define scope of current guidance documents by type (e.g., catalog documents by policy division/directorate, cancellation of outdated guidance).	11/15/2014	12/30/2014	
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AFS and AIR initiate their plan of action to map/link guidance with applicable source CFR section.	3/30/2015	6/30/2015	
Support the development of an AIT DRS POC.	7/1/2014	9/30/2015	
Assess the results of DRS POC and work with AIT to develop requirements document and timeline for automated document management system.	9/30/2015	12/31/2015	
Assess feasibility of integrating AGC Chief Counsel opinions and legal interpretations into DRS framework.	12/31/2015	03/31/2016	

2. Develop instructions for FAA personnel with policy development responsibilities.

Milestones

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Modify existing AFS QMS process to capture CFR section on identified guidance material.	9/01/2014	10/31/2014	10/31/2014
Examine, review, and determine value of existing guidance relating to writing policy (e.g., AIR Order 8100.16).	9/30/2014	2/28/2015	
Develop AFS-level document defining procedures and instructions for the development of guidance.	2/28/2015	5/31/2015	
Draft a directive (e.g., order) defining standardized work processes, methodology, and change management processes to be used by personnel developing or revising regulatory guidance or policy documents.	2/28/2015	5/31/2015	
Coordinate directives across AVS for an AVS-level document.	5/31/2015	8/31/2015	
Align QMS process to ensure policy changes and guidance development utilizes sound change management practices.	9/01/2015	10/31/2015	

3. Review FAA and industry training priorities and curricula with focus on appropriate use of guidance in conjunction with 14 CFR (and study the feasibility of developing a specific training program designed for personnel with regulatory development and oversight responsibilities).

Milestones

Activity	Start Date	Projected End Date	Actual End Date
Conduct a gap analysis on existing ASI and ASE training and identify any deficiencies for personnel responsible for regulatory application and/or intent (including SMEs developing rules/guidance material and those applying/interpreting regulations and guidance material).	12/31/2014	3/31/2015	
Coordinate with industry stakeholders to review recommendations made by FAA to address findings of the gap analysis.	5/01/2015	5/31/2015	
Develop a plan of action to address any remaining gaps/deficiencies in existing FAA personnel training.	5/31/2015	7/31/2015	
Assess feasibility of working with accredited institutions to develop a rule development and intent curriculum that would result in a certification or credential that could be incorporated in FAA hiring guidelines.	10/30/2014	03/31/2015	
Coordinate with industry to review results of feasibility, and the FAA determination on implementation, regarding working with accredited institutions to develop a rule development and intent curriculum that would result in a certification or credential that could be incorporated in FAA hiring guidelines.	05/01/2015	05/31/2015	

4. Establish a Regulatory Consistency Communications Board (RCCB).

Milestones

Activity	Start Date	Projected End Date	Actual End Date
Review existing AFS and AIR workgroups such as DCB to determine best platform to leverage resources for the RCCB.	10/01/2014	1/31/2015	
Draft order to establish an RCCB within AFS.	1/31/2015	3/31/2015	
Develop an internal policy question tracking process (including feedback loop, timely response, and accountability for the RCCB) for use by FAA personnel to route questions of regulatory application or interpretation to the RCCB for disposition.	3/31/2015	6/30/2015	
Develop methodology for tracking RCCB findings to ensure the information is communicated to the applicable FAA office(s), as well as industry stakeholders, and information that needs to be addressed in regulatory guidance documents is appropriately integrated in a timely fashion.	3/31/2015	6/30/2015	
Develop communications strategy to educate the AFS workforce on RCCB.	3/31/2015	6/30/2015	
Determine feasibility of expanding RCCB to AIR.	6/30/2015	8/31/2015	
Develop communications strategy to educate the AVS workforce on RCCB.	8/31/2015	9/30/2015	
Integrate RCCB and policy question tracking process into appropriate FAA personnel training courses.	07/31/2015	12/30/2015	
Assess internal user satisfaction with the RCCB policy question tracking process.	10/01/2015	3/31/2016	
Determine feasibility of expanding the RCCB to external industry stakeholders.	03/31/2016	6/30/2016	
Determine the effect the introduction of the RCCB has had on the CSI.	03/31/2016	06/30/2016	

5. Improve rulemaking procedures to achieve greater clarity in final rules issued by the FAA.

The FAA has closed this recommendation.

6. Establish a full-time Regulatory Operations Communications Center (ROCC) as a centralized support center to provide real-time guidance to FAA personnel and industry certificate/approval holders and applicants.

The FAA has closed this recommendation.