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# THE OFFICE OF RULEMAKING COMMITTEE MANUAL ARM-001-015

**Purpose & Scope:**

This procedure describes the two types of FAA Committees that the Office of Rulemaking oversees: Aviation Rulemaking Committee and Aviation Rulemaking Advisory Committee. The Office of Rulemaking provides guidance to interested offices, staff, and committee members.


**Approval:** /s/ Lirio Liu  
Director, Office of Rulemaking

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<b>REVISION HISTORY</b>		
<b>Rev</b>	<b>Description of Change</b>	<b>Effective Date</b>
<b>1</b>	Original	01/26/05
<b>2-20</b>	Revisions prior to instituting ISO 9000	01/28/05
<b>21</b>	Fixed pagination	04/26/05
<b>22</b>	Revised header to reflect FAA logo	5/04/05
<b>23</b>	Revision to the Preface of Part II (ARAC) to reflect Stakeholder/Customer Feedback Process	11/07/05
<b>24</b>	Revisions to the Preface & Table of Contents of Part II (ARAC) and Chapter 7 (Feedback paragraph) to reflect changes to the feedback form/process	12/05/05
<b>25</b>	Revisions to guidance on Customer Feedback Form for advisory committees	12/12/05
<b>26</b>	Product definitions added to both the ARC section and the ARAC section. Also, references to AVR were changed to AVS; the website citations were updated; and other minor, editorial changes were made.	02/22/06
<b>27</b>	Revised 2 ARAC Performance Measures on page 99 to adjust ARM requirement for meeting notices to be forwarded to the <i>Federal Register</i> 20 working days prior to the meeting date rather than 15-calendar days.	03/11/06
<b>28</b>	Due to reorganization in APF, revised ARC coordination on page 14 from ABU to ABU-1/20 and APF to AFM-410.	05/22/06
<b>29</b>	The 06/14/06 internal audit revealed Revision # and effective date in the header was not updated since Revision 26. This non-conformance was captured in CAR-06-1408. This Revision updates the header and is available in appropriate points of use.	06/16/06
<b>30</b>	As a result of feedback from the Northwest Mountain Region, the Committee Manual was updated to reflect the ARAC Tasking Template [Doc#21323] on pages 84, 85, and 86.	01/09/07
<b>31- 32</b>	FOIA link reference updated on pages 14, 70, 71, and 85. Reference to Air Traffic Issue Area removed from pages 28, 39, 44, 46, 47, 49, and 55. Reference to Joint Aviation Authorities (JAA) and harmonization (where appropriate) removed from pages 10, 18, 19, 29, 30, 31, 32, 33, 47, 53, 57, 72, 77, 81, 82, 84, 88, 98, 104 113, Chapter 6, and Appendices E and F.	08/14/07
<b>33</b>	Minor change: Acknowledgement letters will now reflect ARM-1 signature.	06/09/08
<b>34</b>	Minor changes: ARC section updated to reflect Administrative Procedure Act (APA) requirement and ARM Analyst Responsibilities. Additional Appendix	02/03/09

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	added to include guidance for contractor support.	
<b>35</b>	Minor Change: Remove note on page 91. Requirement to report ARAC Expenditures to ABU-200 is no longer necessary. This information is being rolled up under AVS.	March 23, 2009
<b>36</b>	Link review and updated	July 27, 2009
<b>37</b>	Minor change: Update ARAC measures and move to page 91	April 14, 2010
<b>38</b>	Extensive edits to update the document to be consistent with new systems (e.g., Doc) and new rulemaking lifecycle document. Additional clarification on the distinction between ARCs and ARAC added. Added Appendix B – Anti-Trust Guidelines. P-11-99.	September 12, 2011
<b>39</b>	Extensive edits to Part I: Committee Process. Defined the difference between ARAC and ARC. Further defined the process on how to request either an ARC or ARAC. Included information about the Committee Database website and the document tracking system. Extensive edits to Part II: ARC. Defined what an ARC is and created a process for ARC's. Extensive edits to Part III: ARAC. Updated to be consistent with the new ARAC charter and organization. Made changes to the overall process including new phases, and reduced overall redundancies within the part.	March 5, 2013
<b>40</b>	<i>ARC</i> : Clarified the ARC charter concurrence process, including renewal and extension. Guidance on what members report back to organization. <i>ARAC</i> : Clarified subcommittee. <i>ARC and ARAC</i> : Created an Appendix to the CRD. Created an optional checklist. Provided guidance on registered lobbyist. Defined the close out process. Clarified consensus. Renamed the ARM Role to ARC Facilitator and Working Group Facilitator. Renamed the subcommittee FAA Representative to FAA Subcommittee Lead. Defined the DOT Committee Management Officer. Created new roles: ARM-20 Council Coordinator, ARM-20 QMS Management Representative, and Committee Process Author. Made task group consistent in both. Clarified meeting and travel information.	February 2, 2015

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## PART I: COMMITTEE PROCESS

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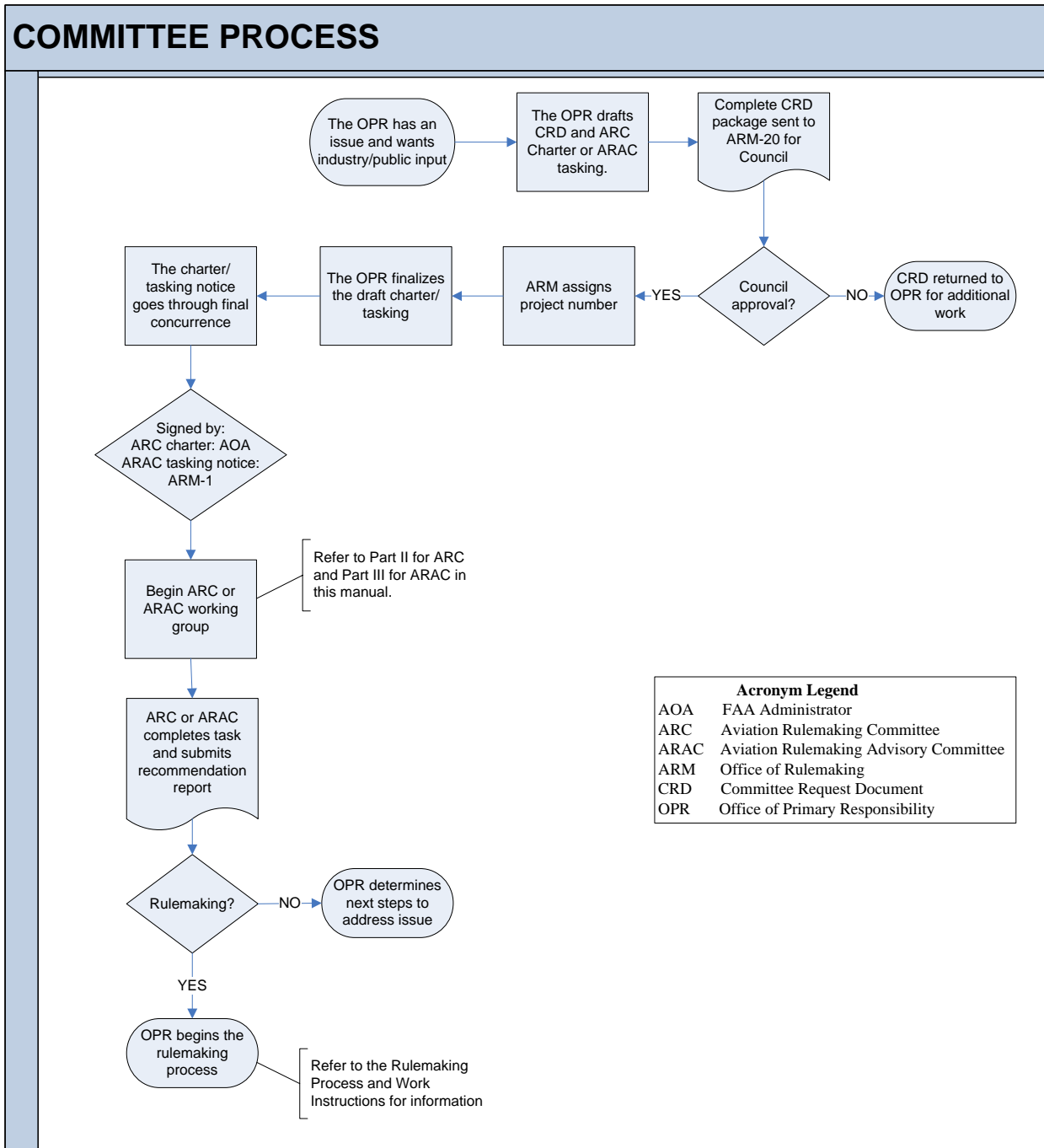
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# COMMITTEE FLOWCHART



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## CHAPTER 1.0: PREFACE

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### 1.1 PURPOSE

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This guidance explains how to initiate and execute the Aviation Rulemaking Committee (ARC) and Aviation Rulemaking Advisory Committee (ARAC) process.

### 1.2 DISTRIBUTION

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This guidance is available to all interested individuals (including Federal Aviation Administration (FAA) personnel and committee members) on the [FAA website](#).

### 1.3 PROPRIETARY INFORMATION

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The Office of Rulemaking (ARM) often solicits information prior to rulemaking and receives information during rulemaking that may contain proprietary or personal information. Generally, all information used in rulemaking must be available to the public and thus placed in the docket. However, if information furnished contains proprietary or personal information, the FAA will do everything reasonable to accommodate the request of the member, in accordance with 14 CFR § 11.35(b). If proprietary information is received in ARM, it is usually passed on to either the Office of Aviation Policy and Plans or the Office of Primary Responsibility (OPR). Any remaining information will be stamped “Proprietary Information” and placed in the project folder.


### 1.4 REVISIONS AND UPDATES TO THIS MANUAL

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The FAA’s Office of Rulemaking periodically revises these procedures to ensure the information is accurate. Forward comments or recommended revisions to:

Office of Rulemaking  
Federal Aviation Administration  
Attn: ARM-20  
800 Independence Avenue, S.W.  
Washington, DC 20591  
202-267-9677




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## 1.5 ACRONYMS

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While acronym use is minimized to make the document easier to read, the following acronyms are used throughout the document.

AGC	Office of the Chief Counsel
ANPRM	Advanced Notice of Proposed Rulemaking
AOA	FAA Administrator
APA	Administrative Procedure Act
APO	Office of Aviation Policy and Plans
ARAC	Aviation Rulemaking Advisory Committee
ARC	Aviation Rulemaking Committee
ARM	Office of Rulemaking
CRD	Committee Request Document
DFO	Designated Federal Officer
DOT	Department of Transportation
FAA	Federal Aviation Administration
FACA	Federal Advisory Committee Act
FOIA	Freedom of Information Act
NPRM	Notice of Proposed Rulemaking
OPR	Office of Primary Responsibility
SNPRM	Supplemental Notice of Proposed Rulemaking

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## CHAPTER 2.0 GENERAL INFORMATION

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### 2.1 RULEMAKING AND ADVISORY COMMITTEES

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The FAA has two types of committees; rulemaking and advisory.

A **rulemaking committee** is a group of aviation specialist who evaluate issues that could result in rulemaking. It is unique to the FAA under the authority of Title 49 of the United States Code (49 U.S.C.) section 106(p) (5), and is exempt from the requirements of the [Federal Advisory Committee Act \(FACA\)](#). The FAA must adhere to the requirements of the Administrative Procedure Act (APA) if the activities affect a rulemaking project.

An **advisory committee** is defined by the [FACA](#) of Title 5 United States Code (5 U.S.C.) Appendix 2 as any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup, that is established or utilized by the federal government to obtain advice or recommendations and is not composed solely of full-time or permanent part-time federal officers or employees.

The FAA uses these committees when an office of primary responsibility (OPR) seeks advice and recommendations from industry and the public on an issue that could result in rulemaking. To determine which committee is the most appropriate, use the following descriptions:

- **ARC:** A *rulemaking committee* that provides information, advice and recommendations to the FAA. The ARC is not subject to the FACA requirements and is therefore somewhat more flexible. The FAA has the sole authority to establish and task an ARC. It is formed on an ad hoc basis, for a specific purpose, with a limited duration. (Refer to [Part II, ARC](#), of this Manual for more guidance.)
  - Reasons to choose ARC:
    - The FAA has a specific membership composition it wants based on the technical subject being considered.
    - Requires involvement from several FAA offices.
    - Appropriate to have more than one FAA Representative or other government agency(ies) on the ARC.
    - The rulemaking is underway and the rulemaking team needs industry to examine an issue.
- **ARAC:** A formal standing *advisory committee* that is subject to the FACA and provides the FAA with information, advice, and recommendations, concerning rulemaking activity, on topics such as aircraft operations, airman and air agency certification,

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airworthiness standards and certification, airports, maintenance, noise, and training (Refer to [Part III, ARAC](#), of this manual for more guidance.)

- Reasons to choose the ARAC:
  - Industry and public participation is necessary on issues that could result in potential rulemaking activities.
  - Public review of the products and recommendations is appropriate.
  - The subject of the issue falls within the scope of the ARAC (i.e. aircraft owners and operators, airmen and flight crewmembers, airports, maintenance providers, manufacturers, public citizen and passenger groups, and training providers.)


## 2.2 MAJOR DIFFERENCES BETWEEN ARC AND ARAC

**Table 2-1**  
**Differences Between ARC and ARAC**

Subject	ARC	ARAC
<b>FACA</b>	Does not follow	Must follow
<b>Federal Register</b>	There is no requirement to publish any ARC information.	Tasks and meeting announcements must be published in the <i>Federal Register</i> .
<b>Decision making governing body</b>	A standalone group that governs itself.  Final decisions are made by the FAA sponsoring office of the charter.	Industry led governing body that makes decisions on the FAA taskings and recommendation reports from its subcommittee(s) and working groups.
<b>Charter</b>	Each ARC has its own charter, which is limited in scope and time to address issues. The charter expires on average 6-24 months after issuance.	There is one charter for the ARAC. It is renewed every two years. (The FAA tasks the working groups using the <i>Federal Register</i> tasking notice for an average of 12 months.)
<b>Leader</b>	Both industry and the FAA co-lead the ARC.	Only industry leads the ARAC, subcommittees, and working groups.
<b>FAA Participation</b>	The FAA is an active participant and can have multiple members involved.	The FAA participates at each level of the ARAC and provides guidance as a non-member.
<b>Public Meetings</b>	ARC meetings are closed to the public, unless the ARC decides otherwise.	ARAC and subcommittee meetings are open to the public. Working group meetings are closed to the public.
<b>Meeting Minutes</b>	Not required to keep for official recordkeeping.	Required to keep for all ARAC and subcommittee public meetings as the official record, according to the FACA. Not required for working groups.
<b>Deliverables</b>	Recommendation Report	Work Plan and Recommendation Report
<b>Recommendation Report</b>	Submitted to the sponsoring office of the charter.	Subcommittee(s) and working groups submit to the ARAC, which in turn, submits to the FAA.

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## CHAPTER 3.0 THE PROCESS

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### 3.1 DRAFTING THE DOCUMENT

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The OPR selects the appropriate committee and drafts either the ARC charter (Doc#32760) or the ARAC *Federal Register* tasking notice (Doc#21323).

**ARC charter** may contain any of the following information:

- Purpose and authority of the ARC.
- Background of the issue, including a summary of related safety data from accidents/incidents, recommendations from National Transportation Safety Board, and other government/industry organizations.
- Historical FAA regulatory requirements, policy, and guidance.
- Relevant petitions for exemption.
- Outstanding enforcement actions.
- Objectives and Tasks of the ARC. These should be specific directions that focus on the technical and policy issues that could result in rulemaking. The ARC will use the findings from these tasks to write the recommendation report. There should be specific guidance on what to include in the recommendation report.
- Procedures, which outline who is the sponsor, guidance on both the status report(s) and recommendation report, and information on reconvening the ARC after the recommendation report is submitted.
- Submittal date of the recommendation report. It is best to have the submittal date earlier than the charter expiration date.
- Organization, Membership, and Administration, which describes the number of representatives chosen to be on the ARC, the participation requirements, the responsibilities of the sponsor and the co-chairs, and lobbyist guidance.
- Cost and Compensation for both the government employees and non-government representatives to work and travel for the duration of the ARC.
- Public Participation, which explains that the ARC meetings are not open to the public.
- Availability of Records, specifying FOIA requirements and costs associated, and where the public can access the charter.
- Distribution to various offices within the FAA.
- Effective Date and Duration (Typically no more than 2 years. The recommendation report should be submitted prior to the charter's expiration.)
- The ARC may be reinstated on a temporary basis to assist the FAA with questions and concerns after the recommendation report has been submitted.

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**ARAC *Federal Register* tasking notice** may contain any of the following information:


- A detailed description of the issue.
- Background of the issue, including a summary of related safety data from accidents/incidents, recommendations from National Transportation Safety Board, and other government/industry organizations.
- Outstanding enforcement actions.
- Historical FAA regulatory requirements, policy, and guidance.
- Relevant petitions for exemption.
- Guidance about harmonization, if it is a goal.
- Specific guidelines about the task for the working group to examine.
- Specific questions that focus on the technical and policy issues that could be addressed by rulemaking or other action.
- Initial qualitative and quantitative costs and benefits, if necessary.
- Requirement for a recommendation report, which includes documenting the majority and dissenting positions.
- Duration of working group. Typically, a working group is established for one year. However, the length depends on the scope, magnitude and complexity of the task.
- Urgency of the task.
- Who should receive the task: the ARAC or a subcommittee?
- If the OPR knows in advance that it will task the working group based on the recommendation report, then those tasks should be included in the tasking notice to prevent delays.
- The working group may be reinstated on a temporary basis to assist the FAA with questions and concerns after the recommendation report has been submitted.

### 3.2 SUBMITTING AND APPROVING THE COMMITTEE REQUEST DOCUMENT (CRD)

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The Committee Request Document (CRD) (Doc #30279) is the form the OPR uses to request a committee from the Rulemaking Management Council. The OPR completes the CRD and the draft ARC charter or the ARAC *Federal Register* tasking notice. If the OPR plans on renewing the ARC charter or continuing the ARAC Working Group with new tasks, the OPR submits an Appendix to the CRD (Doc#37914).

The OPR submits both the CRD and the final draft ARC charter or the ARAC *Federal Register* tasking notice to the ARM-20 Council Coordinator for the next Rulemaking Management Council meeting, in accordance with the annual Rulemaking Calendar (Doc #30770). The OPR submits the draft document to Rulemaking Management Council with the understanding that it is considered a final draft, which means it has been routed through the OPR for concurrence.

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The Rulemaking Management Council makes a decision on the CRD to approve, modify, or reject the ARC charter or the ARAC *Federal Register* tasking notice. If approved, an ARM analyst is assigned to the project and the ARM-20 Council Coordinator assigns a project number. The ARM analyst will follow-up with the OPR. If the Rulemaking Management Council does not approve the CRD and the ARC charter or the ARAC *Federal Register* tasking notice, the OPR must decide to either revise based on the comments or to not proceed with the proposed action.

### 3.3 FINALIZING AND COORDINATING THE DOCUMENT

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If the Rulemaking Management Council *approved as submitted* the draft ARC charter or the ARAC *Federal Register* tasking notice, then the ARM analyst finalizes and routes for concurrence. The OPR is not included in the routing for concurrence of the ARC charter or ARAC *Federal Register* tasking notice.

If the Rulemaking Management Council *approved with revisions*, then the OPR, working with the ARM analyst, finalizes the draft ARC charter or the ARAC *Federal Register* tasking notice, incorporating any comments from the Rulemaking Management Council, routes for concurrence, and submits it to the ARM analyst for ARM concurrence.

#### 3.3.1 Circulation Folders

The ARM analyst prepares the documents and puts them into a green circulation folder to route for concurrence.

**For ARC:** The green folder contains two versions of the Administrator transmittal memo (Doc #32570); one clean copy and one with the grid for routing and concurrence, the final ARC charter, and the membership list (Doc #32760).

For a charter extension, the package should contain the Administrator transmittal memo (Doc #34332); one clean copy and one with the grid for routing and concurrence, the ARC extension charter (Doc #37726), a copy of the original charter, and the membership list.


For a charter renewal, the package should contain the Administrator transmittal memo (Doc #32570); one clean copy and one with the grid for routing and concurrence, the ARC renewal charter (Doc #37727), a copy of the original charter, and the membership list.

The routing grid in the circulation folder appears as follows:

- OPR project lead routing symbol (if revisions were made),
- OPR Branch/Division routing symbol (if revisions were made),
- OPR Director-level routing symbol (if revisions were made),
- ARM analyst's routing symbol,

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- ARM Division routing symbol,
- ARM Director-level routing symbol,
- Office of Assistant Chief Counsel, International Law, Legislative, and Regulations Division (AGC-200),
- Office of the Chief Counsel (AGC-1),
- Associate Administrator for Aviation Safety (AVS-1), and
- Office of the Deputy Administrator (ADA-1)/Administrator (AOA-1).

After all interested parties have concurred with the charter; ARM will deliver the package to Office of the Deputy Administrator and the Administrator for review. (AOA-3 will request an electronic copy of the charter through the correspondence unit.)

**For ARAC:** The green folder contains two versions of the final draft tasking notice (Doc #21323): a clean copy and one with a routing grid. The routing grid in the circulation folder appears as follows:

- OPR project lead routing symbol (if revisions were made),
- OPR Branch/Division routing symbol (if revisions were made),
- OPR Director-level routing symbol (if revisions were made),
- ARM analyst's routing symbol,
- ARM Division routing symbol, and
- ARM Director-level routing symbol.

After the OPR and ARM have concurred with the tasking notice, it is ready to be sent to the ARAC for approval. After the ARAC approves it is ready to be issued and published in the *Federal Register*.


### 3.4 ISSUING THE DOCUMENT

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**For ARC:** The FAA Administrator, who has the sole authority for issuing the charter, completes the review and issues the charter. The ARM receives the issued charter and sends a copy to the OPR. It is not necessary to publish the ARC charter in the *Federal Register*. From this point, refer to [Part II, ARC](#), in this Manual.

**For ARAC:** Prior to publishing the notice in the *Federal Register*, the ARM-20 Council Coordinator sends the tasking notice to the ARAC for approval. (For further information on how to get the ARAC approval, refer to [Part III, 2.1 Phase I: FAA Tasks the ARAC](#).) Once the ARAC approves the tasking notice, the ARM-1 signs and publishes it in the *Federal Register*. The ARM also informs the OPR of the publication. From this point, refer to [Part III, ARAC](#), of this Manual.



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### 3.5 POSTING TO THE COMMITTEE DATABASE WEBSITE

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The [Committee Database website](#) informs the public of the FAA's activities concerning ARCs and the ARAC.

The following documents are added to the [Committee Database website](#):

- ARC charter, including any extensions and renewals,
- ARAC *Federal Register* Tasking Notice, including the Continuation of Tasking Notice,
- Recommendation Report,
- ARAC transmittal letter to the FAA,
- FAA Acknowledgement letter,
- Minutes from public meetings, and
- Other related materials.

#### **Charter or Tasking Notice**

After the ARC charter has been issued or the ARAC *Federal Register* tasking notice has been published, it can be posted to the FAA's [Committee Database website](#).

The ARM analyst provides the ARM-20 Council Coordinator or the Committee Process Author the following information:

- Title of the committee,
- Point of Contact, which includes name, routing code, phone number, and email address,
- Brief description of the committee,
- Expiration date of the committee, and
- The signed document (in pdf form).


The ARM-20 Council Coordinator or the Committee Process Author enters the information, uploads the document, and informs the OPR when it is complete.

#### **Recommendation Report**

**For ARC:** When the ARC submits the recommendation report, it is the OPR's responsibility to inform the ARM when to post it to the [Committee Database website](#).

**For ARAC:** When the ARAC submits the recommendation report to the FAA, the ARM can immediately post the recommendation report to the [Committee Database website](#).



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### 3.6 IRMIS

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A project begins when the Rulemaking Management Council approves the CRD. Once it is approved, the ARM-20 Council Coordinator creates the project in the Integrated Rulemaking Information System (IRMIS), a project management system that is used to track the status of ongoing projects.

In addition to tracking the project in the IRMIS, the ARM analyst uploads any of the following documents to the FAA's document management system:


- CRD and Appendix to the CRD, if appropriate,
- ARC charter, including any extensions and renewals,
- *ARAC Federal Register* Tasking Notice, including the Continuation of Tasking Notice,
- Membership list (ARC, ARAC, ARAC Subcommittees, Working Groups),
- Working Group Work Plan (ARAC and Subcommittee),
- Recommendation Report,
- FAA Acknowledgement letter,
- Feedback Forms,
- Minutes from public meetings, and
- Other related materials.

The project is considered complete when the FAA acknowledges receipt of the recommendation report. The ARM analyst closes out the project in IRMIS and ensures all documents associated with the project are current in the document management system and linked to IRMIS.

### 3.7 FURTHER INFORMATION

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Part II and Part III of this Manual provide guidance for managing ARCs or the ARAC. If the FAA decides to proceed with rulemaking after the FAA receives the ARC or ARAC recommendation report, the OPR will develop an Application for Rulemaking (Doc #30277). Refer to the Rulemaking Process and Work Instructions for more guidance.

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## APPENDIX A TO PART I: COMMITTEE TEMPLATES

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Template	Doc #
<b>General</b>	
Committee Request Document (CRD)	30279
Appendix to CRD	37914
Rulemaking Calendar	30770
Committee Checklist (optional)	38905
Advisory Committee Meetings Located Outside of Washington, D.C. memo	41602
<b>ARC</b>	
Charter	32760
Charter Extension	37726
Charter Renewal	37727
Transmittal Memo – AOA Issuance, Establish/Renew	32570
Transmittal Memo – AOA Issuance, Extend	34332
Industry Co-Chair Acceptance Letter (optional)	34330
FAA Acknowledgement Letter of Recommendation Report	33934
ARC Feedback Form	ARM-001-015-F3, <a href="#">ARM QMS website</a>
<b>ARAC</b>	
<i>Federal Register</i> Tasking Notice	21323
<i>Federal Register</i> Continuation of Tasking Notice	41769
Acceptance Letter of working group member (optional)	32989
Rejection Letter of working group member (optional)	32990
Work Plan	32947
FAA Acknowledgment Letter of Recommendation Report	32991
ARAC Feedback Form	ARM-001-015-F2, <a href="#">ARM QMS website</a>
ARAC Working Group Comment/Feedback Form	ARM-001-015-F4, <a href="#">ARM QMS website</a>
Advisory Committee Meeting Location Form	ARM 001-015-F1, <a href="#">ARM QMS website</a>

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## PART II: AVIATION RULEMAKING COMMITTEES (ARC)

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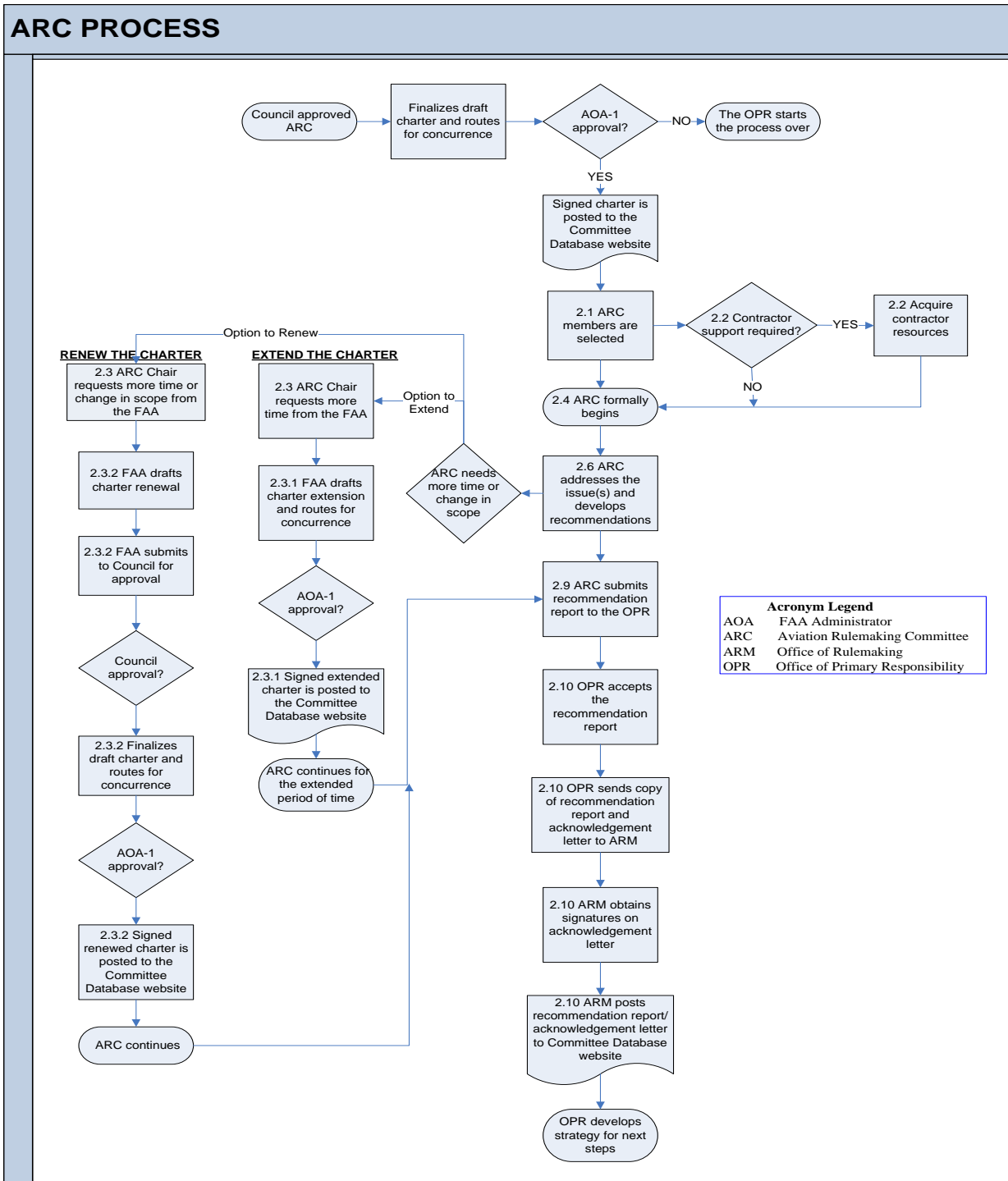
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## ARC PROCESS FLOWCHART



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## CHAPTER 1.0: GENERAL INFORMATION

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### 1.1 HISTORY OF THE ARC

---

Title 49 of the United States Code (49 U.S.C.) section 106(p) (5), authorizes the FAA Administrator to establish ARCs that are exempt from FACA requirements.

### 1.2 DEFINITION OF THE ARC

---

The ARC functions solely in an advisory capacity. Non-Government representatives serve without Government compensation and bear all costs related to their participation on the ARC. The FAA has the sole authority to establish and task the ARC and to give direction to the ARC about its workload, specific deadlines, expected deliverables, etc. This allows the FAA to work with industry and the public to improve the development of the FAA's regulations. The ARC may not work on issues without the FAA's direction. The ARC members may include aviation associations, technical experts, public interest and advocacy groups, and other government agencies. The ARC may establish formal operating procedures for day-to-day operations.

### 1.3 OBJECTIVES OF THE ARC

---

The FAA establishes an ARC to:


- Improve development of the FAA's regulations by involving members of the aviation community early in the development process.
  - Includes both industry and public concerns and opinions in the recommendation report to enhance the probability of acceptance when a document is published by the FAA.
  - Avoids placing unnecessary burdens on industry and the public because of a lack of information.
- Exchange ideas through the ARC process, which gives the FAA additional opportunities to obtain first-hand information and insight from those parties most affected by existing and proposed regulations and other regulatory information.

### 1.4 COMPLYING WITH THE APA REQUIREMENTS

---

The ARC is not subject to the FACA; however the FAA must adhere to the APA requirements if the ARC's activities affect a rulemaking project. Depending upon the stage of the rulemaking, the ARC recommendations may be subject to additional requirements in order for the FAA to satisfy the APA.

If the ARC recommendations are the basis for an Advanced Notice of Proposed Rulemaking (ANPRM), Notice of Proposed Rulemaking (NPRM) or Supplemental Notice of Proposed

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Rulemaking (SNPRM), there are no additional public notice requirements for the recommendation report. The ARC recommendations should, however, be explicitly discussed in the preamble of these documents.

If the ARC is providing recommendations that respond to public comments submitted in response to an ANPRM/NPRM/SNPRM, the FAA must allow the public the opportunity to comment on the ARC's recommendations.

- If the FAA receives the ARC recommendations while the comment period is open, the ARC Facilitator should post the recommendations in the docket.
- If the ARC submits its recommendations after the comment period is closed, the FAA should re-open the comment period to allow for public comment on the recommendations. This will help to avoid inappropriate ex-parte contacts.

Comment periods on the ARC recommendations should not be for less than 30 calendar days unless justified. The agency has the option of holding a public meeting on the recommendations in addition to the re-opening of the comment period. The OPR should consult with the Office of the Assistant Chief Counsel, International Law, Legislative, and Regulations and the Office of Rulemaking early in the process to help determine the necessary steps.

## 1.5 ARC ORGANIZATION

---

**ARC:** A group of aviation industry, the FAA, and public interest representatives who work together to develop and submit a recommendation report that addresses the charter's taskings. (See [Chapter 2.0, ARC Process](#), of this part for more guidance.)


**Task group:** Consists of members of the ARC who temporarily volunteer to complete a specific task. (See [section 2.5, Creating a Temporary Task Group](#), of this part for more guidance.)

The positions within an ARC are:

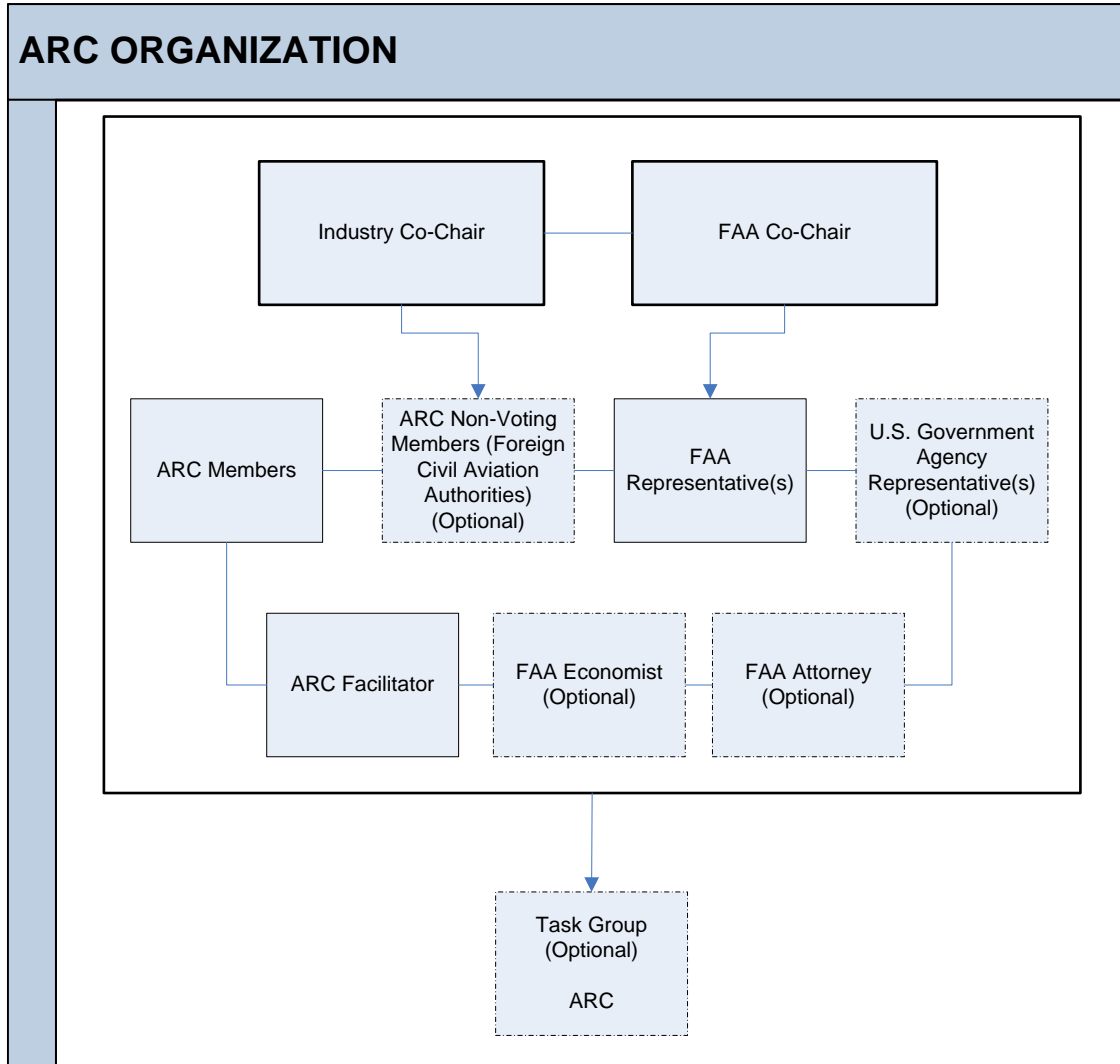
- Industry Co-Chair,
- FAA Co-Chair,
- ARC Members,
- ARC Non-Voting Members (optional),
- U.S. Government Agency Representative(s) (optional),
- FAA Representative(s),
- ARC Facilitator,
- FAA Attorney (optional), and
- FAA Economist (optional)


(See [Chapter 3.0, Roles and Responsibilities](#), of this part for more guidance.)



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**Table 1-1**  
**ARC Organization**



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## Chapter 2.0: ARC Process

---

### 2.1 MEMBERSHIP

---

The FAA establishes the ARC with members of the aviation community, including public interest and advocacy groups, other U.S. government agencies, and foreign civil aviation authorities. Members are selected based on their familiarity with the subject and regulatory compliance. Membership is balanced in viewpoints, interests, and knowledge of the committee's objectives and the scope is limited to promote discussion.

Membership may be limited to specific individuals, specific representatives of companies, or specific organizations that would provide the expertise needed. If the issue has an international or harmonization element to it, then a representative from a foreign civil aviation authority is asked to join as a non-voting member. The Office of Rulemaking will ensure each ARC complies with the most current Office of Management and Budget guidance on the appointment of lobbyists to Federal advisory committees, boards, and commissions.

#### 2.1.1 Selecting and Informing Members


The OPR can begin selecting member organizations during the coordination of the ARC charter. The OPR should allow other FAA offices that have a stake in the issue and senior management an opportunity to vet candidates for ARC membership before making the final selections. After the charter is signed, the OPR contacts the member organizations to inform them of the selection and request a nomination for the ARC participant.

Members must have at a minimum:

- Relevant expertise,
- Position with decision-making ability in the organization,
- Ability to work constructively in a group environment, and
- Ability and willingness to commit to long-term participation on the committee.

The OPR provides the membership list to the Office of Rulemaking. The membership list contains each member's name and organization or affiliation. The Office of Rulemaking maintains the membership list with the other official documents for the ARC.

The FAA may, but is not required to, publish a *Federal Register* notice soliciting ARC members. If the decision is made to seek members through a public notice, the FAA should include membership criteria for the ARC in the notice. This minimizes the possibility of receiving a large number of requests for membership and provides a basis for making objective selections.

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When the FAA selects an Industry Co-Chair to lead the ARC, the FAA Co-Chair informs the Industry Co-Chair of his or her selection. (The ARC Facilitator can provide the FAA Co-Chair a template to use to inform the Industry Co-Chair, if requested (Doc#34330.))

When the FAA is ready to start the ARC, the FAA Co-Chair informs the ARC members about:

- General information about the first meeting; location, dates, time, etc.,
- The signed charter,
- The membership list, and
- Information about the Co-Chairs.

It is during this time the FAA Co-Chair and the Industry Co-Chair should begin discussing if it will be necessary to include an FAA Attorney, an FAA Economist, and contractor support during the ARC.

For roles and responsibilities of each member, refer to [Chapter 3.0, Roles and Responsibilities](#), of this part for more guidance.

## 2.2 CONTRACTOR SUPPORT

---

As the OPR establishes the ARC, the FAA Co-Chair should consult with the Industry Co-Chair to determine if contractor support is necessary. If it is, the FAA office funding the contractor support should begin putting the contract in place so that when the ARC meets for the first time, the contractor is on board.

## 2.3 EXTENDING OR RENEWING THE CHARTER

---


In the event the ARC needs more time to complete the tasking or requests a change in scope to the tasking, and the OPR agrees, the FAA can extend or renew the charter. To determine which one is appropriate, use the following descriptions:

**Extend** - when the charter is still active or expired and there is no change in scope, but more time is needed to complete the tasking.

**Renew** - when there is a change in scope to the charter.

### 2.3.1 Extend

**Step 1:** The FAA Co-Chair consults with the FAA management about extending the ARC charter because the members need more time. This process to extend should be initiated 90 days before the expiration date of the original charter.

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**Step 2:** The ARC Facilitator, working with the FAA Co-Chair, prepares the transmittal memo to the FAA Administrator (Doc#34332) requesting an extension to the ARC charter and the draft ARC extension charter (Doc#37726). The memo must specify the reason(s) for the extension and the amount of additional time needed to complete the task.

**Step 3:** The ARC Facilitator coordinates the memo and the draft ARC charter extension for review, concurrence, and issuance. (See [Part I, section 3.3, Finalizing and Coordinating the Document](#), for more guidance.)

**Step 4:** Once the FAA Administrator issues the charter extension, the ARC Facilitator sends it to the OPR. The ARM-20 Council Coordinator or Committee Process Author posts the charter extension to the [Committee Database website](#), uploads the document into the document management system, and files the charter for official recordkeeping. (See [Part I, section 3.5, Posting to the Committee Database](#), for more guidance.)


### 2.3.2 Renew

**Step 1:** The FAA Co-Chair consults with the FAA management about renewing the ARC charter because of a change in scope. If management agrees, the OPR completes and submits an Appendix to the CRD (Doc #37914) with the draft ARC charter renewal to the Rulemaking Management Council for approval. This process follows the annual Rulemaking calendar (Doc#30770). (See [Part I, section 3.2, Submitting and Approving the CRD](#), for more guidance.)

**Step 2:** After the Rulemaking Management Council approves the ARC charter renewal, the ARC Facilitator prepares the transmittal memo to the FAA Administrator (Doc#32570). The memo must specify the reasons for the change in scope and the amount of additional time needed to complete the task.

**Step 3:** The ARC Facilitator coordinates the memo and the draft ARC charter renewal for review, concurrence, and issuance. (See [Part I, section 3.3, Finalizing and Coordinating the Document](#), for more guidance.)

**Step 4:** Once the FAA Administrator issues the charter, the ARC Facilitator sends it to the OPR. The ARM-20 Council Coordinator or Committee Process Author posts the ARC charter renewal to the [Committee Database website](#), uploads the document into the document management system, and files the charter for official recordkeeping. (See [Part I, section 3.5, Posting to the Committee Database](#), for more guidance.)

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## 2.4 ARC MEETINGS

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The FAA is not required to publish announcements in the *Federal Register*, prepare meeting minutes, or mandate operational and spending reports. Neither the Department of Transportation (DOT) nor the General Services Administration is required to review ARC charters or file annual reports. All information shared and given to the FAA is subject to the Freedom of Information Act (FOIA). The ARC recommendation report and associated documents may also be subject to the FOIA. (See [Appendix A, FOIA](#), of this part for more guidance.)

The ARC meeting may be held at any location that is reasonable and accessible to the members, and agreed to by the FAA. Locations may include Federal Buildings, hotel conference rooms, or the conference rooms of ARC members. Meetings held outside of the United States must receive prior approval from the Director of the sponsoring office. (See Advisory Committee Meetings Located Outside of Washington, D.C. memo (Doc#41602) and [Appendix C, Meeting Location](#), of this part for more guidance.)

Meeting minutes are not required. However, it is recommended that the ARC capture in an appropriate format; the discussions, consensus, including majority and dissenting positions, and if requested, suggested rule text.

### 2.4.1 Inviting a Subject Matter Expert to a Meeting

From time to time, the ARC may need additional information. An ARC member, with approval from the Co-Chairs, may invite persons other than ARC members to speak directly to the ARC, participate in its discussions, and act in a consultant capacity. These invited persons are not members of the ARC and may not participate in reaching consensus.


## 2.5 CREATING A TEMPORARY TASK GROUP

---

If necessary, the Co-Chairs may establish a task group, which is a temporary subgroup within the ARC, to solve individual issues. The issues arise throughout discussion during meetings. The Industry Co-Chair identifies the assignments for the task group and the ARC members volunteer to be part of the task group.

A task group should:

- Research the assignment,
- Document the findings,
- Brief the ARC, and
- Disband when the assignment(s) is complete.

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## 2.6 DEVELOPING THE RECOMMENDATION REPORT

---

A recommendation report describes the outcome of the research and analysis of the tasking. It contains the specific details, including:

- Summary,
- Background information,
- Research information,
- Task group assignments and findings,
- Issues as a result of the research and task group findings,
- Consensus, including majority and dissenting opinions, and
- Recommendations.

The Co-Chairs lead the ARC in developing the recommendation report. The ARC should:


- Research and analyze information they have collected.
- Actively represent his or her organization’s viewpoints and keep management apprised of the findings.
  - Should discuss, but not document, with management the overall concepts and ideas.
  - Discuss any potential concerns from the organization’s standpoint.
  - Cannot share the actual recommendation report until it is submitted to the FAA.
- Take notes (suggested, but not required.)
- Identify any discussions to include in the recommendation report; including majority positions, dissenting positions, non-voting member positions, task group findings, and areas in which the ARC is unable to reach consensus. (See [Chapter 4.0 Consensus](#), of this part for more guidance.)
- Mark any draft documents the FAA Co-Chair distributes for review as “DRAFT WORKING MATERIAL—NOT FOR PUBLIC RELEASE.”
- Be advised on potential issues with any of the recommendations by the FAA Attorney or the FAA Economist, if providing support.
- Be advised by the FAA on its position and be provided any technical or process guidance.

If the ARC is considering recommendations the FAA may not accept, the FAA Co-Chair should inform the ARC and explain why those positions would not likely be supported. This explanation should be included in the final recommendation report.

## 2.7 FINALIZING THE RECOMMENDATION REPORT

---

The ARC should reach consensus on the final draft of recommendation report. After the ARC reaches consensus, the Co-Chairs ensure:

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- Taskings from the charter are addressed and the recommendation report fulfills the direction given by the FAA.
- Decisions are reasonable, well supported, justified, and appropriate to the tasking.
- Positions are clearly stated.
- Majority and dissenting positions are documented, if consensus was not reached.
- The document is written in plain language, which ensures the reader can:
  - Find what they need,
  - Understand what they find, and
  - Use what they find to meet their needs.
- Each ARC member reviews the concepts and findings with their management.

At the final ARC meeting, the ARC Facilitator obtains feedback from ARC participants on the committee process using the ARC Feedback Form (ARM 001-015-F3, [ARM QMS website](#)), submits all forms to the ARM-20 QMS Management Representative, and then files for official recordkeeping.

## 2.8 SUBMITTING THE RECOMMENDATION REPORT

---

The Co-Chairs submit the final recommendation report to the ARC sponsor and the Director of the Office of Rulemaking. The ARC is considered complete.

## 2.9 ACKNOWLEDGING THE RECOMMENDATION REPORT

---

After the ARC sponsor receives the recommendation report, the OPR, with assistance from the Office of Rulemaking, prepares an acknowledgement letter (Doc#33934) thanking the ARC for its efforts and the recommendation report. The letter is reviewed and concurred with by the OPR and the Office of Rulemaking and is signed by the ARC sponsor. The Office of Rulemaking mails the signed letter and sends a copy of the signed letter to the OPR.

## 2.10 FAA ACTION

---


Once the OPR receives the recommendation report, the OPR consults with management and other affected lines of business about how to proceed and when to release the recommendation report. The FAA should inform the ARC of the plan of action as a result to the recommendation report.

If the OPR decides to proceed with rulemaking, it will develop an Application for Rulemaking and proceed in accordance with the Rulemaking Process. (For more information on the rulemaking process, refer to the Rulemaking Process and Work Instructions.) In some cases, the recommendation report will not be made publicly available until after an NPRM or guidance material publishes. (See [Part I, section 3.5, Posting to the Committee Database Website](#), for more guidance.)

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If the OPR decides to not proceed with rulemaking, it will address the recommendation report through other actions and decide when to make the report available to the public.

As the FAA reviews the recommendation report and determines it has questions, the FAA can contact the ARC for clarification. The FAA cannot ask or task the ARC to provide any new information without establishing a new ARC charter.


## 2.11 CLOSING THE ARC

---

The ARC Facilitator closes the ARC by completing the following:

- Update the milestones in IRMIS and close the project.
- Send the ARM-20 Council Coordinator or Committee Process Author all relevant documents to post to the [Committee Database website](#).
  - The recommendation report is posted when the OPR approves the release of it.
- Upload any of the following documents into the FAA’s document management system:
  - CRD and Appendix, if appropriate,
  - ARC charter, including extensions and renewals, if appropriate,
  - ARC Membership list,
  - Recommendation Report,
  - FAA Acknowledgement letter,
  - Feedback Forms, and
  - Other related materials.
- File all documents for official recordkeeping.
- Provide the ARM-20 QMS Management Representative all ARC Feedback forms (ARM-001-015-F3, [ARM QMS website](#)) and file for official recordkeeping.
- Use the optional Committee Checklist (Doc#38905) as a guide to ensure all required documentation was met.



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## CHAPTER 3.0: ROLES AND RESPONSIBILITIES

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### 3.1 OPR/SPONSORING ORGANIZATION

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- Develop the ARC charter.
- Ensure the FAA agrees on the basic policy direction before issuing the charter. For example, does the FAA want the ARC to recommend a regulatory solution, guidance documents, or something else?
- Select the FAA Co-Chair and the FAA Representatives.
- Select members for the ARC by consulting with other agency offices that have a stake in the issue and senior management before making the final selections.
- Ensure that agency personnel assigned to the ARC are sufficiently equipped to participate effectively in the ARC.
- If contractor support is required, the office funding the contractor obtains and manages the contracts.
- Ensure the ARC recommendation report is evaluated and a decision whether or not to take action on the recommendations is rendered in a timely manner and with full justification.
- Decide when to post the recommendation report to the [Committee Database website](#).


### 3.2 FAA CO-CHAIR

---

- Ensure the FAA agrees on the basic policy direction before issuing the charter. For example, does the FAA want the ARC to recommend a regulatory solution, guidance documents, or something else?
- Serve as the FAA’s spokesperson for all ARC activity and communication between the ARC and the FAA.
- Select members for the ARC by consulting with other agency offices that have a stake in the issue and senior management before making the final selections.
- Ensure the ARC has a clear understanding of the FAA task assignment and completion date.
- Determine jointly with the Industry Co-Chair, and in consultation with the ARC, when a meeting is required.
- Provide relevant background material to the ARC, including relevant petitions for rulemaking and exemption.
- Share the “rules of engagement” as well as any other appropriate guidance with the ARC at the initial meeting. (See [Appendix B, Anti-Trust Guidelines for Committees](#), of this part for more guidance.)
- Manage meeting logistics with the Industry Co-Chair (schedule meetings, obtain conference rooms, take notes, etc.).

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- Decide on a case-by-case basis whether petitions for rulemaking and exemptions submitted to the FAA after the ARC has begun its deliberations should be addressed in the final recommendation report.
- Participate fully in the discussions and deliberations of the ARC.
- Keep management up-to-date on the ARC developments.
- Work through the ARC Facilitator to obtain economic, legal, and contractor support, when required.
- Work with the ARC Facilitator when deciding whether to extend or renew the ARC charter.
- Ensure the recommendation report addresses the charter taskings and documents majority and dissenting positions.

### 3.3 INDUSTRY CO-CHAIR


---

- Ensure the ARC has a clear understanding of the FAA task assignment and completion date.
- Ensure that ground rules are adopted and understood by the ARC.
- Determine jointly with the FAA Co-Chair and in consultation with the ARC about tentative meeting dates and locations in advance to reduce work conflicts and costs.
- Draft agendas and conduct meetings.
- Review background material relevant to the task, including relevant petitions for rulemaking and exemption.
- Decide if notes should be taken.
- Designate assignments to the task group and disband the task group when the assignment is complete.
- Ensure motions are voted and recorded, and all decisions and consensus are documented at each meeting, including the majority and dissenting positions.
- Work with the FAA Co-Chair to maintain an optimum group size.
- Promote collaboration and consider all elements contributed by participants.
- Resolve conflict.
- Ensure the recommendation report addresses the charter taskings and documents majority and dissenting positions.

### 3.4 ARC MEMBERS

---

- Actively represent the organization or industry by contributing respective aviation knowledge and expertise.
- Attend meetings on a regular and consistent basis.
- Advise on matters of importance to the aviation industry and traveling public.
- Participate in task groups, as necessary.

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- Discuss with management and constituents to gain knowledge, expertise, and input throughout the process to actively represent an organization’s viewpoints.
- Contribute to the recommendation report.
- Agree to not post draft documents on an organization’s website to obtain general input.

### 3.5 ARC NON-VOTING MEMBERS

---

- Contribute respective aviation knowledge and expertise.
- Attend meetings on a regular and consistent basis.
- Advise on matters of importance to the international aviation industry and traveling public.
- Participate in task groups, as necessary.
- Coordinate with the constituents in the aviation sector.
- Contribute to the recommendation report.
- Agree to not post draft documents on an organization’s website to obtain general input.

### 3.6 FAA REPRESENTATIVE(S)

---

- Participate fully in the discussions and deliberations.
- Contribute respective aviation knowledge and expertise.
- Advise on matters of importance to the FAA in reference to the subject and tasks.
- Attend meetings on a regular and consistent basis.
- Participate in task groups, as necessary.
- Keep management up-to-date on the ARC developments.
- Contribute to the recommendation report.

### 3.7 U.S. GOVERNMENT AGENCY REPRESENTATIVE(S)

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- Participate fully in the discussions and deliberations.
- Contribute respective aviation knowledge and expertise.
- Attend meetings on a regular and consistent basis.
- Participate in task groups, as necessary.
- Advise on matters of importance to the U.S. government agency in reference to the subject and tasks.
- Keep management up-to-date on the ARC developments.

### 3.8 ARC FACILITATOR

---

The ARC Facilitator is either an Office of Rulemaking Analyst or a directorate technical writer-editor. When starting the ARC, the ARC Facilitator should:

- Ensure the charter contains clearly defined deliverables and a schedule.

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- Assist the OPR with finalizing the charter.
- Advise the OPR to keep the membership to a minimum number.
- Work with the OPR to secure senior management acceptance of candidates for the ARC membership.
- Vet the ARC members through the [lobbyist database](#), if necessary.
- Advise the OPR that it is not necessary to publish a notice in the *Federal Register* requesting membership.
- Ensure the OPR understands it cannot hold an ARC meeting without an issued charter.
- Ensure the OPR has planned appropriately for contractor support, if needed.

During the first meeting, the ARC Facilitator should:


- Present to the ARC about the ARC and rulemaking processes.
- Remind the ARC that the FAA may decide to take action on all, some, or none of the ARC's recommendations.

Throughout the duration of the ARC, the ARC Facilitator should:

- Attend meetings, when possible and if appropriate.
- Participate as an ARC member, when warranted.
- Provide support and advice to the ARC, the FAA Co-Chair and the Industry Co-Chair, as requested.
- Keep the Office of Rulemaking management up-to-date on ARC developments, such as expected deliverables and any problems that have arose.
- Ensure the ARC stays within the scope of the charter and the taskings.
- Work with the OPR when deciding whether to extend or renew the ARC charter.
- Unless specifically tasked in the charter, ensure the ARC recommendation report is not in the form of a rulemaking document (such as an NPRM or final rule.) It is acceptable for the ARC to include specific rule language and supporting rationale, if requested by the OPR.
- Serve as a conduit to other support offices involved in rulemaking when their expertise is required to answer questions or resolve issues.
- Provide general guidance to the ARC, as needed, regarding agency rulemaking processes (e.g., ex-parte discussions, disposition of comments, etc.). The ARC Facilitator should work with the FAA Attorney as early as possible if specific ex-parte issues or legal questions come up in the ARC.
- Arrange for public meetings or re-opening of comment period (as appropriate) in order to meet APA requirements when the ARC is developing recommendations in response to an FAA-issued ANPRM, NPRM or SNPRM. The ARC Facilitator should work closely with the FAA Attorney as early as possible to ensure the APA requirements are met.
- Obtain feedback from the ARC on the committee process using the ARC Feedback form (ARM 001-015-F3, [ARM QMS website](#)) at the final ARC meeting. All Feedback forms

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should be submitted to the ARM-20 QMS Management Representative and then filed for official recordkeeping.

- Use the optional Committee Checklist (Doc#38905) as a guide throughout.


After the recommendation report is submitted to the FAA, the ARC Facilitator should:

- Prepare and coordinate the letter acknowledging receipt of the ARC recommendation report (Doc#33934).
- Update the project in IRMIS and close it.
- Upload the following documents to the FAA’s document management system:
  - CRD and Appendix, if appropriate,
  - ARC charter, including extensions or renewals, if appropriate,
  - Membership list,
  - Recommendation Report,
  - FAA Acknowledgement letter,
  - ARC Feedback form, and
  - Other related materials.
- Provide the appropriate documents to ARM-20 Council Coordinator or Committee Process Author to post to the [Committee Database website](#).
- File documents for official recordkeeping.
- Use the optional Committee Checklist (Doc#38905) as a guide to ensure all required documentation was met.

### 3.9 THE FAA ATTORNEY

---

- Participate as an ARC member, when warranted.
- Inform the ARC of any opinions, concerns, and objections regarding the ARC’s activities.
- Work with the ARC to resolve of any concerns, including legal issues.
- Provide the FAA Co-Chair with a copy of all legal comments and concerns.
- Consult with the Office of the Assistant Chief Counsel, International Law, Legislative, and Regulations division management, as appropriate; to ensure a unified FAA legal position is presented.
- Provide general guidance to the ARC, as needed, regarding agency rulemaking processes (e.g., ex-parte discussions, legal questions, etc.).
- Advise the ARC as early as possible to ensure the APA requirements are met, when the ARC is developing recommendations in response to an FAA-issued ANPRM, NPRM or SNPRM.

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### 3.10 THE FAA ECONOMIST

---

- Participate as an ARC member, when warranted.
- Keep the FAA Co-Chair informed of any opinions, concerns, and objections regarding the ARC's activities.
- Meet with the FAA Co-Chair to identify concerns that should be addressed in the ARC's recommendation report.
- Advise on the economic consequences of actions considered by the ARC.
- Provide the FAA Co-Chair with a copy of all economic comments and concerns.
- Consult with the Office of Policy and Plans management, as appropriate; to ensure a unified FAA economic position is presented.

### 3.11 ARM-20 COUNCIL COORDINATOR

---

- Maintain the official FAA ARC records.
- Maintain the [Committee Database website](#).
- Maintain the CRD and Appendix to CRD templates

### 3.12 ARM-20 QMS MANAGEMENT REPRESENTATIVE


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- Input the completed ARC Feedback form (ARM 001-015-F3, [ARM QMS website](#)) into the Quality Management System Information Technical Support (QMITS) module.

### 3.13 COMMITTEE PROCESS AUTHOR

---

- Maintain the official FAA ARC records.
- Maintain the [Committee Database website](#).
- Maintain the Committee Manual and all associated templates.

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## CHAPTER 4.0: CONSENSUS

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### 4.1 DEFINITIONS RELATED TO CONSENSUS

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Consensus:

- Agreement by all parties that a specific course of action is acceptable.
- Requires debate and deliberation between divergent segments of the aviation industry, the flying public, and the Government.
- Does not mean that “majority rules.” Consensus can be unanimous or near unanimous.

There are different outcomes of consensus, which include:

- **Full consensus:** All members agree fully in context and principle and fully support the specific course of action.
- **General consensus:** Although there may be disagreement, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptance of the group. Although not every member fully agrees in context and principle, all members support the overall position of the ARC and agree not to object to the proposed recommendation report.
- **Dissent:** A differing in opinions about the specific course of action. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

### 4.2 CONSENSUS PROCESS

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#### 4.2.1 Determining Consensus

Each ARC should establish a process by which it determines if consensus has been reached. During the first meeting, the ARC determines how to measure consensus; by either voting or polling.

#### 4.2.2 Documenting Consensus

While consensus is desirable for every phase of the ARC process, it is more important to provide the FAA decision makers with the best information and analysis possible, including differing perspectives. If disagreement occurs in later phases of the rulemaking process, it becomes counterproductive to the ARC’s objectives and extremely costly to the FAA.



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#### 4.2.2.1 Full Consensus

Ensure the recommendation report states every ARC member is in full agreement with the recommendation(s).

#### 4.2.2.2 General Consensus

It is important to the FAA to understand both the majority and dissenting positions. The dissenting positions should be documented explaining the concern with the majority recommendation(s).

#### 4.2.2.3 Dissenting Position

There may be times when member(s) or the entire ARC cannot reach agreement on the recommendation(s).


If the entire ARC cannot reach agreement on the recommendation(s), the Industry Co-Chair submits a statement to the Director of the sponsoring office explaining the issues and concerns and why an agreement was not reached.

If a member(s) does not concur with a recommendation(s) or the entire recommendation report, then this dissenting position is documented in the recommendation report. The dissenting member(s) drafts the dissenting position for the recommendation report. If a dissenting member(s) presents a written objection, the ARC documents its position relative to the objection with the reason why the ARC chose and retains its position. This documentation of objections and positions offers additional opportunity for meaningful communication among the ARC in the hopes of attaining consensus. With this exercise, disagreements can often be resolved through compromise.

**Table 4-1**  
**Consensus**

If major opposition to the ARC's position exists...	
The person opposing:	The ARC:
<ul style="list-style-type: none"> <li>• Documents his or her position.</li> <li>• Summarizes his or her understanding of the group's position.</li> <li>• States why he or she believes the opposing position better addresses the issue and submits any necessary documentation to the ARC.</li> <li>• Submits the documentation to the FAA as part of the ARC's recommendation report.</li> </ul>	<ul style="list-style-type: none"> <li>• Documents its position.</li> <li>• Summarizes its understanding of the opposition's position.</li> <li>• States why the ARC believes its position better addresses the issue and why the opposing position should not be accepted.</li> <li>• Submits the documentation to the FAA as part of the ARC's recommendation report.</li> </ul>




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#### 4.2.2.4 ARC Non-voting Member's View

In addition, there may be additional participants at the meeting (e.g., representatives of other aviation authorities) who do not have decision-making privileges as official members. These ARC non-voting members may offer positions differing from the ARC's general consensus. In that case, the ARC should report consensus with a note describing the non-voting member(s) views.

#### 4.2.3 Requesting a Facilitator


It may be advantageous to bring in a group facilitator to ensure all avenues of the problem have been explored and investigated. If the ARC wishes to use a facilitator to help reach consensus, the Industry Co-Chair will ask the FAA Co-Chair to arrange for the services of a facilitator or the FAA may consider requests for a facilitator from a member organization.

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## CHAPTER 5.0: COMMUNICATIONS AND GUIDELINES

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- During the development of the ARC recommendations, communication between the FAA staff and the ARC should be open and fluid. Communication should be for the purpose of obtaining a thorough understanding of the problem being addressed and gathering information and data in order to thoroughly evaluate the technical implications and cost impact of the action under consideration.
- The FAA and the DOT policy specifically prohibit providing parties outside the government with the text of rulemaking documents under consideration. However, there may be exceptions if the ARC is tasked to assist the FAA in developing rulemaking documents. The APA requirements would continue to apply.
- The FAA can communicate with the public to seek information to resolve questions of substance and provide justification for a proposed action. However, the preamble text should not be shared before a rule is published.
- Communication during a comment period is strongly discouraged. Such communication would fall within the ex-parte communication guidelines set forth in the DOT Order 2100.2—Policies for Public Contact in Rulemaking. Specifically, the FAA staff should avoid contacting the ARC members to discuss specifics of a rulemaking. Anyone, including the ARC members, who contact the agency for the purpose of discussing a proposal during the comment period, should be advised to submit a written comment to the official docket. An exception to this arises if the FAA chooses to task the ARC to assist the agency in disposing of comments received during the comment period.
- Contact made after the close of the comment period should be avoided. Minimizing such contact avoids the appearance of improper influence. An exception to this arises if the FAA chooses to task the ARC to assist the agency in dispositioning of comments received during the comment period.

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## APPENDIX A TO PART II: FREEDOM OF INFORMATION ACT

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Under the Freedom of Information Act (FOIA), the FAA must make records available upon a request that reasonably describes the records and is made in accordance with published rules, unless the records fall within one of the [nine FOIA exemptions](#). Therefore, any ARC information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions.

The FAA personnel participating in the ARC must be aware of the type of information in their possession. For example, if manufacturers share sensitive data with the ARC, the FAA personnel may look at and discuss the data during the meeting without the information being subject to a FOIA request. If FAA personnel take possession of the information upon leaving the meeting, then the ARC information is releasable under the FOIA. If FAA personnel need data to complete the ARC assignment, they should make sure the data is in a form or format that would be releasable under the FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA personnel takes possession of the documents. (See FOIA, 5 U.S.C. § 552. Also, see [Part I; section 1.3 Proprietary Information](#), for more guidance.)

However, at times the FAA may deem it appropriate to exercise its options under the FOIA exemption 5 to withhold recommendations, opinions, and analyses under the deliberative process privilege. To allow release of these documents would discourage the open and frank discussions between agency employees and create confusion in those cases where the FAA does not adopt recommendations and opinions. Exemption 5 allows the agency to protect deliberative, pre-decisional materials, such as advisory opinions, and recommendations presented by agency staff while reaching a final determination or position on any particular matter under agency consideration. Typically, the requested ARC documents can be made available to the public after publication of the relevant rule.

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## APPENDIX B TO PART II: ANTI-TRUST GUIDELINES FOR COMMITTEES

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These guidelines apply to any meeting or gathering of competitors, so they apply at meetings with other trade associations or government representatives; and at gatherings, such as Committee dinners that may follow a meeting. Participants should observe the following guidelines:

### B.1 MEETINGS AND GATHERINGS


---

- Avoid any discussions or conduct that violates antitrust laws or raises an appearance of impropriety.
- At meetings, limit discussions and materials to agenda topics (unless additional topics and materials have been approved by counsel).
- Discontinue the discussion and consult with counsel whenever questions regarding antitrust compliance arise.
- Do not stay at a meeting, or any other gathering, if discussions mentioned below are taking place.

### B.2 INFORMATION

---


- Do not discuss or share:
  - Any company's confidential or proprietary information.
  - No discussion or agreements, either explicit or implicit, regarding prices of particular products or services of a company.
  - Any company's purchasing plans for particular products or services.
  - Any company's specific merger/divestment plans, market allocation, development plans, inventories and costs (only publicly available information should be discussed or shared).
  - Specific company compliance costs, unless information is publicly available.
  - Information that your company considers to be confidential or sensitive, even if that information does not fit in any other category above.
- Do not forecast prices for goods or services.
- Any discussion regarding potential economic scenarios that may arise must be limited to generalities. There should be no discussion of how individual companies intend to respond to potential economic scenarios or government action.

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### B.3 VENDORS AND PRODUCTS

---

- There shall be no:
  - Agreement or discussion regarding the purchase or sale of a product or service – purchasing and selling decisions are an independent company decision.
  - Agreement by all companies to use a product or service or that one product or service is preferred.
  - Agreement by all companies not to use a product or service or that one product or service is not preferred.
- Individual companies may share fact-based experiences but should not make explicit recommendations for or denunciations of a vendor at meetings.
- All discussions related to vendor products and services must be grounded in facts.
- Do not make disparaging remarks about vendors.
- Do not make subjective comments if there is no factual basis.
- You may share information based on facts.

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## APPENDIX C TO PART II: MEETING LOCATION

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### C.1 MEETING LOCATION

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The ARC meetings are not usually open to the public. The ARC meetings may be held in any reasonable and accessible location and as often as necessary to enable the ARC to complete its task. In choosing a location, the Co-Chairs must take into consideration how many people attended similar meetings in the past and the resources and facilities available to the FAA. The Co-Chairs may approve attendance by others and has the right to ask any uninvited persons to leave the ARC meetings.

#### C.1.1 Scheduling Meetings

For the ARC meetings, the Co-Chairs should:

- Choose a meeting location.
- Develop an agenda.
- Notify each ARC member of the meeting, including sending an agenda.
- If holding a public meeting, ensure announcement of the meeting is published in the *Federal Register*.

#### C.1.2 Meetings Held Outside the United States

In addition to the above requirements, the ARC must receive approval to hold the meeting outside the United States from the Director of the sponsoring office, according to the September 16, 2014 “Advisory Committee Meetings Located Outside of Washington, D.C. memo.” (Doc#41602)

#### C.1.3 Change of Meeting Location or Date of Meeting

The ARC is encouraged to develop a meeting schedule. If a scheduled meeting date needs to be changed, a new meeting date should be coordinated between the Co-Chairs and the ARC.

### C.2 TELECONFERENCE

---


Teleconferencing may be used for the ARC meetings. The Co-Chairs should inform the ARC about the teleconference information. If the ARC decides to hold a public meeting, the *Federal Register* notice will inform the public who to contact to arrange for teleconference access.

#### C.2.1 Teleconference Participation

For the ARC meetings, members who wish to participate by telephone should contact the Co-Chairs and follow the above protocol. If the ARC decides to hold a public meeting, persons are allowed to participate by telephone on a first-come, first-served basis. Each speaker should

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announce when he or she is connecting and disconnecting from the teleconference and should identify himself or herself before speaking.

### C.2.2 Meeting Materials

For ARC meetings, teleconference participants obtain meeting materials by contacting the Co-Chairs. If the ARC decides to hold a public meeting, teleconference participants obtain meeting materials by contacting the person listed in the *Federal Register* notice under FOR FURTHER INFORMATION CONTACT.

### C.2.3 Telephone Call Charges


No one is reimbursed for telephone call charges when participating in a teleconference. Callers are responsible for paying long distance telephone charges.

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## PART III: AVIATION RULEMAKING ADVISORY COMMITTEE (ARAC)

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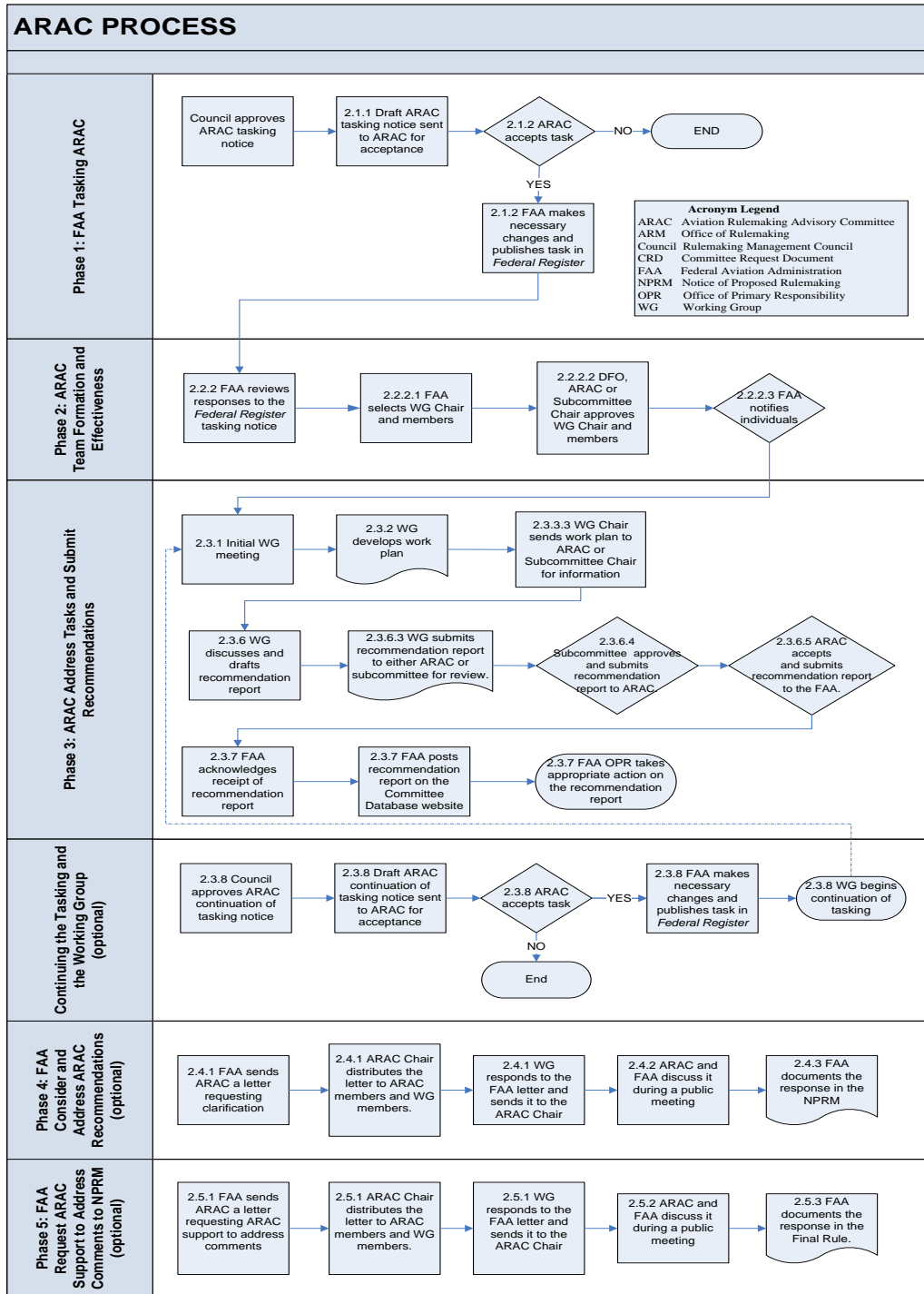
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## ARAC PROCESS FLOWCHART




**Acronym Legend**

ARAC	Aviation Rulemaking Advisory Committee
ARM	Office of Rulemaking
Council	Rulemaking Management Council
CRD	Committee Request Document
FAA	Federal Aviation Administration
NPRM	Notice of Proposed Rulemaking
OPR	Office of Primary Responsibility
WG	Working Group

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## CHAPTER 1.0: GENERAL INFORMATION

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### 1.1 HISTORY OF ARAC

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In 1990, the Secretary of the DOT and the FAA Administrator created a Departmental Task Force on FAA Reform to recommend improvements in operations within the FAA and between the FAA and the Office of the Secretary. The Secretary directed a subgroup of the Task Force to recommend changes that would improve the process of developing safety-related rulemakings. That subgroup proposed the establishment of an advisory committee to serve as a forum for the FAA to obtain input from the aviation industry on major regulatory issues. The Administrator established ARAC, under the auspice of the FACA, for this purpose on February 15, 1991.

### 1.2 FACA

---

The FACA (5 U.S.C., Appendix 2) governs the ARAC's activities and states:

- Unless specified by a law or presidential directive, advisory committees must be used solely for advisory functions,
- Standards and uniform procedures should govern the advisory committee's establishment, operation, administration, and duration, and
- Congress and the public must be kept informed of the advisory committee's purpose, membership, activities, and cost.

The FACA also includes requirements on advisory committee procedures, meetings, publication of notices in the *Federal Register*, annual reports, federal officer or employee attendance, and recordkeeping requirements.

The FACA requires the FAA to review the ARAC charter every 2 years to determine the need to continue the ARAC. The Secretary of Transportation and the General Services Administration must concur each new ARAC charter. (See [Appendix A, Meeting Administration](#), of this part for more guidance.)


### 1.3 DEFINITION OF ARAC

---

The ARAC is a formal standing advisory committee made up of representatives from:

- Advocacy groups,
- Aviation associations,
- Aviation industry,
- Interested members of the aviation community, and
- Public interest groups (to include non-profit organizations).

The FAA Administrator is the sponsor of the ARAC. The ARAC reports to the FAA Administrator, through the Associate Administrator for Aviation Safety, with information, advice, and recommendations related to aviation issues. The FAA has the sole authority to task

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the ARAC, which allows the FAA to work with industry and the public to improve the development of the FAA's regulations.

## 1.4 ARAC OBJECTIVES

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The ARAC's objectives are to:

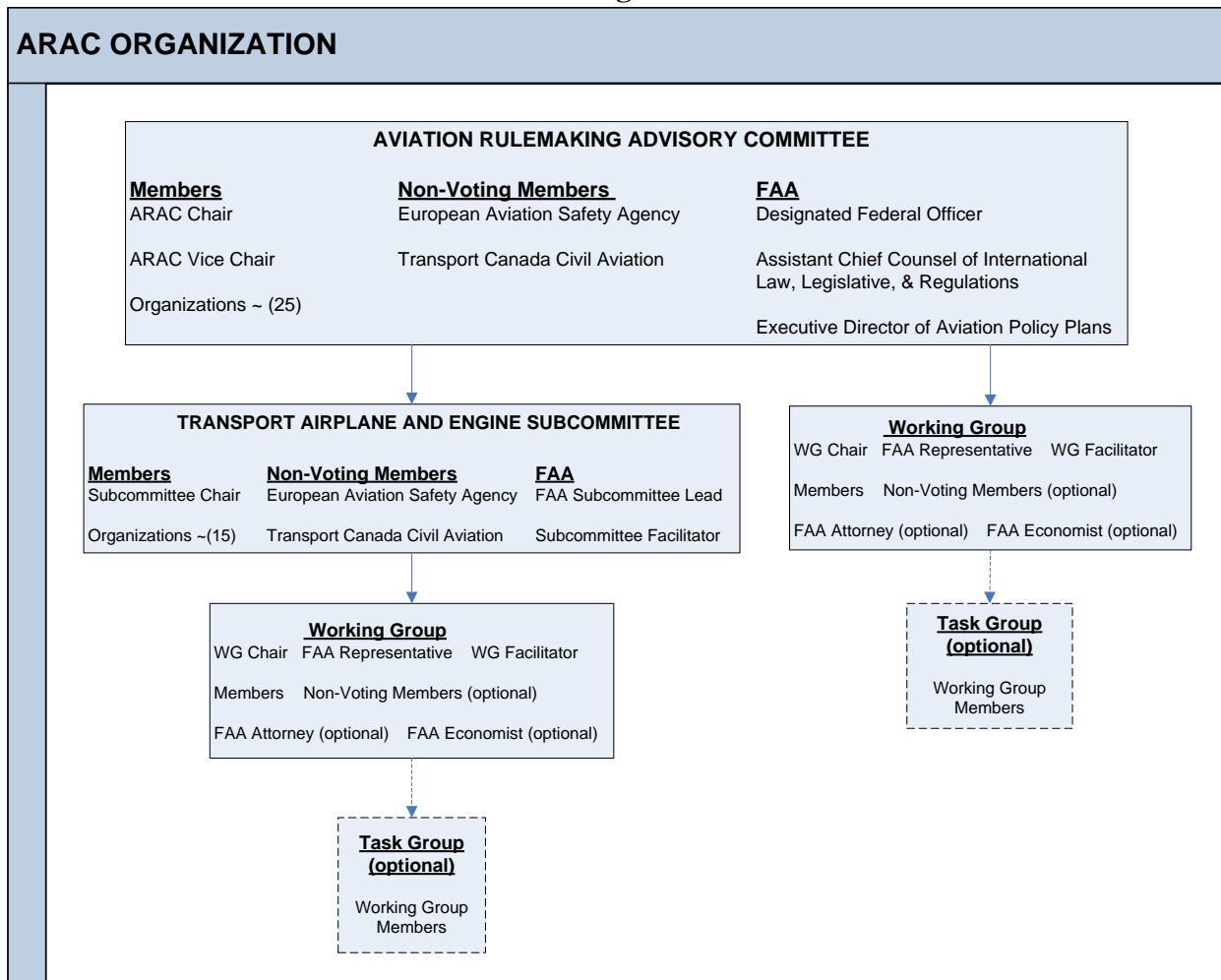
- Improve development of the FAA's regulations by involving interested members of the aviation community early in the development stage.
- Avoid placing unnecessary burdens on the public by providing the FAA with sufficient technical and economic information to develop well-reasoned regulatory and guidance material.
- Include the regulated industry's concerns and opinions in certain documents to reduce the probability of receiving non-supportive public comments when a document is published.
- Exchange ideas through the ARAC process, which gives the FAA additional opportunities to obtain firsthand information and insight from those parties most affected by existing and proposed regulations.

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## 1.5 ARAC ORGANIZATION

The following table displays the ARAC organization.

**Table 1-1**  
**ARAC Organization**




**ARAC:** A group of aviation industry, FAA, and public interest representatives, who oversee the administration of all subcommittee and working group activities. (See [Chapter 2.0 ARAC Process](#), of this part for more guidance.)

**Subcommittee:** A group of aviation industry technical experts in a specific subject area who oversee the administration of all assigned tasks related to the subject area. (See [section 2.1 Phase 1: FAA Tasks the ARAC](#), of this part for more guidance.)

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**Working group:** Individuals who volunteer and are chosen to complete a specific task with a limited time duration. Working groups are *ad hoc* and therefore temporary in nature. (See [section 2.2 Phase 2: Working Group Formation and Effectiveness](#), of this part for more guidance.)

**Task group:** Working group members who temporarily volunteer to complete a specific task. (See [section 2.2 Phase 2: Working Group Formation and Effectiveness](#), of this part for more guidance.)

## 1.6 ARAC MEMBERSHIP

---

The FAA limits the ARAC membership to those organizations that have a substantial interest in or will be substantially affected by the ARAC taskings and recommendations. The designated organizations provide balanced membership in terms of knowledge, expertise, and points of view relative to the ARAC's tasks.

The ARAC membership covers a broad spectrum of aviation interests that relate to:


- Aircraft owners and operators,
- Airmen and flight crewmembers,
- Airports,
- Maintenance providers,
- Manufacturers,
- Public citizen and passenger groups, and
- Training providers.

The ARAC members provide the overall administrative oversight of all activities. The positions within the ARAC are:

- Chair,
- Vice Chair,
- Designated Federal Officer (DFO) (FAA Director of the Office of Rulemaking),
- Subcommittee Chair(s),
- Representatives from the member organizations,
- Representatives from public interest and advocacy groups,
- Representatives from foreign civil aviation authorities (non-voting),
- Executive Director of the Office of Aviation Policy and Plans (FAA), and
- Assistant Chief Counsel of International Law, Legislative, and Regulations (FAA).

The ARAC Chair leads all ARAC activities. If the ARAC Chair is not present, the Vice Chair acts and participates as the Chair.



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### 1.6.1 Selecting Members

When making selections, the FAA ensures the ARAC membership represents a broad cross-section of the aviation industry, as well as the public. The FAA selects organizations to serve on the ARAC to ensure the membership is fairly balanced in terms of knowledge, expertise, and points of view of those represented, and functions to be performed by the ARAC.

The organizations selected as the ARAC members nominate a representative who should:

- Hold appropriate authority in the designated organization to speak for it and the community or industry represented; and
- Provide a balance in points of view regarding the functions and tasks to be performed by the ARAC.


The Associate Administrator for Aviation Safety designates the ARAC Chair and Vice Chair, who serve 2-year terms, unless stated otherwise. Normally, the ARAC Vice Chair succeeds the ARAC Chair. The Associate Administrator for Aviation Safety also designates the ARAC member organizations.

As the taskings change, the FAA may add member organizations if an organization's interests are not represented or may remove a member organization if the organization no longer have a substantial interest. An organization that is not an ARAC member may participate at the subcommittee and working group levels on a task that is of specific interest to that organization. The Office of Rulemaking will ensure the ARAC, the subcommittee, and the working group complies with the most current Office of Management and Budget guidance on the appointment of lobbyists to Federal advisory committees, boards, and commissions.

### 1.6.2 Applying for Membership

If an organization is interested in becoming an ARAC member and believes the interests of that organization are not represented by the current membership, the organization must petition the DFO to become a member. The petition must:

- Indicate a desire to become an ARAC member,
- Explain why the organization believes its interests are not represented by the current membership, and
- Describe the expertise the organization would bring to the ARAC to enrich the ARAC process.
- Requests to become a member should be mailed to:  
Federal Aviation Administration  
Director, Office of Rulemaking  
800 Independence Avenue S.W.  
Washington, DC 20591

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The DFO reviews the petition and notifies the organization whether the petition has been granted or denied.

## 1.7 SUBCOMMITTEES

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### 1.7.1 Functions

The subcommittee functions like the ARAC:

- The meetings are conducted in the same manner,
  - The notices are posted in the *Federal Register* and are open to the public.
- The Subcommittee Chair and the FAA Subcommittee Lead manage each subcommittee.
- The subcommittee reviews and accepts the tasking notice, receives the work plan for information purposes, and reviews and approves the recommendation report.

The subcommittee does not work independently of the ARAC. Subcommittee recommendation reports are submitted to the ARAC for deliberation, discussion and acceptance. The Subcommittee Chair reports the subcommittee activities during the ARAC public meeting.

### 1.7.2 Establishing a Subcommittee


The FAA, in consultation with the ARAC, may create a subcommittee when the FAA identifies multiple tasks in a specific technology or segment of the aviation industry. Subcommittee membership is established by the FAA, in consultation with the ARAC. (See [section 1.6.2, Applying for Membership](#), of this part for more guidance.)

### 1.7.3 Subcommittee Membership

Subcommittee membership covers a specific technology or segment of the aviation industry. The FAA limits subcommittee membership to those organizations that have a substantial interest in or will be substantially affected by the subcommittee taskings and recommendations. The designated organizations provide balanced membership in terms of knowledge, expertise, and points of view relative to the subcommittee's tasks.

The subcommittee provides the overall administrative oversight of all activities. The positions within the subcommittee are:

- Chair,
- FAA Subcommittee Lead,
- Representatives from the member organizations,
- Representatives from public interest and advocacy groups,
- Representatives from foreign civil aviation authorities (non-voting), and
- Subcommittee Facilitator.

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## 1.8 ARAC AND SUBCOMMITTEE PUBLIC MEETINGS

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The ARAC and subcommittee public meetings conform to the requirements from the FACA, the DOT Committee Management Order 1120.30B, and Government procedures on meetings and teleconference requirements. (See [Appendix A, Meeting Administration](#), and [Appendix B, Recordkeeping](#), of this part for further information.)

The ARAC meets approximately four times a year to manage administrative issues, address subcommittee and working group tasks, receive work plans for informational purposes, and reviews and accept recommendation reports.

Subcommittees meet at least two times a year to manage administrative issues, address working group tasks, receive work plans for informational purposes, and reviews and approve recommendation reports.

All ARAC and subcommittee public meetings are announced in the *Federal Register* at least 15 days before the meeting and are open to the public, except as provided under 5. U.S.C § 10(d) of FACA, as implemented by 41 CFR § 101-6.10, the Government in the Sunshine Act (5 U.S.C. § 522b(c)), 41 CFR Part 102-3, and DOT Order 1120.3B.

### 1.8.1 Meeting Minutes and Materials


The FAA requires the ARAC and subcommittees to keep detailed minutes of public meetings, as required by the FACA. Minutes must contain an accurate description of each matter discussed and the resolution, if any, made by the group. The minutes will be used to review past deliberations on an issue if it resurfaces. (See 5. U.S.C. § 10(c) of FACA.)

All materials brought before or presented to the ARAC or the subcommittee during the public meeting, including the minutes of the proceedings, will be available to the public for review or copying at the time of the scheduled meeting. (See [Appendix B, Recordkeeping](#), of this part for further information.)

### 1.8.2 Public Participation

Public participation may be considered in determining when and where the ARAC or subcommittee public meeting will take place.

Members of the public may attend the ARAC or the subcommittee public meeting or portion of a meeting and may, at the determination of the ARAC Chair or the Subcommittee Chair, offer oral comment. The ARAC Chair or the Subcommittee Chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the *Federal Register* will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the ARAC

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or a subcommittee through the DFO at any time. (See [Appendix A, Meeting Administration](#), of this part for further information.)

**Note:** Working group and task group meetings are not open to the public but non-working group members may attend by invitation. The FACA does not require working groups to keep meeting minutes. However, the FAA encourages the working group to keep notes.

## 1.9 POSITIONS AND SELECTION PROCESS

**Table 1-2**  
**ARAC Positions**


Position	Selected From	ARAC Participation	Term	Selection Process
ARAC Chair	ARAC member organization	ARAC	2 years	<ul style="list-style-type: none"> <li>The Vice Chair from the previous 2 years assumes the Chair position or, if necessary, the FAA can appoint an individual from an ARAC member organization.</li> <li>The FAA ensures the Chair represents different aviation interests over time by rotating this position through the membership.</li> </ul>
ARAC Vice Chair	ARAC member organization	ARAC	2 years	<ul style="list-style-type: none"> <li>The FAA appoints the Vice Chair from different ARAC member organizations every 2 years. (Typically, the Vice Chair will assume the Chair.)</li> <li>The FAA ensures the Vice Chair represents different aviation interests over time by rotating this position through the membership.</li> </ul>
DFO	FAA	ARAC	Indefinite	<ul style="list-style-type: none"> <li>The Director of the Office of Rulemaking serves as the DFO, as required by FACA.</li> </ul>
ARAC member	Organizations and associations within the aviation industry  Public interest and advocacy groups	ARAC	Indefinite  The FAA reevaluates the ARAC member organizations every 2 years when it reviews the ARAC charter.	<ul style="list-style-type: none"> <li>Interested parties submit a request to the DFO.</li> <li>The FAA considers whether the organization's interests are represented and provide a unique perspective on any ARAC issue.</li> </ul>

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Position	Selected From	ARAC Participation	Term	Selection Process
Non-voting member	Foreign civil aviation authority	ARAC	Indefinite The FAA reevaluates the ARAC member organizations every 2 years when it reviews the ARAC charter.	<ul style="list-style-type: none"> <li>Interested foreign civil aviation authorities submit a request to the DFO.</li> <li>The FAA considers whether the foreign civil aviation authority's interests are represented and provide a unique perspective on any ARAC issue.</li> </ul>
		Subcommittee	Indefinite	<ul style="list-style-type: none"> <li>Interested foreign civil aviation authorities with the expertise in the subject area submit a request to the FAA Subcommittee Lead.</li> <li>The FAA considers whether the organization's interests are represented and provide a unique perspective to the subcommittee.</li> </ul>
		Working Group	Ends when the tasking is complete.	<ul style="list-style-type: none"> <li>Selected from the list of interested individuals who responded to the <i>Federal Register</i> notice or through FAA outreach.</li> <li>Approved by the DFO or the FAA Subcommittee Lead.</li> </ul>
Subcommittee Chair	ARAC member organization or organization and association within the specific subject area	Subcommittee	Indefinite	<ul style="list-style-type: none"> <li>The FAA appoints an individual from an ARAC member organization or organization and association within the specific subject area.</li> </ul>
FAA Subcommittee Lead	FAA	Subcommittee	Indefinite	<ul style="list-style-type: none"> <li>The FAA appoints the individual responsible for a particular subject area.</li> </ul>
Subcommittee member	ARAC member organization or organization and association within the specific	Subcommittee	Indefinite	<ul style="list-style-type: none"> <li>Interested organizations with the expertise in the subject area submit a request to the FAA Subcommittee Lead.</li> <li>The FAA considers whether the organization's interests are represented and provide a unique perspective to the subcommittee.</li> </ul>

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Position	Selected From	ARAC Participation	Term	Selection Process
	subject area			
Subcommittee Facilitator	FAA	Subcommittee	Indefinite	<ul style="list-style-type: none"> <li>An analyst is approved by the Office of Rulemaking Division Manager or the Directorate Manager with the subject matter responsibility to the subcommittee.</li> </ul>
Working Group Chair	Interested public/industry response to <i>Federal Register</i> notice	Working group	Ends when the tasking is complete.	<ul style="list-style-type: none"> <li>Selected from the list of interested individuals who responded to the <i>Federal Register</i> notice or through FAA outreach.</li> <li>Approved by the DFO and the ARAC or Subcommittee Chair.</li> </ul>
FAA Representative	FAA OPR	Working group	Ends when the tasking is complete.	<ul style="list-style-type: none"> <li>An FAA employee is assigned who has the technical expertise.</li> </ul>
Working group member	Interested public/industry response to <i>Federal Register</i> notice	Working group	Ends when the tasking is complete.	<ul style="list-style-type: none"> <li>Selected from the list of interested individuals who responded to the <i>Federal Register</i> notice or through FAA outreach.</li> <li>ARAC and subcommittee members can participate in a working group.</li> <li>Approved by the DFO or the FAA Subcommittee Lead.</li> </ul>
Task group member	Members of the working group	Working group	Ends when the temporary assignment is complete.	<ul style="list-style-type: none"> <li>The Working Group Chair forms a temporary task group using the members of the working group.</li> </ul>
Working Group Facilitator	FAA	Working group	Ends when the tasking is complete.	<ul style="list-style-type: none"> <li>An analyst is selected by the Office of Rulemaking Division Manager or the Directorate Manager with subject matter responsibility to the position.</li> </ul>
		Task group	Ends when the temporary assignment is complete.	
FAA Economist	FAA	ARAC	Indefinite	<ul style="list-style-type: none"> <li>The Executive Director of the Office of Aviation Policy and Plans is assigned to the ARAC.</li> </ul>
		Working group	If requested.	<ul style="list-style-type: none"> <li>If the working group requests an economist, the Executive Director of the Office of Aviation Policy and Plans approves an economist.</li> </ul>

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Position	Selected From	ARAC Participation	Term	Selection Process
FAA Attorney	FAA	ARAC	Indefinite	<ul style="list-style-type: none"> <li>The Assistant Chief Counsel of International Law, Legislative, and Regulations is assigned to the ARAC.</li> </ul>
		Working group	If requested.	<ul style="list-style-type: none"> <li>If the working group requests a lawyer, the Assistant Chief Counsel of International Law, Legislative, and Regulations from the Office of the Chief Counsel approves a lawyer.</li> </ul>
ARM-20 Council Coordinator	FAA	ARAC	Indefinite	<ul style="list-style-type: none"> <li>An analyst is selected by the Office of Rulemaking Division Manager to the position.</li> </ul>
ARM-20 QMS Management Representative	FAA	ARAC	Indefinite	<ul style="list-style-type: none"> <li>An analyst is selected by the Office of Rulemaking Division Manager to the position.</li> </ul>
Committee Process Author	FAA	ARAC	Indefinite	<ul style="list-style-type: none"> <li>An analyst is selected by the Office of Rulemaking Division Manager to the position.</li> </ul>
DOT Committee Management Officer	DOT	ARAC	Indefinite	<ul style="list-style-type: none"> <li>An analyst is selected by the DOT to the position.</li> </ul>

**Note:** The Office of Rulemaking will ensure that the ARAC, the subcommittee, and the working group complies with the most current Office of Management and Budget guidance on the appointment of lobbyists to Federal advisory committees, boards, and commissions.



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## CHAPTER 2.0: ARAC PROCESS

---

The ARAC process is divided into the following phases:

[Phase 1: FAA Tasks the ARAC](#)

[Phase 2: Working Group Formation and Effectiveness](#)

[Phase 3: Working Group Addresses Tasks and Submits Recommendations](#)

[Phase 4: FAA Requests Clarification of ARAC Recommendations \(optional\)](#)

[Phase 5: FAA Requests ARAC Support to Address Comments to NPRM \(optional\)](#)

### 2.1 PHASE 1: FAA TASKS THE ARAC

---

As discussed in [Part I, Committee Process](#), of this Manual, the OPR drafts and submits a tasking notice for approval by the Rulemaking Management Council, which the DFO sends to the ARAC for acceptance.

#### 2.1.1 Tasking ARAC

The ARAC may only undertake a task the FAA assigns and publishes in the *Federal Register*. The ARAC cannot modify a task without prior FAA approval, but can recommend new tasks to the FAA.

**Step 1:** The ARM-20 Council Coordinator sends the tasking notice to the ARAC for review.

**Step 2:** During the ARAC public meeting, the ARAC discusses and resolves any questions about the scope, content and schedule for the task, including:

- Request clarification or modifications to the task, if necessary, before deciding to accept the task.
- Negotiate the schedule with the FAA, if they determine the FAA-imposed deadline cannot be met.


**Note:** If the ARAC asks for revisions to a tasking, but does not ask to change the scope, the revised tasking notice does not have to go through Rulemaking Management Council for re-approval.

**Step 3:** After resolving any issues the ARAC Chair asks the ARAC to:

- Reach consensus on whether to accept the task.
- Decide if the task should be assigned to the ARAC or a subcommittee.
- If assigned to a subcommittee, the Subcommittee Chair agrees to the tasking and establishing a working group.

**Step 4:** If assigned to a subcommittee, the subcommittee should review the tasking notice and resolve any questions about the scope, content, and schedule.



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### 2.1.2 Accepting and Announcing a Task

After the ARAC or the subcommittee accepts the task, the FAA publishes the tasking notice in the *Federal Register* that:

- Announces the FAA’s decision to task the ARAC or subcommittee,
- Explains the task,
- Assigns the task to either an ARAC working group or a subcommittee working group,
- Solicits participation for the working group, and
- Establishes a time commitment for the working group, usually one-year.

## 2.2 PHASE 2: WORKING GROUP FORMATION AND EFFECTIVENESS

---

### 2.2.1 Working Group Description

A working group is a group of individuals from the public who respond to the ARAC *Federal Register* tasking notice and are selected to complete a specific task.

A working group includes:


- Working Group Chair,
- FAA Representative,
- Working Group Facilitator,
- Individuals from ARAC member and non-member organizations,
- Interested individuals from the general public,
- Individual from foreign civil aviation authorities, if appropriate, and
- FAA Attorney and FAA Economist, if requested.

### 2.2.2 Selecting the Working Group

The FAA Representative reviews the list of individuals who responded to the *Federal Register* tasking notice. Each working group member should be selected based on his or her:

- Technical expertise in the task area,
- Range of perspective,
- Ability to effectively represent their constituent group, and
- Availability to participate fully in the working group activities.

A working group should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues that will need to be addressed in order to complete the assigned task. A working group may include, but is not limited to, representatives of any of the ARAC member organizations. The FAA may directly contact individuals who possess particular expertise to invite them to participate in the working group. The Office of Rulemaking will ensure the individuals comply with the most current Office of

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Management and Budget guidance on the appointment of lobbyists to Federal advisory committees, boards, and commissions.

### 2.2.2.1 Selecting the Working Group Chair

A Working Group Chair is selected using the following criteria:

- An individual from an ARAC member or non-member organization, or a member of the interested public who responded to the *Federal Register* notice.
- Possesses technical expertise in the specific task area.
- Capable of organizing and leading the working group.
- Possesses good skills at conducting meetings and facilitation.
- Has a balanced perspective on the issue(s).
- Available to meet the duties and responsibilities of the position.

After the FAA reviews the responses to the ARAC *Federal Register* tasking notice, the FAA Representative:

- Discusses with FAA management, including the DFO or the FAA Subcommittee Lead, about the best possible candidate for the Working Group Chair.
- Selects a Working Group Chair and informs either the ARAC Chair or Subcommittee Chair.
- Informs the Working Group Chair of the selection. The Working Group Facilitator can provide a template to use to inform the Working Group Chair, if requested (Doc#32989).


### 2.2.2.2 Selecting Working Group Members

- The FAA Representative, in consultation with FAA management and the Working Group Chair, selects qualified individuals from the list to be members on the working group.
- The size of the working group will vary with each task and should be determined by the complexity of the task and the number of people that volunteered. A manageable working group size is considered to be 10 to 12 members.
- The Working Group Facilitator vets each member through the [registered lobbyist database](#), if necessary.
- The FAA Representative provides the selected working group members to the DFO and the ARAC Chair, or the Subcommittee Chair and the FAA Subcommittee Lead, for concurrence.

### 2.2.2.3 Acknowledging Individuals Who Responded to the Tasking Notices

Once the working group members are selected:

- The Working Group Facilitator and the FAA Representative informs each individual of his or her selection or non-selection to the working group. The Working Group Facilitator can provide a template to use to inform each individual, if requested (Docs#32989 and 32990).

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### 2.2.3 Adding a Working Group Member

After establishing the working group, new members may be added using the following steps.

**Step 1:** An interested person petitions the FAA:

- Indicating a desire to participate in a working group.
- Describing the expertise he or she would bring to the working group.

**Step 2:** The Working Group Chair, the FAA, and either the ARAC Chair or the Subcommittee Chair:

- Determine the balance of expertise on the working group.
- Assess whether that person should be added to the working group.

**Step 3:** The FAA informs the interested person indicating selection or non-selection.

**Step 4:** When a new member is added to the working group, the new member is expected to restrict his or her participation to those items open for discussion and avoid discussing items previously agreed on and closed out by the working group.

**Note:** If a working group member leaves the working group, a replacement may be added from the same organization without submitting a letter. The Working Group Chair approves the replacement.

### 2.2.4 Contractor Support


As the FAA is establishing the working group, the FAA Representatives should consult with the Working Group Chair to determine if contractor support is necessary. If it is, the FAA office funding the contractor support should begin putting the contract in place so that when the working group meets for the first time, the contractor is on board.

### 2.2.5 Inviting Subject Matter Experts to a Working Group Meeting

From time to time, working groups may need additional information. A working group member, with the approval of the Working Group Chair, may invite persons other than working group members to speak directly to a working group, participate in its discussions, and act in a consultant capacity. These invited persons are not members of the working group and may not participate in reaching consensus.

### 2.2.6 Requesting To Contact Existing Working Groups

The working group may need to consult with an existing working group. In this case, the Working Group Chair contacts either the ARAC Chair or the Subcommittee Chair with specifics of the request and asks for permission to contact the requested working group. The ARAC Chair or Subcommittee Chair informs the Working Group Chair of the request and provides the specifics. If the requested Working Group Chair agrees, both Working Group Chairs engage in communication.

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## 2.3 PHASE 3: WORKING GROUP ADDRESSES TASKS AND SUBMITS RECOMMENDATIONS

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### 2.3.1 First Meeting

#### 2.3.1.1 Planning the initial working group meeting

The Working Group Chair should:

- Work with the FAA Representative and the Working Group Facilitator to establish the date, time, and location of the initial face-to-face working group meeting.
- Notify the working group members.

#### 2.3.1.2 Conducting the initial working group meeting

During the meeting, the Working Group Facilitator should:

- Explain the ARAC process and what happens once the recommendation report is submitted.
- Review general rulemaking information, including that the working group may not perform negotiated rulemaking.
- Explain duties, responsibilities, and requirements of the Working Group Chair and the working group members.


During the meeting, the FAA Representative should:

- Brief the working group on the tasking, including discussing the questions posed in the task to ensure the working group understands the issues.
- Provide any additional background information that would be helpful.
- Provide the working group with the regulatory history of the task.
- Brief the working group about the advisory material process and/or harmonization, if necessary.

At the end of the FAA Representative's briefing, the working group members should have a clear understanding of what the FAA is looking for from the tasking.

**Note:** A working group may not modify a task statement. Only the FAA may make changes to a tasking notice. If the FAA approves a tasking modification, the composition of the working group may have to change to include additional individuals with appropriate expertise for the new task. The modification must be published in the *Federal Register*.

The FAA Attorney and FAA Economist may be invited to participate in the initial or subsequent meetings, if the assessment of legal or economic implications is part of the working group's tasking.

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During the meeting, the Working Group Chair should:

- Lead the working group in developing the work plan.
- Discuss the use of online meetings and document tools.
- Discuss the role of alternates. It is up to the working group to decide the role of alternates. If the working group agrees on alternates, the working group member can send somebody on their behalf. This alternate cannot make decisions or vote.

At the end of the first meeting, the Working Group Chair asks the members to reaffirm commitment to the working group based on the description of the task and the draft of the work plan.

### 2.3.2 Beginning the Tasking

The working group should:


- Develop the work plan,
- Break down the tasking into composite issues,
- Address the individual issues separately,
- Explore all options,
- Identify stakeholders who will be affected by any recommendations,
- Address any concerns of the affected stakeholders or individuals,
- Agree to the use of online meetings and document tools,
- Recommit to full participation to the working group based on the description of the task and the draft work plan, and
- Agree to keep their management and constituents involved throughout the process.

### 2.3.3 The Work Plan

The work plan describes the method the working group will use to complete an assigned task. It contains the specific details, including:

- The tasking,
- The issues to be resolved,
- Task group assignments, if already known and appropriate,
- A schedule,
- Common ground rules by which the working group will function,
- The use of online meetings and document tools, and
- Format of the recommendation report.

The working group can use the work plan template (Doc#32947) as a guide and can get it from the Working Group Facilitator. Both the FAA Representative and the Working Group Facilitator advise the working group throughout the development of the work plan.

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### 2.3.3.1 Creating the Schedule

A working group schedule should:

- Contain the working group's goals and milestones,
- Help the working group assess its progress,
- Allow for completion of the task by the FAA-imposed deadline, and
- Found in the work plan.

When developing the schedule, the working group considers:

- The availability of its members,
- The frequency, duration, and location of meetings,
- The milestone due dates,
- The project flow, critical paths, and unavoidables, and
- A realistic time to accomplish assignments and milestones.

### 2.3.3.2 Finalizing the Work Plan

All working group members should have a thorough understanding of the task. If the tasking is not clear to the working group, the Working Group Chair contacts either the ARAC Chair or the Subcommittee Chair to resolve any questions or issues. The Working Group Chair asks the members to reach consensus to accept and submit the work plan.

### 2.3.3.3 Submitting the Work Plan


After the working group finalizes the work plan, the Working Group Chair sends it to the ARAC Chair or the Subcommittee Chair for informational purposes. If the ARAC Chair or the Subcommittee Chair has comments and concerns with the work plan, they should inform the Working Group Chair and the working group should revise, accordingly.

### 2.3.4 Task Group(s)

If necessary, the Working Group Chair may establish a task group, which is a temporary subgroup within the working group, to solve individual issues. The issues arise throughout discussion during meetings. The Working Group Chair identifies the assignments for the task group and the working group members volunteer to be part of the task group.

A task group should:

- Research the assignment,
- Document the findings,
- Brief the working group, and
- Disband when the assignment(s) is complete.

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### 2.3.5 Subsequent Meetings

Throughout the duration of the task, the working group should:

- Adhere to the schedule in the work plan.
- Research and analyze information they have collected.
- Be advised by the FAA on the FAA’s position and technical or process guidance.
- Assemble documentation of its decisions.
- Take notes (suggested, but not required.)
- Actively represent their organization’s viewpoints and keep management apprised of the findings.
  - Should discuss, but not document, with management the overall concepts and ideas.
  - Discuss any potential concerns from the organization’s standpoint.
  - Cannot share the actual recommendation report until it is submitted to the FAA.
- Discuss issues and concerns with the FAA Attorney or the FAA Economist if providing support.

### 2.3.6 Recommendation Report

A recommendation report describes the outcome of the research and analysis of the tasking. It contains specific details, including:

- Summary,
- Background information,
- Research information,
- Task group assignments and findings,
- Issues as a result of the findings,
- Consensus, including majority and dissenting positions, and
- Recommendations.

#### 2.3.6.1 Drafting the recommendation report

The Working Group Chair leads the working group in developing the recommendation report. During the drafting of the recommendation report, the working group should:

- Research and analyze information it has collected.
- Mark any draft documents the FAA Representative distributes for review as “DRAFT WORKING MATERIAL—NOT FOR PUBLIC RELEASE.”
- Identify any discussions to include in the recommendation report; including majority positions, dissenting positions, non-voting member positions, task group findings, and areas in which the working group is unable to reach consensus. (See [Chapter 4.0 Consensus](#), of this part for more guidance.)
- Respond to each tasking in the ARAC *Federal Register* tasking notice.



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- Be advised on potential issues with any of the recommendations by the FAA Attorney or the FAA Economist, if providing support.

If the working group is considering recommendations the FAA may not accept, the FAA Representative should inform them and explain why those positions would not likely be supported. This explanation should be included in the recommendation report.

### 2.3.6.2 Finalizing the Recommendation Report

The working group should reach consensus on the final draft of the recommendation report. After the working group reaches consensus, the Working Group Chair ensures:

- Taskings are addressed and the recommendation report fulfills the direction given by the FAA.
- Decisions are reasonable, well supported, justified, and appropriate to the problem.
- Opinions are clearly stated.
- Majority and dissenting positions are documented, if consensus was not reached.
- The document is written in plain language, which ensures the reader can:
  - Find what they need,
  - Understand what they find, and
  - Use what they find to meet their needs.
- Each working group member reviewed the concepts and findings with their management.

The Working Group Chair asks the working group to officially accept the recommendation report. During the final meeting, the Working Group Facilitator obtains feedback from the working group members on the committee process using the ARAC Working Group Comment/Feedback form (ARM 001-015-F4, [ARM QMS website](#)), submit the completed forms to the ARM-20 QMS Management Representative, and then file for official recordkeeping.

### 2.3.6.3 Submitting the Recommendation Report


After the working group reaches consensus on the recommendation report, the Working Group Chair:

- Contacts the ARAC Chair or the Subcommittee Chair and secures time on the next public meeting agenda to present the recommendation report.
- Submits the recommendation report to the ARAC Chair and the ARM-20 Council Coordinator or the Subcommittee Chair and the Subcommittee Facilitator for distribution to the ARAC or the subcommittee for review at least two weeks before the meeting, when possible.

### 2.3.6.4 Approving the Recommendation Report by the Subcommittee

If the working group is assigned to a subcommittee, the subcommittee must review and approve the recommendation report before it can be submitted to the ARAC for acceptance.



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To approve a working group’s recommendation report:

- Step 1:** The Subcommittee Chair schedules the working group’s recommendation report on the next public meeting agenda. Typically, the Subcommittee Chair receives the recommendation report at least two weeks before the meeting.
- Step 2:** The Subcommittee Chair distributes the meeting material, including the recommendation report, to the subcommittee two weeks prior to the public meeting. The subcommittee reviews the recommendation report to ensure:
- The schedule was met.
  - Each question from the tasking was addressed.
  - Both the majority and dissenting positions are included in the recommendation report, since consensus is preferred but not mandatory.

During the public meeting:


- Step 1:** The Working Group Chair presents the working group’s recommendation report and answers questions from the subcommittee and any interested members of the public.
- Step 2:** The subcommittee deliberates and reaches consensus on the recommendation report.
- If the subcommittee raise issues with the recommendation report during the deliberations, the recommendation report is returned to the working group for appropriate action. The working group is then required to resubmit the report once the issues are addressed.
  - If during the deliberation, the subcommittee approves the recommendation report but provides a dissenting position, the dissenting position should be documented and provided with the recommendation report.
- Step 3:** The Subcommittee Chair asks the subcommittee to officially approve the working group’s recommendation report and the Subcommittee Chair submits it to the ARAC Chair for acceptance.

**Note:** Only the ARAC can officially accept the recommendation report and submit it to the FAA.

### 2.3.6.5 Accepting the Recommendation Report by ARAC

To accept a working group’s recommendation report:

- Step 1:** The ARAC Chair schedules the working group’s recommendation report on the next public meeting agenda. Typically, the ARAC Chair receives the recommendation report at least two weeks before the meeting.
- Step 2:** The ARM-20 Council Coordinator distributes the meeting material, including the recommendation report, to the ARAC two weeks prior to the public meeting. The ARAC reviews the recommendation report to ensure:
- The schedule was met.

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- Each question from the tasking was addressed.
- Both the majority and dissenting positions are included in the report, since consensus is preferred but not mandatory.

During the public meeting:

**Step 1:** The Working Group Chair or the Subcommittee Chair presents the working group’s recommendation report and answers questions from the ARAC and any interested members of the public.

**Step 2:** The ARAC deliberates and reaches consensus on the recommendation report.

- If the ARAC raises issues with the recommendation report during the deliberations, the recommendation report is returned to the working group for appropriate action. The working group is then required to resubmit the report once the issues are addressed.
- If during the deliberation, the ARAC approves the recommendation report but provides a dissenting position, the dissenting position should be documented and provided with the recommendation report.

**Step 3:** The ARAC Chair asks the ARAC to officially accept the working group’s recommendation report.


### 2.3.6.6 Submitting the Recommendation Report to the FAA

After the ARAC reaches consensus and accepts the working group’s recommendation report, the ARAC Chair prepares and sends a transmittal letter to the DFO that accompanies the recommendation report. The ARAC Chair also provides a copy of the letter and the recommendation report to the ARM-20 Council Coordinator and the Working Group Facilitator. This completes the working group tasking.

### 2.3.7 FAA Action

After the FAA receives a recommendation report from the ARAC:

- The Working Group Facilitator prepares and sends a letter acknowledging receipt of the recommendation report for the Director of the Office of Rulemaking to sign, within 90 calendar days of receiving it (Doc#32991). (The FAA Representative also receives a copy of the letter.)
- The ARM-20 Council Coordinator or the Committee Process Author posts the recommendation report to its [Committee Database website](#) within 3 calendar weeks of receiving the report.
- The OPR reviews the recommendation report and determines the next steps.

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### 2.3.8 Continuing the Tasking and the Working Group (Optional)

After the FAA acknowledges the recommendation report, the FAA may decide to continue the working group for the following reasons:

- The working group recommended to the FAA to continue to evaluate issues.
- The FAA reviewed the recommendation report and wants to further task the working group.

**Step 1:** If the FAA decides to continue the working group, the FAA Representative completes and submits an Appendix to the CRD (Doc#37914) along with a draft ARAC *Federal Register* continuation of tasking notice (Doc#41769) to the Rulemaking Management Council for approval. (See [Part I, section 3.2, Submitting and Approving the CRD](#), for more guidance.)

**Step 2:** After the Rulemaking Management Council approves the ARAC *Federal Register* continuation of tasking notice, the ARAC Facilitator finalizes and routes it for coordination. (See [Part I, section 3.3, Finalizing and Coordinating the Document](#), for more guidance.)

**Step 3:** Once the ARAC *Federal Register* continuation of tasking notice is approved within the FAA, the DFO sends it to the ARAC for review and acceptance. (See [section 2.1.1, Tasking ARAC](#), of this part for more guidance.)

- If the ARAC *Federal Register* continuation of tasking notice is for a subcommittee, the Subcommittee Chair sends the tasking notice to the subcommittee for review and approval.

**Step 4:** After the ARAC *Federal Register* continuation of tasking notice is accepted by the ARAC, the FAA publishes it in the *Federal Register*. (See [section 2.1.2, Accepting and Announcing a Task](#), of this part for more guidance.)

- After the ARAC *Federal Register* continuation of tasking notice is approved by the subcommittee, the FAA publishes it in the *Federal Register*.

**Step 5:** The ARM-20 Council Coordinator or the Committee Process Author posts the ARAC *Federal Register* continuation of tasking notice on the [Committee Database website](#), uploads the document into the document management system, and files for official recordkeeping. (See [Part I, section 3.5, Posting to the Committee Database](#), for more guidance.)

**Step 6:** The working group begins the continuation of tasking.


### 2.3.9 Closing the Working Group

To close the project, the Working Group Facilitator should:

- Update the milestones in IRMIS and close the project.
- Send the ARM-20 Council Coordinator or the Committee Process Author all relevant documents to post to the [Committee Database website](#).

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Check the Master List to Verify That This is the Correct Revision Before Use

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- Upload any of the following documents to the FAA’s document management system:
  - CRD and Appendix, if appropriate,
  - ARAC *Federal Register* Tasking Notice,
  - ARAC *Federal Register* Continuation of Tasking Notice, if appropriate,
  - Working Group Membership list,
  - Work Plan,
  - Recommendation Report,
  - ARAC transmittal letter to the FAA,
  - FAA Acknowledgement letter,
  - Feedback Forms, and
  - Other related materials.
- File the documents for official recordkeeping.
- Submit the completed ARAC Working Group Feedback Forms (ARM-001-015-F4, [ARM QMS website](#)) to the ARM-20 QMS Management Representative and then file for official recordkeeping.
- Use the optional Committee Checklist (Doc#38905) as a guide to ensure all required documentation was met.

## 2.4 PHASE 4: FAA REQUESTS CLARIFICATION OF ARAC RECOMMENDATIONS (OPTIONAL)

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*If the FAA has questions or concerns with the recommendations when developing the NPRM, the following phase is enacted. This phase is optional.*

After the FAA acknowledges receipt of the recommendation report, the FAA reviews and discusses the next steps. If the result from the working group’s recommendation report is rulemaking, the FAA rulemaking team reviews the recommendation report and considers each recommendation when drafting the NPRM.

### 2.4.1 Requesting Clarification


If the FAA rulemaking team has questions or concerns about any of the recommendations, the FAA rulemaking team can request clarification from the ARAC working group.

The letter requesting clarification should:

- Identify the issue.
- Summarize the information (if any) the working group has already provided on the issue.
- State why the FAA rulemaking team has questions or concerns with this information or why it is insufficient.
- Ask additional specific questions that will enable the working group to respond with the needed information.

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The FAA rulemaking team lead submits the letter requesting clarification to the DFO, who informs the ARAC Chair and the ARAC. The ARAC Chair informs the Working Group Chair.

For subcommittees: The ARAC Chair sends the FAA’s letter requesting clarification to the Subcommittee Chair, who distributes it to the subcommittee and the Working Group Chair.

The Working Group Chair distributes the FAA letter of clarification to the working group and schedules a meeting to discuss and document the response.

#### 2.4.2 ARAC Response to FAA Request for Clarification

Once the working group has finalized the response, the Working Group Chair sends the response to the ARAC Chair or the Subcommittee Chair to discuss during a public meeting.

The ARAC Chair or the Subcommittee Chair should:

**Step 1:** Schedule and distribute the FAA letter requesting clarification and the working group response to the ARAC or the subcommittee.

**Step 2:** Discuss and deliberate the response during the public meeting. The Working Group Chair should attend the public meeting to address issues and concerns raised during the meeting.

- If the ARAC of the subcommittee raises issues during its deliberations, the response is returned to the working group for appropriate action. The working group is then required to resubmit the response once the issues are addressed.


**Step 3:** The ARAC Chair or Subcommittee Chair asks the members to officially accept the working group response.

- For subcommittees: The Subcommittee Chair sends the working group response to the ARAC Chair for acceptance. The ARAC will acknowledge and discuss the response during a public meeting.

**Step 4:** The ARAC Chair submits the response to the FAA.

#### 2.4.3 FAA Acknowledging the ARAC Response

Based on the discussion during the public meeting, the FAA documents the ARAC recommendations, including any ARAC or subcommittee response to an FAA request for clarification. If the FAA agrees with the ARAC response, the FAA can reference the ARAC recommendation report. If the FAA opposes any of the ARAC recommendations, the FAA should provide rationale for its decision not to accept any of the recommendations.

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## 2.5 PHASE 5: FAA REQUESTS ARAC SUPPORT TO ADDRESS COMMENTS TO NPRM (OPTIONAL)

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*After the NPRM comment period closes, the FAA might have questions or concerns about comments that reference the ARAC working group recommendations. If this is the case, the following phase may be enacted. This phase is optional and should be used sparingly.*

Once the NPRM publishes and the comment period closes, the FAA rulemaking team disposes the comments. During this review, the FAA rulemaking team may identify issues raised by the commenters for which input from the ARAC working group would be helpful in developing an appropriate response.

### 2.5.1 Requesting ARAC Support

If the FAA rulemaking team has questions about the ARAC working group recommendations based on NPRM comments, the FAA rulemaking team can request support from the ARAC working group.

The letter requesting support should:


- Identify the issue.
- Summarize the information (if any) the working group has already provided on the issue.
- State why the FAA rulemaking team has insufficient information to address comment(s) received on the issue(s).
- Ask additional specific questions that will enable the working group to respond with the needed information.

**Note:** Communication during a comment period would properly fall within the ex-parte communications guidelines set forth in DOT Order 2100.2—Policies for Public Contact in Rulemaking. Anyone, including ARAC members, who contact the agency for the purpose of discussing a proposal during the comment period, should be advised to submit a written comment to the official docket. An exception to this arises if the FAA chooses to task the ARAC to assist the agency in disposing of comments received during the comment period.

The FAA rulemaking team lead submits the letter requesting support and the associated NPRM comments to the DFO, who informs the ARAC Chair and the ARAC. The ARAC Chair informs the Working Group Chair.

For subcommittees: The ARAC Chair sends the FAA's letter requesting support and the associated NPRM comments to the Subcommittee Chair, who distributes it to the subcommittee and the Working Group Chair.



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The Working Group Chair distributes the FAA letter of support and the associated NPRM comments to the working group and schedules a meeting to discuss and document the response.

### 2.5.2 ARAC Response to FAA's Request

Once the working group has finalized the response, the Working Group Chair sends the response to the ARAC Chair or the Subcommittee Chair to discuss during a public meeting.

The ARAC Chair or the Subcommittee Chair should:

**Step 1:** Schedule and distribute the FAA letter requesting support, the associated NPRM comments, and the working group's response to the ARAC or the subcommittee.

**Step 2:** Discuss and deliberate the response during the public meeting. The Working Group Chair should attend the public meeting to address issues and concerns raised during the meeting.

- If the ARAC or the subcommittee raises issues during its deliberations, the response is returned to the working group for appropriate action. The working group is then required to resubmit the response once the issues are addressed.


**Step 3:** The ARAC Chair or the Subcommittee Chair asks the members to officially accept the working group response.

For subcommittees: The Subcommittee Chair sends the working group response to the ARAC Chair for acceptance. The ARAC will acknowledge and discuss the response during a public meeting.

**Step 4:** The ARAC Chair submits the working group response to the FAA.

### 2.5.3 FAA Acknowledging the ARAC Response

Based on the discussion during the ARAC public meeting, the FAA documents the ARAC recommendations, including any ARAC or subcommittee response to the FAA letter requesting support. If the FAA agrees with the working group response, the FAA can reference the ARAC recommendation report. If the FAA opposes any of the ARAC recommendations, the FAA should provide rationale for its decision not to accept any of the recommendations.

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## 2.6 ARAC MEASURES

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### 2.6.1 Annual Committee Report

The FAA Office of the Administrator is required by the DOT to submit an Annual Committee Report. The Office of Rulemaking submits this report.

**Table 2-1**  
**Measures**

<b>Measure Type</b>	<b>Measure</b>
Process Performance	The Annual Report for FACA and database uploads will meet DOT deadlines.
Product Conformity	All ARAC public meeting notices will meet the FACA timeline for publication.
Stakeholder Satisfaction	The Office of Rulemaking monitors its QMS mailbox and the ARAC feedback forms.



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## CHAPTER 3.0: ROLES AND RESPONSIBILITIES

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### 3.1 ARAC CHAIR

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The ARAC Chair is responsible for the following:

- Serve as the focal point for all ARAC activity.
- Preside over the ARAC public meetings.
- Approve the accuracy of the meeting minutes.

The ARAC Chair works with the DFO and the ARAC Vice Chair to identify issues, establish priorities, and determine the level and types of staff required. The ARAC Chair serves as the focal point for the ARAC’s membership. This includes coordinating with other ARAC members and Subcommittee Chairs to ensure there is no duplication of efforts or conflict of concepts.

**Table 3-1**  
**ARAC Chair**

Phase	Responsibilities
<b>Phase 1: FAA Tasks the ARAC</b>	<ul style="list-style-type: none"> <li>• Review the working group tasking notice.</li> <li>• Discuss the working group tasking notice during the public meeting.</li> <li>• Ask the ARAC to reach consensus on whether to accept the task.</li> <li>• Assign to a subcommittee, if appropriate.</li> <li>• Ensure each task assigned is adequately defined and understood by all concerned.</li> </ul>
<b>If a working group has been formed to report directly to the ARAC, the ARAC Chair has the following responsibilities:</b>	
<b>Phase 2: Working Group Formation and Effectiveness</b>	<ul style="list-style-type: none"> <li>• Provide concurrence on the final working group member list, including the Working Group Chair, in consultation with the FAA.</li> </ul>
<b>Phase 3: Working Group Addresses Tasks and Submits Recommendations</b>	<ul style="list-style-type: none"> <li>• Monitor the progress of each working group.</li> <li>• Receive work plans for informational purposes and coordinates with the ARAC, when necessary.</li> <li>• Ensure working group activity progresses in an orderly fashion.</li> <li>• Conduct in-depth reviews of the working group recommendation report.</li> <li>• Submit the recommendation report to the FAA on schedule and in an acceptable form (applies to both the ARAC and the subcommittees).</li> </ul>
<b>Phase 4 and 5 apply to both the ARAC and the subcommittees. The ARAC Chair has the following responsibilities:</b>	
<b>Phase 4: FAA Requests Clarification of ARAC Recommendations (optional)</b>	<ul style="list-style-type: none"> <li>• Distribute the FAA letter requesting clarification to the ARAC members, the Subcommittee Chair, and the Working Group Chair.</li> <li>• Discuss the FAA request and the working group response during the public meeting.</li> </ul>

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<b>Phase 5: FAA Requests ARAC Support to Address Comments to NPRM (optional)</b>	<ul style="list-style-type: none"> <li>• Submit the response to the FAA.</li> <li>• Distribute the FAA letter requesting support to the ARAC member, the Subcommittee Chair, and the Working Group Chair.</li> <li>• Discuss the FAA request and the working group response during the public meeting.</li> <li>• Submit the response to the FAA.</li> </ul>
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**Note:** If the ARAC Chair is not available, the ARAC Vice Chair assumes the Chair’s responsibilities.

### 3.2 SUBCOMMITTEE CHAIR


The Subcommittee Chair is responsible for the following:

- Serve as the focal point for all subcommittee activity.
- Preside over subcommittee public meetings.
- Approve the accuracy of the meeting minutes.
- Communicate subcommittee activities to the ARAC during public meetings, specifically:
  - The subcommittee working group’s schedule and progress,
  - Decisions reached,
  - Follow-on actions needed,
  - Issues that still need to be resolved, and
  - The subcommittee working group’s recommendation report.
- Work with the FAA Subcommittee Lead when new members are added to the subcommittee or current members step down.

The following table describes the Subcommittee Chair’s responsibilities:

**Table 3-2**  
**Subcommittee Chair**

Phase	Responsibilities
<b>Phase 1: FAA Tasks the ARAC</b>	<ul style="list-style-type: none"> <li>• Review the working group tasking notice.</li> <li>• Discuss the working group tasking notice during the public meeting.</li> <li>• Ask the subcommittee to reach consensus to accept the task.</li> <li>• Ensure each task assigned is adequately defined and understood by all concerned.</li> </ul>
<b>Phase 2: Working Group Formation and Effectiveness</b>	<ul style="list-style-type: none"> <li>• Provide concurrence on the final working group member list, including the Working Group Chair, in consultation with the FAA.</li> </ul>

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<b>Phase 3: Working Group Addresses Tasks and Submits Recommendations</b>	<ul style="list-style-type: none"> <li>• Monitor the progress of each working group.</li> <li>• Receive work plans for informational purposes and coordinates with the subcommittee, when necessary.</li> <li>• Ensure working group activity progresses in a timely fashion.</li> <li>• Distribute the recommendation report to the subcommittee for review.</li> <li>• Conduct in-depth review of the working group recommendation report.</li> <li>• Submit the working group recommendation report to the ARAC on schedule and in an acceptable form.</li> </ul>
<b>Phase 4: FAA Requests Clarification of ARAC Recommendations (optional)</b>	<ul style="list-style-type: none"> <li>• Distribute the FAA letter requesting clarification to the subcommittee and the Working Group Chair.</li> <li>• Discuss the FAA request and the working group response during a public meeting.</li> <li>• Submit the response to the ARAC for approval.</li> </ul>
<b>Phase 5: FAA Requests ARAC Support to Address Comments to NPRM (optional)</b>	<ul style="list-style-type: none"> <li>• Distribute the FAA letter requesting support to the subcommittee and the Working Group Chair.</li> <li>• Discuss the FAA request and the working group response during a public meeting.</li> <li>• Submit the response to the ARAC for approval.</li> </ul>

### 3.3 ARAC, SUBCOMMITTEE, AND NON-VOTING MEMBERS

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#### 3.3.1 ARAC Members

- Attend the ARAC public meetings.
- Provide oversight, deliberation, comments and approval of the ARAC activities.
- Contribute respective aviation knowledge and expertise.
- Participate as a member on a working group, if desired.
- Coordinate with the constituents in his or her aviation sector.
- Discuss the status of the ARAC and subcommittee working group activities, including addressing problems and concerns.
- Review work plans, if requested.
- Review and accept the ARAC and subcommittee working group recommendation reports.
- Inform the ARAC Chair and the DFO when he or she can no longer represent his or her organization/association on the ARAC.
  - Members may continue to serve until a replacement has been appointed or removed. Alternate representatives may be appointed when necessary.

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### 3.3.2 Subcommittee Members


- Attend subcommittee public meetings.
- Provide oversight, deliberation, comments and approval of subcommittee activities.
- Contribute respective aviation knowledge and expertise.
- Participate as a member on a working group, if desired.
- Coordinate with the constituents in his or her aviation sector.
- Discuss the status of the subcommittee working group activity, including addressing problems and concerns.
- Review work plans, if requested.
- Review and approve the subcommittee working group recommendation reports.
- Inform the Subcommittee Chair and the FAA Subcommittee Lead when he or she can no longer represent his or her organization or association on a subcommittee.
  - Members may continue to serve until a replacement has been appointed or removed. Alternate representatives may be appointed when necessary.

### 3.3.3 ARAC Non-voting Members

- Contribute respective aviation knowledge and expertise.
- Attend the ARAC public meetings.
- Advise on matters of importance to the international aviation industry and traveling public.
- Provide oversight, deliberation, and comments on the ARAC activities.
- Coordinate with the constituents in his or her aviation sector.
- Inform the ARAC Chair and the DFO when he or she can no longer represent his or her foreign civil aviation authority.
  - Members may continue to serve until a replacement has been appointed or removed. Alternate representatives may be appointed when necessary.

### 3.3.4 Subcommittee Non-voting Members

- Contribute respective aviation knowledge and expertise.
- Attend the subcommittee public meetings.
- Advise on matters of importance to the international aviation industry and traveling public.
- Provide oversight, deliberation, and comments on the subcommittee activities.
- Coordinate with the constituents in his or her aviation sector.
- Inform the Subcommittee Chair and the FAA Subcommittee Lead when he or she can no longer represent his or her foreign civil aviation authority.
  - Members may continue to serve until a replacement has been appointed or removed. Alternate representatives may be appointed when necessary.

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### 3.4 WORKING GROUP CHAIR


The following table describes the Working Group Chair's responsibilities:

**Table 3-3**  
**Working Group Chair**

Phase	Responsibilities
<b>Phase 2: Working Group Formation and Effectiveness</b>	<ul style="list-style-type: none"> <li>• Schedule the initial working group meeting.</li> </ul>
<b>Phase 3: Working Group Addresses Tasks and Submits Recommendations</b>	<ul style="list-style-type: none"> <li>• Ensure working group members have a clear understanding of the task and scheduled completion date.</li> <li>• Enforce the ground rules adopted by the working group.</li> <li>• Remove inactive, nonparticipating, or disruptive members.</li> <li>• Report the working group's progress at each ARAC or subcommittee public meeting.</li> <li>• Work Plan: <ul style="list-style-type: none"> <li>○ Lead in the development of the work plan and ensure consensus is reached.</li> <li>○ Submit the work plan to the ARAC or subcommittee for informational purposes.</li> </ul> </li> <li>• Meetings: <ul style="list-style-type: none"> <li>○ Select meeting locations to minimize costs.</li> <li>○ Set tentative meeting dates (typically 30 calendar days in advance) to reduce work conflicts and maximize participation.</li> <li>○ Develop and distribute the agenda.</li> <li>○ Maintain meeting notes, if necessary.</li> <li>○ Record motions and consensus discussions.</li> </ul> </li> <li>• Consider all viewpoints, relevant background material, suggestions, and ideas.</li> <li>• Give assignments to task groups and disband the task group when the assignment is complete.</li> <li>• Participate as a member of the working group during deliberations to reach consensus unless, another representative from his or her organization is on the working group to represent the organization's viewpoint.</li> <li>• Remind each member to keep management and constituents informed of the progress and direction of the working group.</li> <li>• Recommendation Report: <ul style="list-style-type: none"> <li>○ Lead the working group in developing the recommendation report.</li> <li>○ Promote collaboration, ensure progress toward consensus is being achieved, and resolve conflicts.</li> <li>○ Document all consensus positions in the recommendation report, both majority and dissenting.</li> <li>○ Request drafting support from the ARAC or subcommittee at the appropriate stage in deliberations, if needed.</li> <li>○ Submit the recommendation report to the ARAC Chair or Subcommittee Chair.</li> <li>○ Present the recommendation report to the ARAC or subcommittee for acceptance.</li> </ul> </li> </ul>
<b>Phase 4: FAA Requests Clarification of</b>	<ul style="list-style-type: none"> <li>• Distribute the letter requesting clarification to the working group members.</li> <li>• Coordinate a meeting for the working group to discuss.</li> </ul>

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<b>ARAC Recommendations (optional)</b>	<ul style="list-style-type: none"> <li>• Document the response.</li> <li>• Submit the response to the ARAC Chair or Subcommittee Chair.</li> <li>• Discuss the FAA request and the working group response during a public meeting.</li> </ul>
<b>Phase 5: FAA Requests ARAC Support to Address Comments to NPRM (optional)</b>	<ul style="list-style-type: none"> <li>• Distribute the FAA letter requesting support to the working group members.</li> <li>• Coordinate a meeting for the working group to discuss the request.</li> <li>• Document the response.</li> <li>• Submit the response to the ARAC Chair or Subcommittee Chair.</li> <li>• Discuss the FAA request and the working group response during a public meeting.</li> </ul>

### 3.5 WORKING GROUP MEMBER

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- Actively represent the organization or industry by contributing respective aviation knowledge and expertise.
- Attend working group meetings.
- Participate in task groups, as necessary.
- Coordinate with management and constituents to gain input throughout the process.
- Develop the work plan and recommendation report. It is essential that each working group member understands the document being prepared and any supporting documents.
- Ensure his or her consensus position is documented in the recommendation report, either majority or dissenting.
- Agree to not post draft documents on an organization's website to obtain general input.

### 3.6 WORKING GROUP NON-VOTING MEMBER

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- Actively represent the organization or industry by contributing respective aviation knowledge and expertise.
- Attend working group meetings.
- Advise on matters of importance to the international aviation industry and traveling public.
- Participate in task groups, as necessary.
- Coordinate with management and constituents to gain input throughout the process.
- Contribute to the development of the work plan and recommendation report, including ensuring the consensus position is documented.
- Agree to not post draft documents on an organization's website to obtain general input.

### 3.7 FAA MEMBERS

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The FAA personnel hold the following positions in the ARAC:

- DFO,
- FAA Subcommittee Lead,

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- Subcommittee Facilitator,
- FAA Representative on a working group (ARAC and subcommittee),
- Working Group Facilitator,
- FAA Attorney (optional),
- FAA Economist (optional),
- ARM-20 Council Coordinator,
- ARM-20 QMS Management Representative,
- Committee Process Author, and
- DOT Committee Management Officer.

### 3.7.1 DFO

The Director of the Office of Rulemaking (ARM-1) serves as the DFO. The DFO, as required by § 10(e) of FACA, responsibilities are as follows:

- Serve as the focal point for all communication between the FAA and the ARAC.
- Supervise the ARAC’s affairs to ensure conformity with established procedures.
- Call the ARAC public meeting and determine where to hold the meeting.
- Formulate and approve the ARAC public meeting agenda.
- Attend the ARAC public meeting.
- Ensure a full-time salaried FAA official is present at the ARAC and the subcommittee public meeting.
- Adjourn the ARAC public meeting when he or she deems it to be in the public interest.
- Establish the FAA guidance and policies pertaining to the ARAC, including membership and procedural guidelines.
- Provide day-to-day oversight of the ARAC activities.
- Approve the Working Group Chair and working group members.
- Arrange for legal and economic support of an attorney and an economist, respectively, when requested by a Working Group Chair or FAA Representative.
- Acknowledge receipt of the recommendation report.
- Manage the ARAC finances in accordance with the approved DOT ceiling, which includes supervising the preparation of the annual budget and periodic reports of its affairs.
- Renew the ARAC charter every two years.
- Submit the annual Committee report.


### 3.7.2 FAA Subcommittee Lead

- Serve as the FAA’s spokesperson for all activity within the subcommittee.
- Call all subcommittee public meetings and determine where to hold the meeting.
- Attend the subcommittee public meeting.
- Formulate and approve the subcommittee public meeting agenda.

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- Adjourn the subcommittee public meeting when he or she deems it to be in the public interest.
- Ensure each task is properly coordinated within the FAA before it is presented to the subcommittee and is posted in the *Federal Register*.
- Maintain the subcommittee records.
- Serve as the focal point for all communication between the subcommittee and the FAA when an issue in the subcommittee is addressed.
- Approve the Working Group Chair and working group members.
- Provide day-to-day oversight of the subcommittee activities.
- Arrange for legal and economic support of an attorney and an economist, respectively, when requested by a Working Group Chair or FAA Representative.
- Ensure the submitted working group recommendation report addressed the taskings.
- Work with the Subcommittee Chair when new members are added to the subcommittee or current members step down.

### 3.7.3 Subcommittee Facilitator

For subcommittee public meetings, the Subcommittee Facilitator should:

- Oversee the management of and recordkeeping of a subcommittee.
- Prepare the *Federal Register* notice announcing subcommittee public meeting and send it to the Subcommittee Chair and FAA Subcommittee Lead.
- Complete and send the Advisory Committee Meeting Location Waiver form (ARM 001-015-F1, [ARM QMS website](#)) to the ARM-20 Council Coordinator, if necessary.
- Attend the subcommittee public meeting.
- Prepare minutes from the subcommittee public meetings and provide them to the ARM-20 Council Coordinator or Committee Process Author for the [Committee Database website](#) and for the official recordkeeping.
- Obtain feedback from the subcommittee on the committee process using the ARAC Comment/Feedback form (ARM 001-015-F2, [ARM QMS website](#)) at the end of the subcommittee public meetings. All Feedback forms should be submitted to the ARM-20 QMS Management Representative and then filed for official recordkeeping.




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### 3.7.4 FAA Representative

The FAA Representative for a working group should be the project lead from the OPR that requested the tasking. The following table describes the FAA Representative responsibilities in a working group:

**Table 3-4**  
**FAA Representative**

Phase	Responsibilities
<b>Phase 1: FAA Tasks the ARAC</b>	<ul style="list-style-type: none"> <li>• Ensure the task is properly coordinated within the FAA before it is presented to the ARAC.</li> <li>• Present the tasking to the ARAC or the subcommittee for acceptance.</li> </ul>
<b>Phase 2: Working Group Formation and Effectiveness</b>	<ul style="list-style-type: none"> <li>• Establish an optimum working group size to provide expertise and industry interest necessary to complete the task.</li> <li>• Work with FAA management in selecting the Working Group Chair and the working group members.</li> <li>• Work with the Working Group Facilitator to notify the volunteers of their selection.</li> <li>• Work with the Working Group Chair to schedule the initial working group meeting.</li> </ul>
<b>Phase 3: Working Group Addresses Tasks and Submits Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide the working group with all relevant background material, including unresolved petitions for rulemaking, exemption, interpretations, etc.</li> <li>• Work with the Working Group Chair in developing agendas for meetings.</li> <li>• Attend all working group meetings.</li> <li>• Work with the Working Group Facilitator throughout the task.</li> <li>• Keep FAA management informed of the progress.</li> <li>• Participate as a full member of the working group on any issue for which consensus must be reached.</li> <li>• Ensure the FAA’s technical-level interest and concerns and the FAA’s position is made known to the working group. This includes coordinating with the FAA organizations and directorates when the working group is making its technical decisions to gain their input early in the development process.</li> <li>• Ensure that if the working group holds a dissenting position, it is accurately presented to the ARAC or subcommittee.</li> <li>• Arrange for legal and economic support when requested by the working group.</li> <li>• Relay concerns raised by the attorney or economist to the Working Group Chair.</li> </ul> <p>The FAA Representative must not:</p> <ul style="list-style-type: none"> <li>• Commit the FAA to a specific course of action; there is further management review of the recommendation report after it is submitted to the FAA.</li> <li>• Stop or veto a working group activity. The FAA Representative does not have the authority to act on behalf of the FAA, in this regard.</li> </ul>

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<b>Phase 4: FAA Requests Clarification of ARAC Recommendations (optional)</b>	<ul style="list-style-type: none"> <li>• If the FAA Representative is part of the rulemaking team and would like to request clarification on the recommendation report: <ul style="list-style-type: none"> <li>○ Submit a letter requesting clarification to the ARAC or subcommittee, through the DFO.</li> <li>○ Work with the working group in developing the response, if appropriate.</li> </ul> </li> <li>• Acknowledge the working group response to the letter requesting clarification.</li> </ul>
<b>Phase 5: FAA Requests ARAC Support to Address Comments to NPRM (optional)</b>	<ul style="list-style-type: none"> <li>• If the FAA Representative is part of the rulemaking team and would like to request support on the recommendation report: <ul style="list-style-type: none"> <li>○ Submit a letter requesting support to the ARAC or subcommittee, through the DFO.</li> <li>○ Work with the working group in developing the response, if appropriate.</li> </ul> </li> <li>• Acknowledge the working group response to the letter requesting support.</li> </ul>

### 3.7.5 Working Group Facilitator

The Working Group Facilitator is either an Office of Rulemaking analyst or a directorate technical writer-editor. (Directorate technical writer-editor is usually associated with the subcommittee working group.) The Working Group Facilitator performs the following functions, if appropriate.

When starting the tasking, the Working Group Facilitator should:


- Prepare and coordinate the ARAC *Federal Register* tasking notice (Doc#21323) for publication. (The notice is signed by the DFO.)
- Work with the FAA Representative and the Working Group Chair in selecting members, which should be kept to a minimum.
- Coordinate efforts with the FAA Representative on informing volunteers of acceptance and non-acceptance.
- Vet the working group members through the [lobbyist database](#), if necessary.

During the first meeting, the Working Group Facilitator should:

- Present to the working group about the ARAC and rulemaking processes.
- Remind the working group that the FAA may decide to take action on all, some, or none of the working group's recommendations.

Throughout the duration of the working group, the Working Group Facilitator should:

- Ensure the working group follows the FACA requirements.
- Attend the working group meetings, when possible and if appropriate.
- Ensure the working group stays within the objectives of the tasking.
- Keep the FAA Representative informed of any opinions, concerns, and objections regarding the working group's activities or proposed recommendation report.

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- Keep the Office of Rulemaking management up-to-date on working group development, such as expected deliverables and any problems that have arisen.
- Provide support services, such as meeting logistics or document drafting, as requested by the Working Group Chair and may consider requests from working group members.
- Obtain feedback from working group members on the committee process using the ARAC Working Group Comment/Feedback form (ARM 001-015-F4, [ARM QMS website](#)) at the final working group meeting. All Feedback forms should be submitted to the ARM-20 QMS Management Representative and then filed for official recordkeeping.

After the recommendation report is acknowledged by the FAA, the Working Group Facilitator should:

- Prepare and coordinate the letter acknowledging receipt of the ARAC recommendation report.
- Update the project in IRMIS and close it.
- Upload the following documents into the FAA’s document management system:
  - CRD and Appendix, if necessary,
  - ARAC *Federal Register* Tasking Notice,
  - ARAC *Federal Register* Continuation of Tasking Notice,
  - Membership list,
  - Work Plan,
  - Recommendation Report,
  - ARAC transmittal letter to the FAA,
  - FAA Acknowledgement letter,
  - ARAC Working Group Comment/Feedback form, and
  - Other related materials.
- Provide the appropriate documents to the ARM-20 Council Coordinator or Committee Process Author to post to the [Committee Database website](#).
- File all documents for official recordkeeping.
- Use the optional Committee Checklist (Doc#38905) as a guide to ensure all required documentation was met.

### 3.7.6 The FAA Attorney

- The Assistant Chief Counsel of International Law, Legislative, and Regulations serves as the FAA’s spokesperson on the ARAC to ensure the FAA’s legal position is followed.
- An FAA Attorney participates as an ARAC working group member, when warranted and should:
  - Inform the working group of any opinions, concerns, and objections regarding the ARAC working group’s activities.
  - Work with the working group to achieve a resolution of any concerns, including legal issues.

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- Provide the FAA Representative with a copy of all legal comments and concerns.
- Consult with the Assistant Chief Counsel of International Law, Legislative, and Regulations management, as appropriate, to ensure a unified FAA legal position is presented.
- Provide general guidance to the working group members, as needed, regarding agency rulemaking processes (e.g., ex-parte discussions, legal questions, etc.).

### 3.7.7 The FAA Economist


- The Executive Director of Aviation Policy and Plans serves as the FAA’s spokesperson on the ARAC to ensure the FAA’s economic position is followed.
- An FAA Economist participates as an ARAC working group member, when warranted and should:
  - Keep the FAA Representative informed of any opinions, concerns, and objections regarding the ARAC working group’s activities.
  - Meet with the FAA Representative to identify concerns that should be addressed in the recommendation report.
  - Advise on the economic consequences of actions considered by the working group.
  - Provide the FAA Representative with a copy of all economic comments and concerns.
  - Consult with the Office of Aviation Policy and Plans management, as appropriate; to ensure a unified FAA economic position is presented.

### 3.7.8 ARM-20 Council Coordinator

- Oversee the management and recordkeeping of ARAC.
- Prepare the *Federal Register* notice announcing the ARAC public meeting and send to the ARAC.
- Complete and send the Advisory Committee Meeting Location Waiver form (ARM 001-015-F1, [ARM QMS website](#)), if necessary.
- Attend the ARAC public meeting.
- Prepare minutes from the ARAC public meeting.
- Post the official ARAC public meeting minutes to the [Committee Database Website](#) and file for official recordkeeping.
- Distribute the working group’s recommendation report to the ARAC.
- Receive the official recommendation report and submittal letter from the ARAC to the FAA.
- Obtain feedback from the ARAC on the committee process using the ARAC Comment/Feedback form (ARM 001-015-F2, [ARM QMS website](#)) at the end of the ARAC public meeting. All Feedback forms should be submitted to the ARM-20 QMS Management Representative and then filed for official recordkeeping.

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- When new members are added to the ARAC or members step down:
  - Work with the ARAC Chair and the DFO to approve the new member.
  - Vet the members through the [lobbyist database](#), if necessary.
  - Prepare and coordinate the acknowledgment letter for signature by the DFO.
- Maintain the [Committee Database Website](#).
- Maintain the ARAC records.
- Prepare the ARAC charter for renewal every two years.
- Maintain the CRD and Appendix to CRD templates.

### 3.7.9 ARM-20 QMS Management Representative


- Input the completed ARAC Comment/Feedback form (ARM 001-015-F2, [ARM QMS website](#)) and ARAC Working Group Comment/Feedback form (ARM 001-015-F4) into the Quality Management System Information Technology Support (QMITS) module.

### 3.7.10 Committee Process Author

- Maintain the [Committee Database Website](#).
- Maintain the ARAC records.
- Maintain the Committee Manual and all associated templates.

### 3.7.11 DOT Committee Management Officer

- Provide guidance on the ARAC charter renewal every two years.
- Approve the Advisory Committee Meeting Location Waiver form (ARM 001-015-F1).

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## CHAPTER 4.0: CONSENSUS

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### 4.1 DEFINITIONS RELATED TO CONSENSUS

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Consensus:

- Agreement by all parties that a specific course of action is acceptable.
- Requires debate and deliberation between divergent segments of the aviation industry, the flying public, and the Government.
- Does not mean that “majority rules.” Consensus can be unanimous or near unanimous.

There are different outcomes of consensus, which include:

- **Full consensus:** All members agree fully in context and principle and fully support the specific course of action.
- **General consensus:** Although there may be disagreement, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptance of the group. Although not every member fully agrees in context and principle, all members support the overall position and agree not to object to the proposed recommendation report.
- **Dissent:** A differing in opinions about the specific course of action. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

### 4.2 CONSENSUS PROCESS


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#### 4.2.1 Determining Consensus

Each working group should establish a process by which it determines if consensus has been reached. During the first meeting, the working group determines how to measure consensus; by either voting or polling.

#### 4.2.2 Documenting Consensus

While consensus is desirable for every phase of the ARAC process, it is more important to provide the FAA decision makers with the best information and analysis possible, including differing perspectives. If disagreement occurs in later phases of the rulemaking process, it becomes counterproductive to the objectives and extremely costly to the FAA.

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#### 4.2.2.1 Full Consensus

Ensure the recommendation report states every member is in full agreement with the recommendation(s).

#### 4.2.2.2 General Consensus

It is important to the FAA to understand both the majority and dissenting positions. The dissenting positions should be documented explaining the concern with the majority recommendation(s).

#### 4.2.2.3 Dissenting Position

There may be times when member(s) or the entire working group cannot reach agreement on the recommendation(s).


If the entire working group cannot reach agreement on a recommendation(s), the Working Group Chair submits a statement to either the DFO and the ARAC Chair or the Subcommittee Chair and the FAA Subcommittee Lead explaining the issues and concerns and why an agreement was not reached.

If a member(s) does not concur with a recommendation(s) or the entire recommendation report, then this dissenting position is documented in the recommendation report. The dissenting member(s) drafts the dissenting position for the recommendation report. If a dissenting member(s) presents a written objection, the working group documents its position relative to the objection with the reason why the working group chose and retains its position. This documentation of objections and positions offers additional opportunity for meaningful communication among all members in the hopes of attaining consensus. With this exercise, disagreements can often be resolved through compromise.

**Table 4-1**  
**Consensus**

If major opposition to the working group's position exists...	
The person opposing:	The ARAC:
<ul style="list-style-type: none"> <li>• Documents his or her position.</li> <li>• Summarizes his or her understanding of the group's position.</li> <li>• States why he or she believes the opposing position better addresses the issue and submits any necessary documentation.</li> <li>• Submits the documentation to the FAA as part of the working group recommendation report.</li> </ul>	<ul style="list-style-type: none"> <li>• Documents its position.</li> <li>• Summarizes its understanding of the opposition's position.</li> <li>• States why the working group believes its position better addresses the issue and why the opposing position should not be accepted.</li> <li>• Submits the documentation to the FAA as part of the working group's recommendation report.</li> </ul>



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#### 4.2.2.4 Non-voting Member's View

In addition, there may be additional participants at the meeting (e.g., representatives of other aviation authorities) who do not have decision-making privileges as official members. The non-voting members may offer positions differing from the general consensus. In that case, the working group should report consensus with a note describing the non-voting member(s) views.

#### 4.2.3 Requesting a Facilitator

It may be advantageous to bring in a group facilitator to ensure all avenues of the problem have been explored and investigated. If the working group wishes to use a facilitator to help reach consensus, the Working Group Chair will ask the FAA Representative to arrange for the services of a facilitator or the FAA may consider requests for a facilitator from a member organization.



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# APPENDIX A TO PART III: MEETING ADMINISTRATION

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## A.1 GENERAL INFORMATION

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The ARAC meets four times a year and the subcommittee meets at least twice a year. The ARAC and the subcommittee follow both the FACA and the FAA requirements. For a list of the ARAC and subcommittee public meeting, visit the [Committee Database Website](#).

The FACA requires that, when conducting the ARAC and subcommittee public meeting, the FAA must:

- Prepare a notice of meeting for publication in the *Federal Register*.
  - To meet the 15-day FACA requirement for advisory committee meeting notices, meeting announcements must be sent to the *Federal Register* at least 20 calendar days prior to the meeting date.)
- Prepare the meeting agenda, which should include:
  - A review of the ARAC activities.
  - Any item that needs to be discussed or approved at the meeting.
- Keep detailed meeting minutes.
- Make documents available to the public at a single location for copying and inspection.
- Certify the accuracy of meeting minutes.

The FACA requires the DFO or the FAA Subcommittee Lead to include a briefing in the opening remarks on the FACA requirements at the ARAC and subcommittee public meeting. The briefing does not need to be identified as an agenda item.


The FACA and the FAA do not require working group meetings be published in the *Federal Register*. Working groups meet as long as the members have the necessary expertise to carry out the task and do not need a quorum to hold a meeting. The only requirement for working group meetings are only working group members may attend, unless asked by the Working Group Chair or the FAA Representative. Working group meetings does not require the FACA requirements briefing or meeting minutes.

## A.2 FEDERAL REGISTER NOTICE REQUIREMENTS

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### A.2.1 FACA Requirements

The FACA requires timely notice of each ARAC or subcommittee public meeting, open or closed, to be published in the *Federal Register*.

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This notice describes who is permitted to attend and ensures all interested persons are notified of the meeting. (See § 10(a) (2) of FACA.)

Under the FACA, the *Federal Register* notice of the ARAC or subcommittee public meeting must include:

- The name of the advisory committee;
- The time, date, place, and purpose of the meeting;
- A summary of the agenda;
- A sentence stating that any member of the public may submit written comments concerning the ARAC’s or subcommittee’s affairs;
- A statement regarding whether the public may speak at the meeting in accordance with guidelines developed by the FAA or the ARAC;
- The name, address, and telephone number of the FAA official to whom the public may address any inquiries; and
- A reasonable deadline for written comments from the public to allow time to copy and mail them to the ARAC or the subcommittee before the meeting.

### A.2.2 FAA Policy Requirements

The FAA requires the following be included in the *Federal Register* notice of an ARAC or subcommittee public meeting in addition to the FACA notice requirements:

- Building security requirements, if any;
- A statement regarding the availability of sign language, oral interpretation, and assisting listening devices; and
- A statement announcing that meeting space is limited and seating is on a first-come, first-served basis.


### A.2.3 General Services Administration Requirements

The General Services Administration defines “timely notice” as at least 15 calendar days before the meeting. Less than 15 calendar days’ notice may be given in exceptional circumstances, provided the reasons for doing so are included in the meeting notice published in the *Federal Register*. The shortened notice period is used only in emergency situations. An administrative oversight cannot be used as a reason for not meeting the 15-day public notice period. (See 41 CFR § 101–6.1015)

## A.3 MEETING LOCATION

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The ARAC and the subcommittee meeting must be held in Washington, DC, unless the DFO or the FAA Subcommittee Lead obtains a waiver. In choosing a location, the DFO or the FAA Subcommittee Lead must take into consideration how many people attended similar meetings in the past and the resources and facilities available to the FAA.

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Working group meetings are not usually open to the public. Working group meetings may be held in any reasonable and accessible location and as often as necessary to enable the working group to complete its task. The Working Group Chair may approve attendance by others and has the right to ask any uninvited persons to leave the working group meetings.

### A.3.1 Scheduling Meetings

For the ARAC public meeting, the DFO, in consultation with the ARAC Chair, will:

- Choose a meeting location.
- Develop and approve the agenda.
- Ensure announcement of the meeting is published in the *Federal Register*.

For the subcommittee public meeting, the FAA Subcommittee Lead, in consultation with the Subcommittee Chair, will:

- Choose a meeting location.
- Develop and approve the agenda.
- Ensure announcement of the meeting is published in the *Federal Register*.

For the working group meetings, the FAA Representative and the Working Group Chair will:


- Choose a meeting location.
- Develop an agenda.
- Notify the working group of the meeting, including sending an agenda.

### A.3.2 Meetings Held Outside The Washington, DC Area

#### **A.3.2.1 For meetings held within the United States**

If the ARAC, subcommittee, or working group wishes to hold a meeting(s) outside the Washington, DC area, the following must occur:

- Try to hold the meeting in a Federal facility that is easy to get to and accessible to the public. If the meeting cannot be held in a Federal facility outside the Washington, DC area, it should be held in a neutral location and facility that is easy to get to and accessible to the public or the working group members.
- The ARM-20 Council Coordinator, the Subcommittee Facilitator, or the Working Group Facilitator, completes and sends the Advisory Committee Meeting Location Waiver form (ARM 001-015-F1, [ARM QMS website](#)) to the DFO 60 calendar days before the proposed meeting date. The DFO and the DOT Committee Management Officer will approve the request within 14 calendar days of receipt of the Advisory Committee Meeting Location Waiver form.

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### A.3.2.2 For meetings held outside the United States

In addition to the above requirements, the ARAC, subcommittee, or working group must receive approval to hold the meeting outside the United States from the Director of the responsible office, according to the September 16, 2014 “Advisory Committee Meetings Located Outside of Washington, D.C. memo” (Doc#41602).

### A.3.3 Change of Meeting Location or Date of Meeting

For the ARAC and subcommittee public meetings:

- If a meeting location or a meeting date needs to be changed, the change should be coordinated with the ARAC or the subcommittee at least 30 calendar days before the meeting.

For working group meetings:

- Working groups are encouraged to develop a meeting schedule when developing the work plan. If a scheduled meeting date needs to be changed, a new meeting date should be coordinated between the Working Group Chair and the working group members.

### A.3.4 Closed Meetings

The FAA may close the ARAC or subcommittee meeting or a portion of one only for reasons such as when information to be discussed:

- Is classified or best kept secret in the interests of national defense or foreign policy.
- Discloses trade secrets or commercial or financial information obtained from a person that is privileged and confidential.


Section 552b, paragraph (c) of Title 5 of the U.S.C. on Open Meetings contains a more detailed list of when a Government agency may close a meeting. (Working group meetings are not open to the public.) (See also 5 U.S.C. § 10(d) of FACA.)

## A.4 PUBLIC PARTICIPATION

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The ARAC and subcommittee meetings are open to the public. These meetings give the public an opportunity to provide input on recommendation reports before the ARAC submits it to the FAA.

A portion of the ARAC and subcommittee meeting may be set aside for public participation to the extent that the meeting time and agenda permit. The *Federal Register* notice announcing the meeting provides the public with specific information on addressing the ARAC or the subcommittee. The public is welcome to present or send written material to the ARAC or subcommittee at any time.

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The public may address the ARAC or the subcommittee with the permission of the ARAC Chair or the Subcommittee Chair provided the Chair has advance notice concerning the scope and duration of the intended presentation. The ARAC Chair or the Subcommittee Chair may entertain public comment if, in his or her judgment, doing so would not disrupt the orderly progress of the meeting and would not be unfair to any other person.

## A.5 TELECONFERENCE

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Teleconferencing may be used for the ARAC, subcommittee, and working group meetings. For the ARAC and subcommittee public meetings, the *Federal Register* notice will inform the public who to contact to arrange for teleconference access. For working group meetings, the Working Group Chair will inform the working group members about the teleconference information.

### A.5.1 Arrangements

Special arrangements for a teleconference need to be made when an ARAC public meeting is held outside the Washington, DC area. If the ARAC or subcommittee public meeting is held outside the Washington, DC area, the Office of Rulemaking will reserve a conference room in the FAA headquarters building to provide teleconference services for participants in the Washington, DC area, if needed.

### A.5.2 Teleconference Participation


For the ARAC and the subcommittee public meetings, persons are allowed to participate by telephone on a first-come, first-served basis. For working group meetings, members who wish to participate by telephone should contact the Working Group Chair and follow the above protocol. Each speaker should announce when he or she is connecting and disconnecting from the teleconference and should identify himself or herself before speaking.

### A.5.3 Meeting Materials

For the ARAC and the subcommittee public meetings, teleconference participants obtain meeting materials by contacting the person listed in the *Federal Register* notice under FOR FURTHER INFORMATION CONTACT. For working group meetings, teleconference participants obtain meeting materials by contacting the Working Group Chair.

### A.5.4 Telephone Call Charges

No one is reimbursed for telephone call charges when participating in a teleconference. Callers are responsible for paying long distance telephone charges.

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## APPENDIX B TO PART III: RECORDKEEPING

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### B.1 AVAILABILITY OF RECORDS

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Consistent with the FOIA, 5 U.S.C. § 552, the records, reports, transcripts, minutes, and other documents that are made available to, or prepared by, the ARAC and subcommittee, will be available for public inspection in the Office of Rulemaking during business hours, Monday through Friday, 8:30 a.m. to 5:00 p.m., excluding Federal holidays. (See § 10(b) of FACA.) In addition, most information on the ARAC activities may be found on the [Committee Database website](#). Fees will be charged for information furnished to the public in accordance with the fee schedule published in 49 CFR part 7. Records shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule.

Working group products or recommendation reports are available to the public but are not made available for public inspection and copying until they are finalized and included for discussion on the agenda for the ARAC or subcommittee public meeting. These records are made available on the [Committee Database website](#).


Upon a FOIA request that reasonably describes records that have not yet been made public, the FAA must make records available in accordance with published rules unless the records fall within one of the [nine statutory exemptions](#) under the FOIA. Any working group information in the custody and control of the FAA is releasable to the public under the FOIA unless it falls within one of the nine statutory exemptions.

At times the FAA may deem it appropriate to exercise its option under exemption 5 to withhold recommendations, opinions, and analyses under the deliberative process privilege. To allow release of these documents would discourage the open and frank discussions between agency employees and create confusion in those cases where the FAA does not adopt recommendations and opinions. Exemption 5 allows the agency to protect deliberative, pre-decisional materials, such as advisory opinions, and recommendations presented by agency staff while reaching a final determination or position on any particular matter under agency consideration.

**Note:** FAA personnel should be aware of the type of information in their possession. For example, if manufacturers share sensitive data with the working group members, the FAA Representative may look at and discuss the data during the meeting without the information being subject to a FOIA request. If the FAA Representative takes possession of the information upon leaving the meeting, then the working group information is subject to the FOIA. If the FAA Representative needs data to complete a working group assignment, he or she should make sure the data is in a form or format that would be releasable under the FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA Representative takes possession of the documents. (See FOIA, 5 U.S.C. § 552)

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## B.2 MAINTAINING RECORDS

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The DFO maintains the official records, in both electronic and paper form. All records are stored at the Office of Rulemaking and can be found on the [Committee Database website](#).

The following ARAC and subcommittee records must be kept:

- Official correspondence relating to committee activities,
- Membership information,
- Agendas,
- Meeting minutes,
- *Federal Register* notices,
- Studies, analyses, and draft reports presented to the ARAC for discussion,
- Final recommendation reports submitted in response to tasking statements, and
- Records of time served and claims for payment, as appropriate.

The following working group records should be kept:

- A list of working group members.
- Work plan, which should include a chronology of all meetings.
- Deliberations on all decisions.
- Working drafts of recommendation reports prepared by the working group until the final recommendation report is submitted for approval.

During the working group, the Working Group Chair and the FAA Representative maintain the records. Once the working group is complete, the Office of Rulemaking maintains the official records.


## B.3 MEETING MINUTES

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### B.3.1 Contents of Minutes

The FACA requires detailed minutes be kept for the ARAC public meetings and the FAA requires detailed minutes be kept for subcommittee public meetings. The working group should keep notes, but this is not required by the FACA or the FAA. Minutes should contain an accurate description of each matter discussed and the resolution, if any, made by the group. The minutes will be used to review past deliberations on an issue if it resurfaces. (See § 10(c) of FACA.)



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The following must be included in the ARAC and subcommittee public meeting minutes.

**Table B-1**  
**Meeting Requirements**

FACA Requirements	FAA Policy
A record of the persons present.	<ul style="list-style-type: none"> <li>• A list of the ARAC and the subcommittee members, staff, and the FAA employees who attended, as well as any members of the public.</li> <li>• The number of members of the public present.</li> <li>• The time, date, and place of meeting.</li> </ul>
A complete and accurate description of matters discussed and conclusions reached.	<ul style="list-style-type: none"> <li>• A complete and accurate description of each matter discussed and conclusions and resolutions, if any, made by the ARAC and the subcommittee.</li> </ul>
Copies of all reports received or approved by the ARAC and the subcommittee.	<ul style="list-style-type: none"> <li>• Copies of each report or other document received, approved, or accepted by the ARAC and the subcommittee.</li> </ul>

### B.3.2 Accuracy and Certification of Minutes

The ARAC Chair and the Subcommittee Chair are responsible for the accuracy and ratification of the ARAC and subcommittee public meeting minutes.

### B.3.3 Availability of Minutes

The approved and certified ARAC and subcommittee public meeting minutes are available on the [Committee Database website](#).