

14506(b)(3). ATA's petitions seeking determinations, along with the applicable statutes, regulations and ordinances, are available in the docket established for this Notice for inspection.

Request for Comments

FMCSA invites the three affected jurisdictions, as well as any other interested party, to comment on the limited issue of whether New Jersey's, New York City's, and/or Cook County's credential display requirements are preempted in accordance with 49 U.S.C. 14506. Interested parties are requested to limit their comments to this issue. FMCSA has no authority to review the imposition, amounts, or collection of any taxes for which the credentials are issued. FMCSA encourages commenters to submit data or legal authorities supporting their position.

Issued on: September 25, 2009.

Rose A. McMurray,

Acting Deputy Administrator.

[FR Doc. E9-25093 Filed 10-16-09; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

International Standards on the Transport of Dangerous Goods; Public Meeting

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that PHMSA will conduct a public meeting in preparation for the 36th session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE TDG) to be held November 30–December 9, 2009 in Geneva, Switzerland. During this meeting, PHMSA is also soliciting comments relative to potential new work items which may be considered for inclusion in its international agenda.

Information Regarding The UNSCOE TDG Meeting

DATES: Tuesday, November 10, 2009; 9:30 a.m.–12:30 p.m.

ADDRESSES: The meeting will be held at the DOT Headquarters, West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Conference Call Capability/Live Meeting Information: Conference call-in

and “live meeting” capability will be provided for this meeting. Specific information on call-in and live meeting access will be posted when available at <http://www.phmsa.dot.gov/regs/international>.

FOR FURTHER INFORMATION CONTACT: Mr. Duane Pfund, Director, Office of International Standards or Mr. Shane Kelley, International Transportation Specialist, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; (202) 366–0656.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting will be to prepare for the 36th session of the UNSCOE TDG, which is the second meeting of the current 2009–2010 biennium. The UNSCOE will consider proposals for the 17th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations which will come into force in the international regulations beginning January 1, 2013. Topics on the agenda for the UNSCOE TDG meeting include:

- Explosives and related matters.
- Listing, classification and packing.
- Electric storage systems.
- Miscellaneous proposals of amendments to the Model Regulations on the Transport of Dangerous Goods.
 - Electronic data interchange (EDI) for documentation purposes.
 - Cooperation with the International Atomic Energy Agency (IAEA).
 - Global harmonization of transport of dangerous goods regulations with the Model Regulations.
 - Guiding principles for the Model Regulations.
 - Issues relating to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

In addition, PHMSA is soliciting comments on how to further enhance harmonization for international transport of hazardous materials. PHMSA has finalized a broad international strategic plan and welcomes input on items which stakeholders believe should be included as specific initiatives within this plan. PHMSA's Office of International Standards Strategic Plan can be accessed at: <http://www.phmsa.dot.gov/hazmat/regs/international>.

The public is invited to attend without prior notification. Due to the heightened security measures participants are encouraged to arrive early to allow time for security checks necessary to obtain access to the building. Following the 36th session of the UNSCOE TDG, PHMSA will place a copy of the Sub-Committee's report and

a summary of the results on PHMSA's Hazardous Materials Safety Homepage at <http://www.phmsa.dot.gov/hazmat/regs/international>.

Documents

Copies of documents for the UNSCOE TDG meeting and the meeting agenda may be obtained by downloading them from the United Nations Transport Division's Web site at: <http://www.unece.org/trans/main/dgdb/dgsubc/c32009.html>. PHMSA's site at <http://www.phmsa.dot.gov/hazmat/regs/international> also provides additional information regarding the UNSCOE TDG and related matters such as summaries of decisions taken at previous sessions of the UNSCOE TDG.

Dr. Magdy El-Sibaie,

Acting Deputy Associate Administrator for Hazardous Materials Safety.

[FR Doc. E9-24891 Filed 10-16-09; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC)—Aviation Rulemaking Advisory Committee Process Improvement.

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide advice and recommendations to the FAA about the current ARAC process. This notice informs the public of the new ARAC activity.

FOR FURTHER INFORMATION CONTACT: Pamela Hamilton, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202–267–8742, facsimile: 202–267–5075; e-mail pam.hamilton@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of Transportation determined the formation and use of an advisory committee to serve as a forum for the FAA to get input from outside the Federal Government on major regulatory issues facing the agency. As a result, the FAA established ARAC.

ARAC is a formal standing advisory committee made up of representatives from aviation associations, aviation industry, public interest groups,

advocacy groups, and interested members of the public. It is composed of a full committee, Executive Committee, issue areas, and working groups (which also include task groups). ARAC's objectives are to improve development of the FAA's regulations by providing information, advice, and recommendations related to aviation issues. The objective includes FAA working with industry and the public to obtain advice and recommendations on the Committee process.

Members of the Executive Committee have suggested there may be more effective means of achieving ARAC's objectives and requested a working group be established to develop possible process improvements. In December 2008, the FAA invited the Executive Committee (EXCOM) to provide input and ideas as part of its effort to reinvigorate the ARAC process.

The June 2009 EXCOM meeting included a presentation of solicited ideas, and proposed actions for the Executive Committee to consider. This notice advises the public that the FAA has assigned, and EXCOM has accepted, a task to recommend improvements to the ARAC process.

The Task

The FAA has tasked the ARAC working group to do the following:

1. Review the ARAC process;
2. Review working group and ARAC experiences with the process;
3. Develop recommendations for process improvements; and
4. Forward recommendations to the ARAC Executive Committee for review and approval.

Schedule: The task must be completed no later than 12 months after the first working group meeting.

ARAC Acceptance of Task

The ARAC Executive Committee has accepted the task and assigned it to the ARAC Process Improvement Working Group. The working group serves as staff to ARAC and assists in the analysis of the assigned task. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will send them to the FAA.

Working Group Activity

The ARAC Process Improvement Working Group must comply with the procedures adopted by ARAC. As part of the procedures, the working group must:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan, for consideration at the next ARAC

Executive Committee meeting held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.

3. Draft the appropriate documents and required analyses and/or any other related materials or documents.

4. Provide a status report at each meeting of the ARAC Executive Committee.

Participation in the Working Group

The ARAC Process Improvement Working Group has been established. However, if you wish to become a member of the working group, write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. We must receive all requests by November 18, 2009. The Executive Committee and the FAA will review the requests and advise you whether or not your request is approved.

If you are chosen for membership on the working group, you must actively participate in the working group by attending all meetings and providing written comments when requested to do so. You must devote the resources necessary to support the working group in meeting any assigned deadlines. Members will not be added or substituted without the approval of the FAA and the working group chair once the working group has begun deliberations.

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

Issued in Washington, DC, on October 13, 2009.

Pamela Hamilton-Powell,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. E9-25010 Filed 10-16-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2009-44]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before November 3, 2009.

ADDRESSES: You may send comments identified by Docket Number FAA-2009-0891 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

Docket: To read background documents or comments received, go to



December 26, 2010

Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Attention: Pam Hamilton, Director, Office of Rulemaking.

Subject: ARAC Recommendation, ARAC Process Improvement


Reference: ARAC Tasking, Federal Register (Volume 74, number 200,
October 19, 2009)

Dear Pam,

The ARAC Executive Committee and the Process Improvement Working Group (PIWG) are pleased to submit the attached report and presentations as an ARAC recommendation. This report addresses the referenced tasking in which ARAC was asked to recommend improvements to the ARAC processes. The ARAC Executive Committee has approved this report for transmittal as an ARAC recommendation to the FAA.

I would like to express our thanks to all the PIWG members for their dedication and resource contributions in completing this challenging task.

Sincerely yours,


Norm Joseph
ARAC Chairman

Copy: Renee Butner-FAA Office of Rulemaking
ARAC EXCOM
Katherine Haley-FAA Representative PIWG



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, DC 20591

February 1, 2011

Mr. Norman Joseph
V.P. of Rulemaking
Airline Dispatchers Federation
30 Camden Village Dr.
Newnan, GA 30265-5555

Dear Mr. Joseph:

This is in response to your December 26, 2010 letter. Your letter transmitted to the Federal Aviation Administration (FAA) the Aviation Rulemaking Advisory Committee (ARAC) recommendation from the Process Improvement Working Group (PIWG). The Executive Committee (EXCOM) approved the working group's recommendation following the December 16, 2010 meeting. The FAA accepts the recommendation report.

I wish to thank the PIWG and EXCOM members who provided resources to develop, review, and approve the recommendation. The report and the other official documents will be placed on the ARAC website.

We consider your submittal of the PIWG recommendation report as completion of the original tasking issued on October 13, 2009 (74 FR 53579, October 19, 2009) and therefore, have closed this task. We will keep the committee apprised of the agency's efforts on this recommendation through the FAA report at future EXCOM meetings.

Sincerely,

/s/

Pamela Hamilton-Powell
Director, Office of Rulemaking

November 15, 2010

Airline Dispatchers Federation
30 Camden Village Drive
Newnan, GA 30265-5555

Attention: Mr. Norm Joseph, ARAC EXCOM Chair

Subject: ARAC Process Improvement Working Group Final Report

References: ARAC Tasking, Federal Register FR Doc. E9-25010, October 13,
2009

Dear Norm,

The FAA created the Process Improvement Working Group, per the reference tasking, to review the ARAC process and develop recommendations for process improvement. The Working Group has now completed its tasking after a conducting a detailed review of the ARAC process and obtaining input from a wide range of previous ARAC participants. The Working Group identified many areas where the current process is working well and also identified opportunities for further improvements.

The final Working Group report is attached for EXCOM review and approval. The members of the Working Group were in full consensus and we would like to thank the FAA and the EXCOM for their support of this activity.

Sincerely yours,



Dan Zuspan
PIWG Co-Chair



Craig Bolt
PIWG Co-Chair

Copy: Pam Hamilton – Director, Office of Rulemaking
PIWG Members

**FAA Aviation Rulemaking Advisory Committee
Process Improvement Working Group (PIWG)**

**Recommendation Report
November 2010**

Table of Contents

Executive Summary	3
Background	4
Historical Information	4
FAA Rulemaking Reengineering Report (1997)	5
Fast-Track Harmonization Process (1999)	5
General Accounting Office (GAO) Study of FAA Rulemaking (2001).....	5
General Services Administration (GSA)/Gallup Poll (2005)	6
FAA Rulemaking Reengineering Refresh R3 Report (2009)	6
Benchmarking	6
Survey Methodology	6
Final Survey Findings	7
General Findings	8
Taskings	8
Time Limit	8
Consensus	9
ARAC Deliverables	9
FAA Response to ARAC Recommendations	9
ARAC Response to FAA Response.....	9
Team Composition and Effectiveness	9
Comments	10
FAA/Industry Breakout	10
Summary	10
Recommendation	10
The Seven Steps.....	10
<i>Step 1: FAA Tasking ARAC</i>	10
<i>Step 2: ARAC Team Formation and Effectiveness</i>	13
<i>Step 3: ARAC Address Tasks and Submit Recommendations</i>	14
<i>Step 4: FAA Consider and Address ARAC Recommendations</i>	17
<i>Step 5: ARAC Responds to FAA Request for Additional Information (Optional)</i>	18
<i>Step 6: FAA Address ARAC Recommendations in NPRM</i>	18
<i>Step 7: FAA Request ARAC Support to Address Comments to NPRM (Optional)</i>	19
Conclusion	20
Appendix I: The Tasking Notice	21
Appendix II: The Survey Introduction	23
Appendix III: The Test Survey and Results	24
Appendix IV: The Final Survey and Results	39
Appendix V: The PIWG Members	55

Executive Summary

In December 2008, the Federal Aviation Administration (FAA) invited the Aviation Rulemaking Advisory Committee (ARAC) Executive Committee (EXCOM) to provide input and ideas as part of its effort to reinvent the ARAC process. Members of the EXCOM suggested establishing a working group to develop possible process improvements to ARAC. The FAA published a tasking in the *Federal Register* asking the public to participate in a working group to review the ARAC process, to review working group and ARAC experiences with the process, to develop recommendations for process improvements, and to forward the recommendations to the ARAC EXCOM for review and approval.

The EXCOM established the Process Improvement Working Group (PIWG) to carry out the task. The members of the PIWG consist of EXCOM members as well as industry and FAA representatives with extensive backgrounds and experience with ARAC and its committee activities.

The PIWG reviewed several prior studies and reports about ARAC activities. The PIWG was able to identify several issues from these reports, such as inadequate FAA direction and involvement with the ARAC process and inadequate or lengthy follow-through on ARAC proposals. One of the reports did identify desirable characteristics for working groups that would contribute to smooth working and success.

The PIWG determined that the best way to obtain ARAC process improvement suggestions would be to develop a survey and send it to former ARAC participants. The PIWG sent two surveys; a test and a final, to over 350 participants. In total, 109 participants completed the surveys.

The survey respondents provided a wealth of information regarding ARAC processes and procedures covering such areas as FAA taskings, ARAC team composition, task time limit, consensus, ARAC deliverables, and FAA response to ARAC recommendations. The details of the survey process and findings are in this report and in the appendix.

Recommendations

The PIWG developed a series of recommendations categorized into seven steps and discusses each in detail throughout this report. These steps are:

- Step 1: FAA Tasking ARAC
- Step 2: ARAC Team Formation and Effectiveness
- Step 3: ARAC Address Tasks and Submit Recommendations
- Step 4: FAA Consider and Address ARAC Recommendations
- Step 5: ARAC Responds to FAA Request for Additional Information (Optional)
- Step 6: FAA Addresses ARAC Recommendations in NPRM
- Step 7: FAA Request ARAC Support to Address Comments to NPRM (Optional)

ARAC provides a unique and very important opportunity for the FAA, along with interested and knowledgeable parties from industry and the public, to work together to provide input to important guidance and rulemaking issues. The result is an informed process that allows the final results (rules, guidance material, or policy) to be viable and beneficial to the aviation industry.

The PIWG feels that these recommendations can provide important improvements and benefits to the ARAC process to make it even more responsive and beneficial as the industry moves forward into the

Next Generation Air Transportation System. We, therefore, recommend that the FAA implements the recommendations contained within this report by updating the committee manual and other pertinent process documents and instructions as appropriate.

Background

The Secretary of Transportation and the FAA administrator established the ARAC in 1991 to follow the guidelines of the Federal Advisory Committee Act and to serve as a forum for the FAA to obtain input from the aviation industry on major regulatory issues to improve the process for rulemakings. ARAC's objectives are to improve the development of the FAA's regulations by involving interested members of industry and the public early in the development stage. This provides the FAA with additional information, concerns, opinions, advice, and recommendations related to aviation issues to improve the overall quality of rulemaking documents and to reduce the probability of receiving non-supportive public comments when published. ARAC is a formal standing advisory committee made up of representatives from aviation associations, aviation industry, public interest groups, advocacy groups, and interested members of the public.

In December 2008, the FAA invited the ARAC EXCOM to provide input and ideas as part of its effort to reinvigorate the ARAC process. Members of the EXCOM suggested establishing a working group to develop possible process improvements to ARAC.

On October 19, 2009, the FAA published a new tasking in the *Federal Register (Appendix I)* asking the public to participate in a working group to:

1. Review the ARAC process;
2. Review working group and ARAC experiences with the process;
3. Develop recommendations for process improvements; and
4. Forward recommendations to the ARAC Executive Committee for review and approval.

The EXCOM assigned the task to the PIWG, which consists of EXCOM members and industry and FAA representatives with extensive backgrounds and experience with ARAC and its committee activities.

The PIWG developed a work plan to complete this tasking that included a review of past reports and studies on ARAC and the FAA rulemaking process, benchmarking of other government advisory committee processes, and a survey of former ARAC participants from industry and the FAA. The PIWG held both face-to-face meetings and biweekly teleconferences. This report describes the recommendations from the PIWG of process improvements for ARAC to provide a more effective means of achieving objectives to support the FAA rulemaking process.

Historical Information

The PIWG recognized that in the past, there have been reports and studies done about ARAC. To ensure that the PIWG was familiar with the previous efforts, we researched each historical report and briefly describe each one.

FAA Rulemaking Reengineering Report (1997)

In 1996, the FAA undertook to “reengineer” its rulemaking process. The objectives of this effort are in the report’s Executive Summary:

The primary objectives of the BPR project were to design a rulemaking process that offered reduced cycle time, increased efficiency, and improved product quality. In addition, the Working Team (WT) was charged with suggesting performance measures and standards, and recommending a continuous improvement process.

While most of the report dealt with internal FAA procedures, the WT also examined and made recommendations regarding the FAA’s interface with ARAC. The WT identified the following process issues:

Process Description	Major Process Attributes/Issues
FAA tasks ARAC.	Tasks are often vague, open-ended, without deadlines, and given to ARAC without adequate planning and resources.
WG develops proposal.	Inadequate involvement of FAA attorneys, economists, and management.
FAA processes ARAC recommendations.	Inadequate follow-through by FAA to adopt proposals.

The WT recommended that instead of a tasking to provide a draft Notice of Proposed Rulemaking (NPRM), the task should have ARAC prepare a report on its findings regarding the problem. The WT also recommended that rather than striving for consensus, ARAC should express all points of view. The FAA rulemaking team would develop a draft NPRM, which would be sent back to ARAC to “review and negotiate.” The WT also recommended setting deadlines for all ARAC tasks, and that the Coordinating Committee (since established as the Rulemaking Management Council) approve a Rule Project Document (now referred to as the Rulemaking Process Record (RPR)) before the FAA team drafts the NPRM.

Fast-Track Harmonization Process (1999)

In response to a commitment by the Aircraft Certification Service to place a higher priority on harmonizing airworthiness standards with the Joint Aviation Authorities of Europe, in 1999, the FAA initiated a Fast-Track Harmonization Process. This process was formalized by the Rulemaking Management Council’s approval of a program RPR to retask ARAC with 41 harmonization rulemaking tasks and by publishing an ARAC tasking that described a streamlined process for developing harmonized rules. This process largely reflected the Reengineering WT’s recommendations relating to ARAC. In particular, the working groups were given 120 days to prepare reports in a particular format designed to provide the FAA with information necessary to prepare NPRMs. The tasking also provided the working groups with an opportunity to review and comment on the FAA’s draft NPRM before publication in the *Federal Register*, with a commitment from the FAA to address the working group’s comments in the published NPRM.

General Accounting Office (GAO) Study of FAA Rulemaking (2001)

In 2001, GAO issued a report about the FAA rulemaking titled, “Further Reform Is Needed to Address Long-Standing Problems.” The GAO report was critical of the timeliness of the FAA rulemaking

process. In particular, the GAO found the reforms adopted as a result of the reengineering rulemaking project had not been fully implemented, and the time for completion of rulemakings had actually increased. While recognizing the ARAC process, the GAO did not evaluate it in detail because it focused primarily on the internal FAA management of the rulemaking process.

General Services Administration (GSA)/Gallup Poll (2005)

In 2005, the Gallup Organization, sponsored by the GSA, published the results of a poll taken to determine ways to improve the effectiveness of advisory committees. While none of the advisory committees polled were involved in rulemaking, the GSA findings helped in identifying those characteristics that lead to the success of any advisory committee. Among the findings:

Most Important Ingredients for Committee Success

Interview participants credit the following with the success of their advisory committees:

- Good selection of members
- Effective chairperson
- Interface with stakeholders
- Positive relationship between the agency and the committee
- Resourceful liaison/administrative staff

FAA Rulemaking Reengineering Refresh R3 Report (2009)

In 2009, the Director of the FAA's Office of Rulemaking recommended a review of the FAA's internal rulemaking process. The review, referred to as the FAA Rulemaking Reengineering Refresh (R3) Report, was limited to FAA employees. The tasking included the following: (1) assess the current internal rulemaking process, (2) benchmark the FAA's process against processes at other regulatory agencies, and (3) develop recommendations for improving the FAA's process. The R3 team focused its efforts on coordination efficiency within the agency and evaluated how the FAA's process could improve the quality of the FAA's rulemaking products. The R3 final report did not address ARAC's role in developing rulemaking recommendations for the FAA.

Benchmarking

The PIWG searched for other advisory committees involved in rulemaking to identify their processes and benchmark against them. However, the PIWG was unable to identify any other agencies, with advisory committees that are tasked to provide advice on rulemaking. The FAA appears to be unique in this nature.

Survey Methodology

The PIWG agreed the best way to obtain ARAC process improvement suggestions would be to survey former ARAC participants. Through the FAA Office of Rulemaking, the PIWG obtained contact names and e-mail addresses for over 350 former ARAC participants who participated between the years of 2000 and 2009. Survey Monkey, a credible and established online survey creation and distribution tool, was selected by the PIWG as the method for conducting the ARAC survey.

Throughout the fall of 2009, the PIWG developed, reviewed, and revised survey questions during the biweekly teleconferences. Once the PIWG approved the content of the survey questions, the group asked a survey expert (a PhD senior math and math modeler with The Boeing Company) to review and validate it. The survey expert helped revise and mathematically validate the survey from January

through March 2010. After accepting his comments, the PIWG finalized the survey and had the director of the FAA Office of Rulemaking review it.

While revising the survey, the survey expert suggested a test survey be sent to between 7 and 15 ARAC participants for validation. On January 13, 2010, the following note with a link to the test survey was sent to 14 former ARAC participants:

Dear ARAC Participant,

On October 19, 2009, a notice was published in the Federal Register announcing the formation of the Aviation Rulemaking Advisory Committee Process Improvement Working Group (ARAC PIWG). This group has been tasked with providing ARAC process improvement advice and recommendations to the FAA about the current ARAC process.

You are receiving this e-mail because the ARAC PIWG would like your help testing an Internet-based survey that we plan to send to about 350 ARAC participants. We have selected 14 testers and request that you complete the test survey by Friday, January 22, 2010.

The test survey should take about 15–30 minutes to complete, but please add a comment on the last page of the survey if you find it takes significantly longer than that. Your answers to this test survey will be used to improve the ARAC process as well as improve the survey itself before we send it out to the 350 ARAC participants. You will not be asked to complete the survey a second time, so please answer all the questions to the best of your ability.

Out of the 14 test surveys, the PIWG received eight completed surveys. The survey expert mathematically analyzed the survey results and found them to be statistically valid. As a result of the test survey, the PIWG rewrote several questions to provide additional clarity.

On February 4, 2010, the final survey was sent to approximately 350 former ARAC participants, excluding the test survey participants, with a request to complete the survey by February 25, 2010. The survey officially closed on March 8, 2010, with 101 participants completing the final survey. In total, combining the results from the test and final surveys, 109 surveys were completed.

The survey expert mathematically validated the final survey results and found the results to be statistically valid.

The test and final survey questions with raw answer distributions and the survey introduction page can be found in Appendices III and IV of this report. However, we did not include the comments provided by the survey participants due to the confidentiality agreement stated in the introduction.

Final Survey Findings

After the survey results were validated, the PIWG reviewed them to identify the key findings. In April 2010, the PIWG met at the FAA Transport Airplane Directorate office in Renton, WA, to discuss the results.

This section identifies the *key* findings from the survey that the PIWG found most significant. From these key findings, the PIWG developed the recommendations. This section does not identify *all the* findings that may have contributed to a recommendation in this report.

Many survey questions include both a numerical response and a comment section. To encourage the participants to write comments, there is a confidentiality agreement in the beginning of the survey. However, it is important to note, the comments helped the PIWG to understand the data results and assisted in identifying the key findings and making recommendations.

As described in the previous section, the survey questions allowed the participants to select one of the following: *strongly agree*, *agree*, *neutral*, *disagree*, or *strongly disagree*. In the following paragraphs, all the percentages quoted for *agree* include both *agree* and *strongly agree* answers, and all the percentages quoted for *disagree* include both *disagree* and *strongly disagree* answers.

Note: Because there are some differences between the test and final survey questions, we only reference the final survey results in the following paragraphs. However, the PIWG reviewed all results from both the test and final survey.

General Findings

In general, the strengths of ARAC that most survey participants agreed with are:

- Tasking notices utilizing detailed questions are highly effective and preferred by the participants.
- Working group formation and makeup are generally good.
- Working groups are generally well managed.

In general, the survey participants felt the weakest areas needing improvement are:

- ARAC tasking statements are moderately effective, but have room for improvement.
- Many working group members are not aware of the ARAC Committee Manual or do not find it useful.
- Many working group members are not fully aware of their roles and responsibilities.
- There is concern about the FAA response to and timely follow-through on ARAC recommendations.

Taskings

The beginning of the survey addresses the FAA tasking of ARAC. It asks participants to compare tasking notices that request draft rulemaking documents to those that request answers to detailed questions. Ninety percent of the participants agree that a tasking notice requesting answers to detailed questions is effective (only a small minority disagreed), and 65 % prefer to be tasked this way (survey questions 1 and 3).

Based on the comments and the survey results, it became evident to the PIWG to address additional topics in the tasking notice. We discuss this finding in the recommendation section.

Time Limit

Most participants (78 %) agree that establishing a time limit for the task is important. However, less than 20 % of the participants support an arbitrary one-year time limit (questions 6 and 7).

Additional comments strongly urge that time limits be commensurate with the scope, magnitude, and complexity of the task, and the ARAC should officially start at the first meeting of the working group rather than the publishing date of the task in the *Federal Register*.

Consensus

The goal for a working group to achieve consensus is highly recommended in the Committee Manual. Seventy percent of the participants agree that working groups should achieve consensus (question 10). However, some of the comments also recognize that too much focus on consensus can lead to unneeded delays in developing recommendations.

However, the participants do not support consensus as a mandatory outcome. The survey reveals about 83 % agree that both majority and minority positions should be documented within the working group report (question 11).

ARAC Deliverables

When asked about what is a good method to provide a response to the tasking, over 97 % agree that it should be in the form of a written report (question 14). In addition, 83 % of the participants support the notion that the working group should provide a recommended rewrite of the regulations and/or advisory material in the report (question 15). They are, however, evenly divided on whether ARAC should develop a full regulatory document (question 16).

FAA Response to ARAC Recommendations

The survey contains questions about the FAA's response to ARAC recommendations. When asked if the FAA should provide reasons in the draft rulemaking document when disagreeing with an ARAC recommendation, 96 % of the participants agree (question 20).

ARAC Response to FAA Response

Several survey questions explore how ARAC and the FAA could or should interact after ARAC recommendations are made. The survey participants would like opportunities to communicate between the time of submitting recommendations and issuance of the NPRM (questions 22, 25, and 26).

Team Composition and Effectiveness

The survey also queried the participants as to how well suited the teammates in their working group were for the assigned tasking.

- 75 % agreed the working group had the right balance of people from across industry (question 30).
- 82 % agreed the working group had people with applicable skills (question 31).
- 73 % agreed their working group members had good teamwork skills (question 32).
- 74 % agreed the working group had an effective leader (question 33).

Other questions queried the participants about the effectiveness of the working group. While the results were generally positive, the survey did identify areas for improvement:

- 62 % agreed the work plan was well managed (question 34).
- 67 % agreed the meetings were well run (question 36).
- 59 % agreed their working group members had a clear understanding of the roles and responsibilities (question 37).
- 50 % agreed their working group was effectively overseen by the issue group or steering team (question 38).
- 50 % of the participants were aware of the ARAC Committee Manual. Of those, only 50 % found the manual useful (questions 39 and 40).

Comments

As noted in the beginning of this section, the design of the survey is to elicit comments for many of the questions. The purpose of these questions is to obtain a better understanding of the responses and/or ask the participant's input on how to improve some element of the ARAC process. The survey participants submitted over 850 discreet comments. As also noted, the confidentiality agreement was to encourage the participants to provide input. For that reason, we do not include the raw comments in this report and they are not available to the FAA or general public. However, these comments are of great assistance to the PIWG to understand the numerical results and shape the recommendations accordingly.

FAA/Industry Breakout

During our analysis of the survey results, the PIWG became interested in how results from the FAA participants may have differed from industry participants. To understand some of the results and formulate solid recommendations, we asked the survey expert to separate the FAA participants' results.

In the review of the FAA results compared to the overall results, there is a high level of consistency between these two groupings. The differences that were observed were minor, understandable, and did not drive any significant recommendations.

Summary

In summary, the data and comments drawn from the survey are useful to inform the PIWG of participant's thoughts and experiences in ARAC and how to improve it. The PIWG believes the following recommendation adequately addresses the data and comments from the participants.

Recommendation

The Seven Steps

The ARAC process improves the development of the FAA's regulations by involving interested members of industry and the public early in the development stage. This provides the FAA with additional information, concerns, opinions, and recommendations that improve the overall quality of the rulemaking document and reduce the probability of receiving non-supportive public comments when published. The PIWG categorizes the recommendations into seven steps, as follows:

- Step 1: FAA Tasking ARAC
- Step 2: ARAC Team Formation and Effectiveness
- Step 3: ARAC Address Tasks and Submit Recommendations
- Step 4: FAA Consider and Address ARAC Recommendations
- Step 5: ARAC Responds to FAA Request for Additional Information (Optional)
- Step 6: FAA Address ARAC Recommendations in NPRM
- Step 7: FAA Request ARAC Support to Address Comments to NPRM (Optional)

Step 1: FAA Tasking ARAC

When the FAA determines that it needs assistance from ARAC on a rulemaking issue, it submits a task to ARAC to develop a recommendation. The content of the tasking has a significant impact on the quality and scope of the recommendations provided to the FAA and, therefore, the overall effectiveness of ARAC to improve the rulemaking issue. The PIWG recommends that the tasking notice include more detailed background information, a list of questions, the expected deliverable, the schedule, and any additional support from ARAC, if requested.

Objectives and Background Information

In the past, ARAC taskings have sometimes been vague in stating the objective and provided limited background information. For example, some tasks identify a general issue or regulatory paragraph and request recommendations to improve or harmonize it.

The tasking notice must provide a clear objective to ensure that the recommendations address the issues and provide the information necessary to support the development of a rulemaking document. The tasking should be in the form of a list of detailed questions and should identify whether the objective is to:

- Address a specific safety issue/concern,
- Consider new technology or novel features and activities that may not be adequately addressed by the existing safety regulations,
- Develop regulatory text,
- Provide quantitative and qualitative costs and benefits,
- Harmonize with other requirements, or
- Provide additional information.

In addition, the tasking should include detailed background information about the related issues. This would include, at a minimum, a summary of related safety data from accidents/incidents; recommendations from the National Transportation Safety Board and/or other government/industry organizations; and a summary of related FAA regulatory requirements, policy, and guidance including a description of changes made at each revision level and why. The tasking should also provide other pertinent information that may be helpful to ARAC, such as legal interpretations, enforcement actions, petitions for exemption, operational statistics, etc.

The tasking should identify when harmonization is the objective or the desirable outcome and should include background information for the other regulatory authority requirements (i.e., EASA, ICAO, etc). This will provide ARAC with the available information to support their deliberations and development of recommendations to the FAA.

In summary, the PIWG recommends the ARAC taskings be in a list of detailed questions and include more background information. The survey results strongly support this recommendation with 90 % of the participants agreeing that it is effective for a tasking to request answers to detailed questions and nearly 65 % of the participants prefer this approach.

Deliverable

Experience has shown that drafting complete rulemaking documents is not a very effective and efficient use of ARAC participant expertise and resources. This is evident from the survey participants' comments that said spending significant time and energy "word smithing" documents has no appreciable effect on the technical intent of the recommendation. Working group members are selected for their technical expertise and do not necessarily possess the requisite knowledge to effectively develop draft NPRM language in accordance with rule-writing guidelines and to accomplish economic, small business, and other required assessments.

The PIWG recommends the deliverable should be in the form of a detailed report. This approach ensures deliberation of the desired issues and potential options by the working group and provides the necessary information to support the FAA development of a rulemaking document. In addition, it establishes the appropriate expectation among working group members that ARAC provides recommendations to

support FAA rulemaking. It is critical for all participants to understand that the role of ARAC is to advise the FAA on the policy options available and to document the pros and cons, rather than to attempt to develop regulatory documents.

In addition, when drafting a regulatory document, participants tend to negotiate and compromise, resulting in certain tradeoffs in order to achieve general consensus on common language. For example, they may agree on a particular regulatory text, but only on the condition to include the specific language in the preamble section. However, there is little to no discussion and rationale provided in the tasking notice regarding discussion of a possible tradeoff, which results in an ARAC recommendation that does not fully reflect the pertinent issues and concerns of all positions on the issue. The PIWG believes that while consensus is always desirable, it is more important that the working group discuss each side of an issue and clearly document majority and minority opinions in the recommendation report. The most effective way to achieve this is for the task to include guidance to the working group to include in the recommendation both the majority decision and the minority position.

To tie in with the majority decision and the minority position, the tasking notice should request that the working group provide specific regulatory text. The working group participants are best positioned in terms of their technical expertise and practical experience with determining compliance to recommend specific regulatory text. This is important because the use of specific terms in regulatory text can have a significant impact upon how to interpret it and whether it would meet the intent of the overall recommendation.

Historically, working groups treat cost/benefit data as an afterthought and struggle to provide useful and consistent data in follow-up questions by the FAA economists. Therefore, detailed questions in the original ARAC tasking should solicit quantitative and qualitative costs and benefits. These may include accident/incidents related to the rule in order to consider the vital information necessary for the economic analysis. Working groups would use this information throughout the development of the recommendations and would be made available in the report.

Finally, the tasking list of questions should also address any additional information that will be important toward the development of the regulatory document. For example, if an issue may impact a large number of small businesses, the tasking should provide background information to support the required impact analysis and pose some specific questions to ensure that the necessary data is available.

Schedule

There should be a specific time limit for an ARAC task that should be commensurate with the scope, magnitude, and complexity of the task. The PIWG recommends a default time limit of one year with an option for longer periods of time based on the factors above. In all instances, there should be major milestones and interim deliverables assigned. The tasking time line should begin at the first working group meeting, as opposed to the publication in the *Federal Register*, as there are often several weeks and sometimes even months before the working group has its first meeting. In addition, the tasking should provide allowance for extending the schedule if justified by the working group and authorized by the EXCOM and the FAA.

Additional ARAC Support

As discussed in Steps 4, 5, and 7, there may be occasions when the tasking should include options for the FAA to request additional assistance from ARAC after its initial report has been submitted. If the FAA considers it likely that it will need additional assistance, including these options in the original

tasking would expedite the overall process by avoiding the need to develop, coordinate, and publish follow-on taskings later.

The PIWG makes the following recommendations:

- The FAA should make changes to the tasking notice template and process to incorporate elements and information described above, and summarized below:
 - Clear objectives
 - Detailed background information
 - List of questions to be answered by the ARAC, including some that would be considered standard questions for each notice
 - Specific time limit commensurate with the scope and complexity of the task
 - Deliverable in the form of a detailed report (not regulatory language)
 - Harmonization objectives (if any)
 - Additional ARAC support anticipated (see steps 4 and 7)

Step 2: ARAC Team Formation and Effectiveness

The PIWG looked at the formation, size, and composition of an ARAC working group after assigning a tasking.

The PIWG agrees that the most important aspects of a successful working group are the qualifications and capabilities of the working group chair. The chair needs to be technically knowledgeable of the tasking area, but just as importantly should also have good skills at conducting meetings and facilitating discussion.

The size of the working group is also significant. A manageable size for a working group should be between 10 and 12 persons. If the chair desires more people or the assigned task is complex, he or she can assign a smaller task group to address a specific, narrowly focused task. The task group would report back directly to the working group chair. In most situations, the formation of task groups to support the working group can be managed by the working group itself by selecting technical specialists and providing them with a detailed statement of work. If the working group determines they need support from another existing ARAC working group, they should coordinate that support through the aeronautical technical subject area or the EXCOM, depending where the task is assigned.

Working/task group members should represent a wide range of perspectives on the assigned task, and they should be able to effectively represent their constituent groups (company, organization, etc.) during discussion and deliberations.

The FAA personnel assigned to a working group have a very important role. They represent the FAA in discussions and deliberations and should be able to advise the working group on the efficacy of the discussions. If the working group is considering issues or going in a direction that will not be acceptable to the FAA, the FAA representative must advise the working group. Additionally, the FAA representative assigned to the working group should also be the lead for the subsequent FAA rulemaking team to ensure continuity. If during the development of the NPRM, the rulemaking lead leaves the project, the working group should reconvene and brief the new lead on what occurred during the ARAC process.

There may be a task assigned to ARAC that raises harmonization issues with a foreign regulatory authority. If that is the case, the foreign authority should have representation on the group.

The PIWG makes the following recommendations:

- The FAA should carefully consider the capabilities and qualifications of the working group chair.
- The FAA should attempt to keep the working group to a manageable size. If the group needs to be larger, task groups should be established to address specific areas of the assigned task.
- The working group should be balanced and able to effectively represent affected segments of the industry.
- If the task involves harmonization issues with foreign regulatory authorities, those entities should participate in the working group.
- The FAA should be prepared to assist the working group during discussions and deliberations to provide technical or process guidance.

Step 3: ARAC Address Tasks and Submit Recommendations

After the FAA publishes a tasking to ARAC (Step 1) and the working group is formed (Step 2), the working group initiates activity to address the tasking and formulate its recommendations. The PIWG divided this into three parts: first working group meeting, subsequent meetings, and the final meeting.

Step 3A: First working group meeting

The first meeting should be face-to-face with all working group members in attendance. (Subsequent meetings can often be “virtual” in nature to expedite completion of the tasking and to minimize travel expenses, but experience shows an initial face-to-face meeting creates a more effective team.)

The Office of Rulemaking should support the first meeting by having a representative attend the meeting and provide a briefing to the working group about the ARAC and rulemaking process. Key topics for discussion should include:

- The ARAC process as defined in the Committee Manual.
- The FAA should explain what happens during the rulemaking process prior to assigning a task to ARAC and what happens after an ARAC recommendation is made to the FAA. There also should be an explanation of the advisory material process.
- The FAA needs to convey that the working group is not performing “negotiated rulemaking.”

The FAA technical representative on the working group should explain how the FAA is harmonizing with other regulatory authorities, if applicable. It should determine during the working group formation (Step 2) whether representatives of foreign regulatory agencies will be active participants in the working group. (The vast majority of survey participants consider the maintaining of harmonization to be an ongoing concern in future rulemaking.)

The FAA legal representative assigned to support the working group should brief, by either phone or in person, about the legal role during the process. The briefing should include basic guidelines as to what is appropriate regulatory language versus appropriate language for advisory material. Experience shows that working group consideration and incorporation of legal input into the recommendation report is essential to ensure that the ARAC product is useful to the FAA.

The FAA economist assigned to support the working group should brief, by either phone or in person, about the role of the economist during the first meeting and how the working group uses information during subsequent rulemaking. Historically, working groups have struggled in providing useful and consistent data to the FAA economist and treats effort as an afterthought. The FAA should provide

general guidelines in the Committee Manual about how the FAA economist can tailor to the specific needs of each tasking.

The working group should review the FAA tasking notice to make certain there is a clear understanding of the objectives and the expected deliverable(s) to the FAA. The FAA should ensure that all members of the rulemaking team involved in the development of the tasking are available (by phone or in person) to answer working group questions, provide background perspective, etc. The working group should also take this opportunity to request any additional material that would be helpful in developing the recommendations.

The working group should establish a work plan to complete the tasking within the allotted time frame. Based on results from the survey, many past working group members expressed that using online meetings and document tools contributes to the effectiveness of the working group. It provides continuous communication between the formal meetings. The work plan should also include milestones for engagement of the FAA attorney and economists, and progress reports to the aeronautical technical subject area group or EXCOM. The working group should discuss the overall format of the final recommendation report. There should be a milestone to submit the report at least 30 days prior to the planned approval vote by the aeronautical technical subject area group or EXCOM.

At the conclusion of the first meeting, the working group chair should ask each member to reaffirm his or her commitment to support and participate in the working group based on the work plan. There should be emphasis that each member must keep his/her management and/or constituencies informed of the progress and direction, and discuss the present issues in order to minimize the comments during the NPRM stage. One benefit of ARAC is to get a recommendation that reflects the best work of both the regulatory authorities and industry to minimize adverse public comments during the NPRM phase.

The development of a concept paper as recommended in the current ARAC Committee Manual is no longer considered necessary because the working group report will be in the form of responding to questions from the tasking notice. Regular progress reports to the aeronautical technical subject area group or EXCOM provide the means to keep management groups aligned on the direction of the working group in response to the tasking.

There may be situations where a new task is assigned to an existing, active working group. In these circumstances, the Office of Rulemaking and the working group chair may elect to abbreviate, modify, or eliminate these Step 3A recommendations as appropriate to the situation.

The PIWG makes the following recommendations:

- For newly formed working groups or existing working groups with new members, the FAA should develop and provide briefings in the first meeting, which is preferably held face to face, from the following:
 - Office of Rulemaking
 - FAA technical representative
 - FAA legal representative (participation by phone optional)
 - FAA economist (participation by phone optional)
- Establish a work plan with a time line that includes milestones for engagement of the FAA attorney and economists.

- Obtain working group member commitment to the work plan and emphasize the responsibility of each group member to keep his or her management and/or constituencies informed of progress and direction.
- Eliminate the requirement for a concept paper.

Step 3B: Subsequent meetings of the working group

The working group should make every effort to adhere to the schedule and the agreed-upon work plan from the first meeting. The survey indicates that it is vital to strictly follow the tasking in order to meet the desired time schedule. If issues arise beyond the original tasking, it should be documented in the final report as a recommendation(s) for future FAA or ARAC work.

Historically, working groups have been asked to strive for consensus among all members before submitting the recommendation report. In retrospect, this approach results in significant delays in completing many taskings. There are valuable viewpoints not included in the final report, which result in adverse comments from industry during the NPRM phase. The PIWG believes that while consensus is always desirable, it is more important for the working group to discuss all sides of an issue and clearly document both the majority and minority opinions of the issue in the recommendation report.

The FAA economist and attorney should participate in the working group meetings in accordance with the work plan. (It is not a requirement for their participation in all meetings, but the FAA technical representative should brief them on any issues that arise that may be relevant to their concerns.) If assistance in the development of the economic analysis is needed, the working group should provide support personnel from their organizations.

The PIWG makes the following recommendation:

Working groups should be sure to follow the schedule and keep the FAA economist and attorney involved per the work plan. This will help ensure the working group reaches a recommendation based on a full understanding of the FAA interests and positions.

Working groups should try to reach consensus, however it should not be required. If consensus is not practical, the working group should document both the majority and minority opinions of the issue(s) in the recommendation report.

Step 3C: Final working group meeting prior to recommendation submittal

Each working group member should review the proposed final report prior to the final meeting to ensure that it accurately reflects the working group recommendations and clearly documents any minority positions and the majority response. The final report format should clearly respond to the series of questions asked in the tasking notice. Minority opinions should be documented in a different section of the report with members given the opportunity to respond in writing. For example, the main body of the report may consist of the majority's answers to the tasking's questions with an appendix to present the minority answers and responses to those answers by the majority and/or other working group members. The objective is to provide the FAA with a complete understanding of the issue, rather than an artificially derived consensus.

Each working group member should indicate that they have reviewed the work within their management structure and that their organization is aligned with the report (including the minority position).

Finally, the working group should include any suggestions for future working groups or ARAC activities in the cover letter that transmits the report to the aeronautical technical subject area or to the EXCOM.

The PIWG makes the following recommendation:

The FAA should provide specific guidelines in the Committee Manual outlining the key elements to be included in the ARAC working group report.

Step 4: FAA Consider and Address ARAC Recommendations

If the FAA has correctly identified in Step 1 all the issues it seeks recommendations for, and if ARAC has adequately addressed these issues in Step 3, the FAA rulemaking team should have the information it needs to develop the NPRM.

Once the FAA rulemaking team has had an opportunity to review the working group's responses to the tasking, it should begin to formulate the content of the draft NPRM. In the process of doing this, the rulemaking team should consider and address each of the responses to questions provided by ARAC, identifying areas where it disagrees with, or has concerns about, the working group's responses. The rulemaking team may also identify additional issues or concerns to address in the NPRM that were not included in the original tasking or not fully addressed in the working group's responses. It is not uncommon that, in the course of developing regulatory documents, new issues emerge that the rulemaking team had not previously considered.

Under these circumstances, it may be helpful for the FAA rulemaking team to be able to reengage with the working group in an effort to have a more complete understanding of the working group's views before proceeding with developing the NPRM. This is also consistent with the views expressed in the survey, where a significant majority (73 %) of participants wanted an opportunity to review the FAA's draft NPRM derived from their recommendations before publication. While the PIWG recognizes this raises ex parte concerns, we believe the same objective can be served through means other than providing the working group with the draft NPRM.

The PIWG makes the following recommendation:

If the FAA rulemaking team decides it would be helpful¹, the FAA team should develop a letter to ARAC identifying the issues for which it has concerns with the working group's responses and any additional issues for which they seek further input from the working group. In this letter, the FAA rulemaking team would explain its concerns and its reasons for seeking additional input. This letter should include the following for each issue:

- Identify the issue.
- Summarize the information (if any) that the working group has already provided on the issue.
- State why the FAA team has 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.
- Express the desire of the FAA rulemaking team to meet (in person or via teleconference) with the working group to discuss the issues.
- Provide a deadline for the working group's response (typically 45 days).

¹ If the tasking at Step 1 has allowed for this, no further formal retasking would be required. Otherwise, the FAA would have to formally retask ARAC under the normal process.

Step 5: ARAC Responds to FAA Request for Additional Information (Optional)

If requested at Step 4, this step provides an opportunity for the working group to respond to the questions and issues raised by the FAA rulemaking team. When ARAC forwards the FAA rulemaking team's letter to the working group chair, he or she should immediately schedule a meeting or teleconference with both the working group and the FAA rulemaking team to discuss the letter and to begin to formulate responses to the questions presented. The process for this step should be similar to the process in Step 3. In particular, the working group should recognize that its objective is to provide the FAA with complete information, including differing views, rather than a consensus response that does not disclose differences that may exist.

The FAA rulemaking team members, including both the attorney and economist, must be available to discuss the questions to ensure a complete understanding by the working group of their concerns and to ensure that the working group's responses will provide the needed information. This may require more than one session. However, both the FAA rulemaking team and the working group must recognize that the purpose of this step is to provide responses to the questions presented in the letter, and not to attempt to draft or to affect the drafting of the NPRM itself.

Like Step 3, the working group should document its responses in the form of a report to EXCOM, including minority views and responses to them, and forwarded to the FAA.

The PIWG makes the following recommendation for this optional step:

The working group should provide a timely response to the FAA's request for additional information in the form of a report

Step 6: FAA Address ARAC Recommendations in NPRM

Once the FAA receives ARAC's report, the FAA rulemaking team proceeds with developing the NPRM. The draft NPRM preamble should include a discussion of the ARAC responses provided in both Steps 3 and 5 (if used). If the draft NPRM follows the ARAC recommendations, the preamble should acknowledge this. If the draft NPRM does not follow a particular recommendation, the preamble should identify the recommendation and how the NPRM differs from it and explain the reasons for the differences. Similarly, if the ARAC report(s) include minority views that the FAA rulemaking team chooses not to follow, the preamble should identify those views and the NPRM's differences and explain the reasons for them. If the FAA team agrees with the working group's response to the minority opinion, the NPRM may simply refer to the ARAC report, which should be placed in the docket.

Following this practice should have the following desirable effects:

- Provide feedback to ARAC that its views are understood and considered.
- Reduce the number of adverse comments that restate views expressed in the ARAC reports that the FAA did not follow.
- Even if such comments are submitted, it should simplify the FAA's responses to them when they issue the final rule.
- Most importantly, if the FAA has misunderstood the ARAC recommendation, it enables the working group to identify the misunderstanding and correct it in their comments to the NPRM.

The PIWG makes the following recommendation:

The FAA should clearly describe in the preamble of the NPRM disposition of the recommendation report.

Step 7: FAA Request ARAC Support to Address Comments to NPRM (Optional)

This step is optional and is for the working group to provide responses to the questions and issues raised by the FAA team in response to comments to the NPRM. Following the closing of the comment period, the FAA team conducts an initial review of comments received. During this review, the FAA team may identify issues raised by the commenters for which input from the working group would be helpful in developing an appropriate response to the comment. For example, a commenter may raise safety issues that the FAA had not previously considered regarding a technology allowed under the NPRM, and it would be helpful to obtain the opinions of the working group experts on the issues raised.

Under these circumstances, if the original ARAC tasking has included this option, the FAA team should develop a letter, similar to the letter developed in Step 5, identifying the issues and concerns, referencing the comment, and posing specific questions to the working group.²

As under Step 5, when ARAC forwards the FAA rulemaking team's letter to the working group chair, he or she should immediately schedule a meeting or teleconference with both the working group and the FAA rulemaking team to discuss it and to begin to formulate responses to the questions presented. Like Steps 3 and 5, the working group should document its responses in the form of a report to ARAC, including minority views and responses to them, and forward it to the FAA.

Once the FAA receives ARAC's report, the FAA team proceeds with developing the final rule. Similar to Step 6, the draft final rule response to the comment should include a discussion of the ARAC report, whether the FAA agrees with ARAC's recommendations, and, if not, its reasons for disagreeing. Given the timing constraints for issuance of final rules and the resource requirements for this step, it should be used sparingly; but in appropriate cases, this step would provide the FAA with a better understanding of issues raised by commenters, resulting in better final rules.

The PIWG makes the following recommendation for this optional step:

The FAA should consider future opportunities to further engage with the working group to support the FAA disposition of comments for complex issues.

² If the original tasking did not include this option, the FAA should consider retasking ARAC using this same process.

Conclusion

Over the past 20 years, ARAC has made many important contributions to FAA rulemakings and to aviation safety. Although the PIWG's efforts focus on the ARAC process, we are repeatedly reminded of the value of ARAC's substantive contributions, and our objective is to increase that value through process improvements. In developing our recommendations, we observed the progress and improvement of many areas from the early reports. There are, however, some issues that still persist and provide opportunity for improvement.

In particular, it is critical for all participants to understand that the role of ARAC is to advise the FAA on the policy options available and to document the pros and cons, rather than attempting to develop regulatory documents. The most effective way to achieve this is for ARAC tasks to provide the necessary background information and to pose specific questions that focus on the technical and policy issues that could be addressed in the rulemaking or other action.

While consensus is desirable, it is more important to provide the FAA decision makers with the best information and analysis possible, including differing perspectives. Throughout the development of the recommendations, working groups should consider the technical and policy issues and any existing legal or economic constraints. The FAA should fully engage in ensuring to provide working groups with those perspectives.

Once ARAC has submitted its recommendations, it is essential that the FAA promptly respond. If, in its review of an ARAC report, the FAA rulemaking team identifies additional issues or concerns to address in rulemaking, the team should be able to direct additional questions to ARAC and to participate in developing responses. This dialog should be reflected in the resulting rulemaking documents, and the quality of those documents should be significantly improved as a result.

We believe that, if the FAA and ARAC implement the process improvements described in this report, ARAC will continue to provide important contributions to FAA rulemaking for many years to come. As individuals committed to the success of ARAC, we look forward to participating in that process.

Appendix I: The Tasking Notice

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC)—Aviation Rulemaking Advisory Committee Process Improvement.

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide advice and recommendations to the FAA about the current ARAC process. This notice informs the public of the new ARAC activity.

FOR FURTHER INFORMATION CONTACT:

Pamela Hamilton, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202-267-8742, facsimile: 202-267-5075; e-mail *pam.hamilton@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of Transportation determined the formation and use of an advisory committee to serve as a forum for the FAA to get input from outside the federal government on major regulatory issues facing the agency. As a result, the FAA established ARAC.

ARAC is a formal standing advisory committee made up of representatives from aviation associations, aviation industry, public interest groups, advocacy groups, and interested members of the public. It is composed of a full committee, Executive Committee, issue areas, and working groups (which also include task groups). ARAC's objectives are to improve development of the FAA's regulations by providing information, advice, and recommendations related to aviation issues. The objective includes FAA working with industry and the public to obtain advice and recommendations on the Committee process.

Members of the Executive Committee have suggested there may be more effective means of achieving ARAC's objectives and requested a working group be established to develop possible process improvements. In December 2008, the FAA invited the Executive Committee (EXCOM) to provide input and ideas as part of its effort to reinvigorate the ARAC process.

The June 2009 EXCOM meeting included a presentation of solicited ideas, and proposed actions for the Executive Committee to consider. This notice advises the public that the FAA has assigned, and EXCOM has accepted, a task to recommend improvements to the ARAC process.

The Task

The FAA has tasked the ARAC working group to do the following:

1. Review the ARAC process;
2. Review working group and ARAC experiences with the process;
3. Develop recommendations for process improvements; and
4. Forward recommendations to the ARAC Executive Committee for review and approval.

Schedule: The task must be completed no later than 12 months after the first working group meeting.

ARAC Acceptance of Task

The ARAC Executive Committee has accepted the task and assigned it to the ARAC Process Improvement Working Group. The working group serves as staff to ARAC and assists in the analysis of the assigned task. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will send them to the FAA.

Working Group Activity

The ARAC Process Improvement Working Group must comply with the procedures adopted by ARAC. As part of the procedures, the working group must:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan, for consideration at the next ARAC Executive Committee meeting held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC Executive Committee.

Participation in the Working Group

The ARAC Process Improvement Working Group has been established. However, if you wish to become a member of the working group, write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. We must receive all requests by November 18, 2009. The Executive Committee and the FAA will review the requests and advise you whether or not your request is approved.

If you are chosen for membership on the working group, you must actively participate in the working group by attending all meetings and providing written comments when requested to do so. You must devote the resources necessary to support the working group in meeting any assigned deadlines. Members will not be added or substituted without the approval of the FAA and the working group chair once the working group has begun deliberations.

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

Issued in Washington, DC, on October 13, 2009.

Pamela Hamilton-Powell,

Executive Director, Aviation Rulemaking

[FR Doc. E9-25010 Filed 10-16-09; 8:45 am]

Appendix II: The Survey Introduction

ARAC Process Survey

1. Introduction

On October 19, 2009 a notice was published in the Federal Register announcing the formation of the Aviation Rulemaking Advisory Committee Process Improvement Working Group (ARAC PIWG). This group has been tasked with providing ARAC process improvement advice and recommendations to the FAA about the current ARAC process.

This survey is part of the tasking to gather information about the current ARAC process and is only being sent to former ARAC participants. It should take about 15-30 minutes of your time and your answers will be treated confidentially and aggregated data/results will be shared only with the Process Improvement Working Group.

The survey is divided up into the following sections:

- FAA TASKING THE ARAC
- ARAC ADDRESSING THE TASKS
- FAA TO CONSIDER AND ADDRESS ARAC RECOMMENDATIONS
- ARAC RESPONSES TO DRAFT RULEMAKING DOCUMENTS
- ARAC TEAM EFFECTIVENESS
- ADDITIONAL INFORMATION

In order to progress through this survey, please use the following navigation buttons:

- Click the Next button to continue to the next page.
- Click the Previous button to return to the previous page. You may return to any previous page to review/edit your answers.
- Click the "Exit this Survey" button if you need to exit the survey. NOTE: Your answers on previous pages will be saved. Current page answers will be lost.
- Click the Submit button at the end of the survey to submit your survey. After clicking the submit button you will not be allowed to return to the survey.

If you have any questions about the survey, please contact Ty Prettyman at ty.prettyman@naca.cc.

Thank you for taking the time to complete this survey. Your feedback is important to us so we can improve the ARAC process.

Appendix III: The Test Survey and Results

ARAC Process Survey - Test Jan 12, 2010



3. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
I prefer being tasked by responding to detailed questions.	0.0% (0)	12.5% (1)	37.5% (3)	37.5% (3)	12.5% (1)	3.50	8
<i>answered question</i>							8
<i>skipped question</i>							0

4. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
In my experience the FAA supplied background information has been sufficient to understand tasking.	0.0% (0)	37.5% (3)	25.0% (2)	37.5% (3)	0.0% (0)	3.00	8
If you selected Strongly Disagree or Disagree please indicate what additional background information would have been helpful.							3
<i>answered question</i>							8
<i>skipped question</i>							0

5. Should the tasking explain whether harmonization is an objective?

	Response Percent	Response Count
Yes 	100.0%	8
No	0.0%	0
<i>answered question</i>		8
<i>skipped question</i>		0

6. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The ARAC taskings should include a time limit.	0.0% (0)	0.0% (0)	12.5% (1)	62.5% (5)	25.0% (2)	4.13	8
<i>answered question</i>							8
<i>skipped question</i>							0

7. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The ARAC taskings time limit should be one year.	12.5% (1)	62.5% (5)	12.5% (1)	12.5% (1)	0.0% (0)	2.25	8
If you selected Strongly Disagree or Disagree, what should the time limit be?							6
<i>answered question</i>							8
<i>skipped question</i>							0

8. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
Given my experience with ARAC, I feel ARAC tasking has been effective.	12.5% (1)	0.0% (0)	12.5% (1)	75.0% (6)	0.0% (0)	3.50	8
Please comment and/or provide specific examples of your experiences.							4
<i>answered question</i>							8
<i>skipped question</i>							0

9. Please provide comments and specific improvement suggestions relative to the FAA tasking the ARAC.

	Response Count
	4
<i>answered question</i>	4
<i>skipped question</i>	4

10. -

	Not At All		Neutral		Very		Rating Average	Response Count
Is it important for ARAC Working Groups (WG) to reach consensus, given that the FAA isn't required to accept the recommendations?	14.3% (1)	14.3% (1)	0.0% (0)	57.1% (4)	14.3% (1)		3.43	7
Please add any comments here:								4
<i>answered question</i>								7
<i>skipped question</i>								1

11. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
When there is a disagreement within a WG, the members involved should provide written justifications for their positions.	0.0% (0)	0.0% (0)	14.3% (1)	57.1% (4)	28.6% (2)	4.14	7
<i>answered question</i>							7
<i>skipped question</i>							1


12. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
When there is a disagreement within a WG, the members should respond in writing to others' positions.	0.0% (0)	0.0% (0)	57.1% (4)	28.6% (2)	14.3% (1)	3.57	7
<i>answered question</i>							7
<i>skipped question</i>							1

13. Please provide your specific suggestions for addressing the disagreements, including those from the FAA representatives, in the ARAC process.

	Response Count
	5
<i>answered question</i>	5
<i>skipped question</i>	3

14. Should ARAC's response be in the form of a written report to the FAA?

	Response Percent	Response Count
Yes 	100.0%	7
No	0.0%	0
<i>answered question</i>		7
<i>skipped question</i>		1

15. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
ARAC should provide a recommended rewrite of the regulations, and/or advisory material, to the FAA.	0.0% (0)	0.0% (0)	28.6% (2)	42.9% (3)	28.6% (2)	4.00	7
<i>answered question</i>							7
<i>skipped question</i>							1

16. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
ARAC should develop full regulatory documents (e.g., notice of proposed rulemaking).	14.3% (1)	0.0% (0)	42.9% (3)	42.9% (3)	0.0% (0)	3.14	7
						<i>answered question</i>	7
						<i>skipped question</i>	1

17. What should be the role of FAA staff in the ARAC process, and who should be involved (program office personnel, lawyers, economists)?

	Response Count
	6
<i>answered question</i>	6
<i>skipped question</i>	2

18. If harmonization is identified as an objective in the tasking, what is the most effective way to achieve it?

	Response Count
	7
<i>answered question</i>	7
<i>skipped question</i>	1

19. Do you have any comments or specific improvement suggestions relative to ARAC Addressing Tasks?

	Response Count
	4
<i>answered question</i>	4
<i>skipped question</i>	4

20. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The FAA should provide reasons in its draft rulemaking document when disagreeing with an ARAC recommendation.	0.0% (0)	0.0% (0)	14.3% (1)	42.9% (3)	42.9% (3)	4.29	7
<i>answered question</i>							7
<i>skipped question</i>							1

21. Do you have any comments on FAA Considering and Addressing ARAC Recommendations you would like to add?

	Response Count
	5
<i>answered question</i>	5
<i>skipped question</i>	3

22. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The FAA should provide ARAC an opportunity to respond to its draft rulemaking documents before they're formally issued.	14.3% (1)	0.0% (0)	14.3% (1)	14.3% (1)	57.1% (4)	4.00	7
If you selected Strongly Agree or Agree, what is the most effective way to do this?							4
<i>answered question</i>							7
<i>skipped question</i>							1

23. If the FAA is unable to provide ARAC with the draft NPRM itself, what information should it provide to enable ARAC to respond?

	Response Count
	7
<i>answered question</i>	7
<i>skipped question</i>	1

24. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
A time limit of one month should be sufficient for the ARAC to respond to the draft rulemaking documents.	0.0% (0)	28.6% (2)	28.6% (2)	42.9% (3)	0.0% (0)	3.14	7
If you selected Strongly Disagree or Disagree please state why.							4
<i>answered question</i>							7
<i>skipped question</i>							1

25. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The FAA should meet with ARAC during this phase.	0.0% (0)	0.0% (0)	42.9% (3)	57.1% (4)	0.0% (0)	3.57	7
	<i>answered question</i>						7
	<i>skipped question</i>						1

26. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
ARAC should provide the FAA with a written document regarding any concerns it has identified.	0.0% (0)	0.0% (0)	14.3% (1)	57.1% (4)	28.6% (2)	4.14	7
If you selected Strongly Disagree or Disagree please state your reasons.							1
	<i>answered question</i>						7
	<i>skipped question</i>						1

27. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
If the FAA continues to disagree with ARAC it should explain the reasons in the rulemaking document.	0.0% (0)	0.0% (0)	14.3% (1)	71.4% (5)	14.3% (1)	4.00	7
	<i>answered question</i>						7
	<i>skipped question</i>						1

28. Do you have any comments on ARAC Responses to Draft Rulemaking Documents you would like to add?

	Response Count
	3
<i>answered question</i>	3
<i>skipped question</i>	5

29. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
Once the Notice of Proposed Rulemaking (NPRM) comment period is closed the FAA should provide ARAC with an opportunity to review and recommend responses to the comments recieved.	0.0% (0)	0.0% (0)	28.6% (2)	71.4% (5)	0.0% (0)	3.71	7
<i>answered question</i>							7
<i>skipped question</i>							1

30. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group had the right balance of people from across the industry to address the task.	0.0% (0)	0.0% (0)	14.3% (1)	71.4% (5)	14.3% (1)	4.00	7
<i>answered question</i>							7
<i>skipped question</i>							1

31. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group was made up of people with applicable skills to address the task.	0.0% (0)	14.3% (1)	0.0% (0)	71.4% (5)	14.3% (1)	3.86	7
If you selected Strongly Disagree or Disagree, how may the group been better staffed?							2
						<i>answered question</i>	7
						<i>skipped question</i>	1

32. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group was made up of people with good teamwork skills.	0.0% (0)	14.3% (1)	14.3% (1)	71.4% (5)	0.0% (0)	3.57	7
						<i>answered question</i>	7
						<i>skipped question</i>	1

33. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group had an effective team leader.	0.0% (0)	0.0% (0)	28.6% (2)	71.4% (5)	0.0% (0)	3.71	7
						<i>answered question</i>	7
						<i>skipped question</i>	1

34. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group work plan was well managed.	0.0% (0)	14.3% (1)	14.3% (1)	57.1% (4)	14.3% (1)	3.71	7
If you selected Strongly Disagree or Disagree, how may the work plan/project been better managed?							1
						<i>answered question</i>	7
						<i>skipped question</i>	1

35. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group could have benefited from better project management training.	0.0% (0)	0.0% (0)	57.1% (4)	42.9% (3)	0.0% (0)	3.43	7
						<i>answered question</i>	7
						<i>skipped question</i>	1

36. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group meetings were well-run.	0.0% (0)	0.0% (0)	28.6% (2)	71.4% (5)	0.0% (0)	3.71	7
If you selected Strongly Disagree or Disagree, how may the meetings have been better staffed?							0
						<i>answered question</i>	7
						<i>skipped question</i>	1

37. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group members had a clear understanding of their roles and responsibilities.	0.0% (0)	0.0% (0)	28.6% (2)	57.1% (4)	14.3% (1)	3.86	7
<i>answered question</i>							7
<i>skipped question</i>							1



38. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group was effectively overseen by our issue group or steering team.	0.0% (0)	14.3% (1)	0.0% (0)	57.1% (4)	28.6% (2)	4.00	7
If you selected Strongly Disagree or Disagree, how may issue group have done a better job?							1
<i>answered question</i>							7
<i>skipped question</i>							1

39. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Haven't read it	Did not know there was a manual	Rating Average
The ARAC Committee Manual has been useful in your ARAC activities.	0.0% (0)	0.0% (0)	14.3% (1)	14.3% (1)	14.3% (1)	28.6% (2)	28.6% (2)	5.43
<i>answered question</i>								
<i>skipped question</i>								

40. From your experience in ARAC activities are there steps in the process that are burdensome and should be changed or eliminated?

	Response Percent	Response Count
Yes 	28.6%	2
No 	71.4%	5
If you answered Yes, please describe the steps.		2
<i>answered question</i>		7
<i>skipped question</i>		1

41. Please provide additional comments and suggestions on how to improve the ARAC process.

	Response Count
	3
<i>answered question</i>	3
<i>skipped question</i>	5

42. What ARAC tasks have you worked on? Please list all.

	Response Count
	7
<i>answered question</i>	7
<i>skipped question</i>	1

43. What was your role in the ARAC(s) Tasks you worked on? Select all that apply.

	Response Percent	Response Count
Chairman	28.6%	2
Vice Chairman	14.3%	1
FAA Representative	0.0%	0
Steering Group	0.0%	0
Issues Group	57.1%	4
Working Group	71.4%	5
Other (please specify)	0.0%	0
<i>answered question</i>		7
<i>skipped question</i>		1

44. Please enter the information below if the ARAC Process Improvement Working Group can contact you with follow-up questions if necessary. Note: The ARAC Process Improvement Working Group will only use this information to contact you if it has questions or needs clarification regarding your responses to this survey and will otherwise treat it as confidential.

	Response Percent	Response Count
Name:	100.0%	7
Email Address:	100.0%	7
Phone Number:	85.7%	6
<i>answered question</i>		7
<i>skipped question</i>		1

Appendix IV: The Final Survey and Results

ARAC Process Survey



3. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
I prefer being tasked by responding to detailed questions.	0.0% (0)	8.1% (8)	27.3% (27)	54.5% (54)	10.1% (10)	3.67	99
<i>answered question</i>							99
<i>skipped question</i>							2

4. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
In my experience the FAA supplied background information has been sufficient to understand tasking.	3.1% (3)	13.3% (13)	28.6% (28)	51.0% (50)	4.1% (4)	3.40	98
If you selected Strongly Disagree or Disagree please indicate what additional background information would have been helpful.							14
<i>answered question</i>							98
<i>skipped question</i>							3

5. Should the tasking explain whether harmonization is an objective?

	Response Percent	Response Count
Yes 	92.1%	93
No 	7.9%	8
<i>answered question</i>		101
<i>skipped question</i>		0

6. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The ARAC taskings should include a time limit.	2.0% (2)	6.0% (6)	14.0% (14)	58.0% (58)	20.0% (20)	3.88	100
<i>answered question</i>							100
<i>skipped question</i>							1

7. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The ARAC taskings time limit should be one year.	12.1% (12)	38.4% (38)	30.3% (30)	14.1% (14)	5.1% (5)	2.62	99
If you selected Strongly Disagree or Disagree, what should the time limit be?							52
<i>answered question</i>							99
<i>skipped question</i>							2

8. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
Given my experience with ARAC, I feel ARAC tasking has been effective.	1.0% (1)	14.0% (14)	26.0% (26)	51.0% (51)	8.0% (8)	3.51	100
Please comment and/or provide specific examples of your experiences.							43
<i>answered question</i>							100
<i>skipped question</i>							1

9. Please provide comments and specific improvement suggestions relative to the FAA tasking the ARAC.

Response Count
43
<i>answered question</i> 43
<i>skipped question</i> 58

10. -

	Not At All		Neutral		Very	Rating Average	Response Count
Is it important for ARAC Working Groups (WG) to reach consensus, given that the FAA isn't required to accept the recommendations?	4.3% (4)	13.8% (13)	11.7% (11)	45.7% (43)	24.5% (23)	3.72	94
							Please add any comments here: 50
						<i>answered question</i>	94
						<i>skipped question</i>	7

11. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
When there is a disagreement within a WG, the members involved should provide written justifications for their positions.	0.0% (0)	5.3% (5)	11.7% (11)	41.5% (39)	41.5% (39)	4.19	94
							<i>answered question</i> 94
							<i>skipped question</i> 7

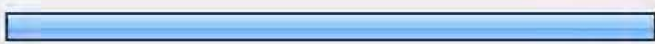

12. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
When there is a disagreement within a WG, the members should respond in writing to others' positions.	0.0% (0)	9.6% (9)	22.3% (21)	48.9% (46)	19.1% (18)	3.78	94
							<i>answered question</i> 94
							<i>skipped question</i> 7

13. Please provide your specific suggestions for addressing the disagreements, including those from the FAA representatives, in the ARAC process.

	Response Count
	55
<i>answered question</i>	55
<i>skipped question</i>	46

14. Should ARAC's response be in the form of a written report to the FAA?

	Response Percent	Response Count
Yes 	97.9%	92
No 	2.1%	2
<i>answered question</i>		94
<i>skipped question</i>		7

15. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
ARAC should provide a recommended rewrite of the regulations, and/or advisory material, to the FAA.	1.1% (1)	2.1% (2)	13.8% (13)	55.3% (52)	27.7% (26)	4.06	94
<i>answered question</i>							94
<i>skipped question</i>							7

16. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
ARAC should develop full regulatory documents (e.g., notice of proposed rulemaking).	7.4% (7)	23.4% (22)	34.0% (32)	25.5% (24)	9.6% (9)	3.06	94
						<i>answered question</i>	94
						<i>skipped question</i>	7

17. What should be the role of FAA staff in the ARAC process, and who should be involved (program office personnel, lawyers, economists)?

Response Count

81

answered question

81

skipped question

20

18. If harmonization is identified as an objective in the tasking, what is the most effective way to achieve it?

Response Count

76

answered question

76

skipped question

25

19. Do you have any comments or specific improvement suggestions relative to ARAC Addressing Tasks?

	Response Count
	43
<i>answered question</i>	43
<i>skipped question</i>	58

20. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The FAA should provide reasons in its draft rulemaking document when disagreeing with an ARAC recommendation.	1.1% (1)	2.2% (2)	1.1% (1)	39.8% (37)	55.9% (52)	4.47	93
							<i>answered question</i>
							93
							<i>skipped question</i>
							8

21. Do you have any comments on FAA Considering and Addressing ARAC Recommendations you would like to add?

	Response Count
	46
<i>answered question</i>	46
<i>skipped question</i>	55

22. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The FAA should provide ARAC an opportunity to respond to its draft rulemaking documents before they're formally issued.	4.3% (4)	11.8% (11)	10.8% (10)	44.1% (41)	29.0% (27)	3.82	93
If you selected Strongly Agree or Agree, what is the most effective way to do this?							55
<i>answered question</i>							93
<i>skipped question</i>							8

23. If the FAA is unable to provide ARAC with the draft NPRM itself, what information should it provide to enable ARAC to respond?

	Response Count
	66
<i>answered question</i>	66
<i>skipped question</i>	35

24. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
A time limit of one month should be sufficient for the ARAC to respond to the draft rulemaking documents.	9.6% (9)	42.6% (40)	22.3% (21)	24.5% (23)	1.1% (1)	2.65	94
If you selected Strongly Disagree or Disagree please state why.							53
<i>answered question</i>							94
<i>skipped question</i>							7

25. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The FAA should meet with ARAC during this phase.	3.2% (3)	4.3% (4)	28.0% (26)	45.2% (42)	19.4% (18)	3.73	93
						<i>answered question</i>	93
						<i>skipped question</i>	8

26. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
ARAC should provide the FAA with a written document regarding any concerns it has identified.	1.1% (1)	0.0% (0)	12.8% (12)	62.8% (59)	23.4% (22)	4.07	94
If you selected Strongly Disagree or Disagree please state your reasons.							5
						<i>answered question</i>	94
						<i>skipped question</i>	7

27. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
If the FAA continues to disagree with ARAC it should explain the reasons in the rulemaking document.	2.2% (2)	6.5% (6)	5.4% (5)	52.7% (49)	33.3% (31)	4.09	93
						<i>answered question</i>	93
						<i>skipped question</i>	8

28. Do you have any comments on ARAC Responses to Draft Rulemaking Documents you would like to add?

	Response Count
	28
<i>answered question</i>	28
<i>skipped question</i>	73

29. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
Once the Notice of Proposed Rulemaking (NPRM) comment period is closed the FAA should provide ARAC with an opportunity to review and recommend responses to the comments recieved.	3.2% (3)	12.8% (12)	18.1% (17)	45.7% (43)	20.2% (19)	3.67	94
							<i>answered question</i>
							94
							<i>skipped question</i>
							7

30. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group had the right balance of people from across the industry to address the task.	2.2% (2)	10.0% (9)	13.3% (12)	57.8% (52)	16.7% (15)	3.77	90
							<i>answered question</i>
							90
							<i>skipped question</i>
							11

31. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group was made up of people with applicable skills to address the task.	1.1% (1)	5.6% (5)	11.1% (10)	66.7% (60)	15.6% (14)	3.90	90
If you selected Strongly Disagree or Disagree, how may the group been better staffed?							10
						<i>answered question</i>	90
						<i>skipped question</i>	11

32. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group was made up of people with good teamwork skills.	1.1% (1)	3.3% (3)	22.2% (20)	58.9% (53)	14.4% (13)	3.82	90
						<i>answered question</i>	90
						<i>skipped question</i>	11

33. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group had an effective team leader.	1.1% (1)	1.1% (1)	23.6% (21)	49.4% (44)	24.7% (22)	3.96	89
						<i>answered question</i>	89
						<i>skipped question</i>	12

34. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group work plan was well managed.	2.2% (2)	9.0% (8)	25.8% (23)	51.7% (46)	11.2% (10)	3.61	89
If you selected Strongly Disagree or Disagree, how may the work plan/project been better managed?							12
<i>answered question</i>							89
<i>skipped question</i>							12

35. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group could have benefited from better project management training.	1.1% (1)	24.7% (22)	41.6% (37)	28.1% (25)	4.5% (4)	3.10	89
<i>answered question</i>							89
<i>skipped question</i>							12

36. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
My team/working group meetings were well-run.	2.2% (2)	5.6% (5)	24.7% (22)	55.1% (49)	12.4% (11)	3.70	89
If you selected Strongly Disagree or Disagree, how may the meetings have been better staffed?							10
<i>answered question</i>							89
<i>skipped question</i>							12

37. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
My team/working group members had a clear understanding of their roles and responsibilities.	1.1% (1)	11.2% (10)	28.1% (25)	53.9% (48)	5.6% (5)	3.52	89	
							<i>answered question</i>	89
							<i>skipped question</i>	12

38. -

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
My team/working group was effectively overseen by our issue group or steering team.	2.2% (2)	11.1% (10)	36.7% (33)	44.4% (40)	5.6% (5)	3.40	90	
If you selected Strongly Disagree or Disagree, how may issue group have done a better job?								13
							<i>answered question</i>	90
							<i>skipped question</i>	11

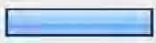
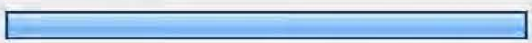
39. Were you aware of the ARAC Committee Manual?

	Response Percent	Response Count	
Yes 	50.6%	42	
No 	49.4%	41	
		<i>answered question</i>	83
		<i>skipped question</i>	18

40. If you answered "Yes" above, please respond to the following:

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
The ARAC Committee Manual has been useful in your ARAC activities.	0.0% (0)	15.2% (7)	34.8% (16)	47.8% (22)	2.2% (1)	3.37	46
<i>answered question</i>							46
<i>skipped question</i>							55

41. From your experience in ARAC activities are there steps in the process that are burdensome and should be changed or eliminated?

	Response Percent	Response Count
Yes 	21.5%	17
No 	78.5%	62
If you answered Yes, please describe the steps.		17
<i>answered question</i>		79
<i>skipped question</i>		22








42. Please provide additional comments and suggestions on how to improve the ARAC process.

	Response Count
	24
<i>answered question</i>	24
<i>skipped question</i>	77

43. What ARAC tasks have you worked on? Please list all.

	Response Count
	84
<i>answered question</i>	84
<i>skipped question</i>	17

44. What was your role in the ARAC(s) Tasks you worked on? Select all that apply.

	Response Percent	Response Count
Chairman 	9.5%	8
Vice Chairman 	1.2%	1
FAA Representative 	15.5%	13
Steering Group 	4.8%	4
Issues Group 	11.9%	10
Working Group 	78.6%	66
Other (please specify) 	15.5%	13
<i>answered question</i>		84
<i>skipped question</i>		17

45. Please enter the information below if the ARAC Process Improvement Working Group can contact you with follow-up questions if necessary. Note: The ARAC Process Improvement Working Group will only use this information to contact you if it has questions or needs clarification regarding your responses to this survey and will otherwise treat it as confidential.

	Response Percent	Response Count
Name: <input type="text"/>	100.0%	71
Email Address: <input type="text"/>	100.0%	71
Phone Number: <input type="text"/>	94.4%	67
<i>answered question</i>		71
<i>skipped question</i>		30

Appendix V: The PIWG Members

1. **Daniel Zuspan** – Director, Commercial Aviation Regulatory Affairs, The Boeing Company, *Co-Chairman of PIWG*
2. **Craig Bolt** – Design Integration Director, Pratt & Whitney, *Co-chairman of PIWG*
3. **Douglas Anderson** – Attorney, Transport Airplane Directorate, FAA
4. **William Edmunds** – Senior Human Performance Specialist, Air Line Pilots Association
5. **Walter Desrosier** – Vice President, Engineering and Maintenance, General Aviation Manufacturers Association
6. **Katherine Haley** – Transportation Industry Analyst, FAA
7. **Norman Joseph** – Airline Dispatchers Federation, *Observer to PIWG*
8. **Michael Kaszycki** – Manager, Transport Airplane Directorate, FAA
9. **Ty Prettyman** – Program Director, ISTAT Airlink (Formally Director Technical Operations, National Air Carrier Association)



December 26, 2010

Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Attention: Pam Hamilton, Director, Office of Rulemaking.

Subject: ARAC Recommendation, ARAC Process Improvement


Reference: ARAC Tasking, Federal Register (Volume 74, number 200,
October 19, 2009)

Dear Pam,

The ARAC Executive Committee and the Process Improvement Working Group (PIWG) are pleased to submit the attached report and presentations as an ARAC recommendation. This report addresses the referenced tasking in which ARAC was asked to recommend improvements to the ARAC processes. The ARAC Executive Committee has approved this report for transmittal as an ARAC recommendation to the FAA.

I would like to express our thanks to all the PIWG members for their dedication and resource contributions in completing this challenging task.

Sincerely yours,


Norm Joseph
ARAC Chairman

Copy: Renee Butner-FAA Office of Rulemaking
ARAC EXCOM
Katherine Haley-FAA Representative PIWG



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, DC 20591

February 1, 2011

Mr. Norman Joseph
V.P. of Rulemaking
Airline Dispatchers Federation
30 Camden Village Dr.
Newnan, GA 30265-5555

Dear Mr. Joseph:

This is in response to your December 26, 2010 letter. Your letter transmitted to the Federal Aviation Administration (FAA) the Aviation Rulemaking Advisory Committee (ARAC) recommendation from the Process Improvement Working Group (PIWG). The Executive Committee (EXCOM) approved the working group's recommendation following the December 16, 2010 meeting. The FAA accepts the recommendation report.

I wish to thank the PIWG and EXCOM members who provided resources to develop, review, and approve the recommendation. The report and the other official documents will be placed on the ARAC website.

We consider your submittal of the PIWG recommendation report as completion of the original tasking issued on October 13, 2009 (74 FR 53579, October 19, 2009) and therefore, have closed this task. We will keep the committee apprised of the agency's efforts on this recommendation through the FAA report at future EXCOM meetings.

Sincerely,

/s/

Pamela Hamilton-Powell
Director, Office of Rulemaking

FAA Action

As a result of the recommendations from the PIWG, the FAA revised the Committee Manual, which can be found on the FAA's Committee Database Website,
http://www.faa.gov/regulations_policies/rulemaking/committees/documents/.