Economic Injury (EIDL) Loan Application Deadline Date: 01/09/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/08/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hawaii Honolulu Maui.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12526E and for economic injury is 12527E.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011–9388 Filed 4–18–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12501 and #12502]

Missouri Disaster Number MO–00047

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Missouri (FEMA–1961–DR), dated 03/23/2011.

Incident: Severe winter storm and snowstorm.

Incident Period: 01/31/2011 through 02/05/2011.

Effective Date: 04/11/2011.

Physical Loan Application Deadline Date: 05/23/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 12/23/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Missouri, dated 03/23/2011, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Camden.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011–9445 Filed 4–18–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 09/79–0454]

Emergence Capital Partners SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Emergence Capital Partners SBIC, L.P., 160 Bovet Road, Suite 300, San Mateo, CA 94402, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest, of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Emergence Capital Partners SBIC, L.P. proposes to provide equity financing to InsideView Technologies, Inc., 444 DeHaro Street, Suite 210, San Francisco, CA 94107 ("InsideView"). The financing is contemplated for general operating purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Emergence Capital Partners, L.P. and Emergence Capital Associates, L.P., Associates of Emergence Capital Partners SBIC, L.P., own in aggregate more than ten percent of InsideView. Therefore, InsideView is considered an Associate of Emergence Capital Partners SBIC, L.P. and the transaction is considered as financing an Associate, requiring prior written exemption from SBA.

Notice is hereby given that any interested person may submit written comments on the transaction on or before May 4, 2011 to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: April 7, 2011.

Sean Greene,

Associate Administrator for Investment.

[FR Doc. 2011–9102 Filed 4–18–11; 8:45 am]

BILLING CODE 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).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide advice and recommendations to the FAA about how to prioritize rulemaking projects. This task addresses, in part, one of the Department of Transportation's Future of Aviation Advisory Committee (FAAC) recommendations. This notice informs the public of a new ARAC activity and solicits membership for the new Rulemaking Prioritization Working Group.

FOR FURTHER INFORMATION CONTACT: Katherine Haley, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202–493–5708, facsimile: 202–267–5075; e-mail: *Katherine.L.Haley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA established ARAC to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities. ARAC's objectives are to improve the development of the FAA's regulations by providing

information, advice, and recommendations related to aviation issues.

On April 16, 2010, the Secretary of the Department of Transportation established the Future of Aviation Advisory Committee (FAAC) to provide information, advice and recommendations to ensure the competitiveness of the United States aviation industry and its capability to address the evolving transportation needs, challenges and opportunities of the United States and global economies. As a result, the FAAC developed 23 recommendations which were submitted on December 15, 2010. The Rulemaking Prioritization Working Group will specifically address, in part, Recommendation #22: "The Secretary should quickly review the existing regulatory and safety initiative calendar and provide parameters and criteria for the FAA to prioritize its current and future rulemaking program. This review should include industry, or at a minimum seek industry input, and the results should be made publicly available * * *."

The objective of the Rulemaking Prioritization Working Group is to provide advice and recommendations on developing a framework and methodologies to assist the FAA in assessing and sequencing potential rulemaking projects. The FAA will provide the Rulemaking Prioritization Working Group with a subset of issues to test the prototype. These issues are potential rulemaking projects from the FAA's four-year regulatory look-ahead.

When developing the prototype, the working group should review models and methodologies as references, including the Commercial Aviation Safety Team (CAST) methodology. In 1998, the FAA founded the CAST to develop an integrated, data-driven strategy to reduce the commercial aviation fatality risk in the United States and promote new government and industry safety initiatives throughout the world. The CAST methodology identifies top safety areas through the analysis of accident and incident data.

The working group should use the CAST methodology as a reference and not limit the criteria to safety. While safety is a critical factor, the working group should consider all drivers that influence the need to consider rulemaking; e.g., safety, capacity, cost, environmental impacts, harmonization, operations, and other needs.

The March 2011 ARAC Executive Committee meeting included a presentation of solicited ideas and proposed actions for the Executive Committee members to consider. This notice advises the public that the FAA has assigned, and the Executive Committee has accepted, a task to develop a report including recommendations on how to prioritize rulemaking projects.

The Task

The FAA has tasked the ARAC working group to provide advice and recommendations on developing a framework and methodologies to assist the FAA in assessing and sequencing potential rulemaking projects.

The working group is expected to develop a report containing recommendations on how the agency should prioritize rulemaking projects. This report should document both majority and minority positions on the findings and the rationale for each position. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement. In developing its recommendations, the working group shall:

1. Review FAAC Recommendation #22, which can be found at *http://www.dot.gov/faac/FAAC_Recommendations.pdf.*

2. Define a process to evaluate rulemaking projects.

3. Evaluate and consider the parameters and criteria of the risk assessment methodology, ensuring the most effective project receives the highest priority. This includes considering all drivers of rulemaking; e.g., safety, capacity, cost, environmental impacts, harmonization, operations, and other needs.

4. Explore models and/or methodologies that would be helpful in developing the risk assessment methodology. This includes reviewing the CAST methodology, which can be found at *http://www.cast-safety.org/index.cfm.*

5. Develop a classification system to rank rulemaking projects.

6. Develop a model to use as a prototype and test it with the subset of issues the FAA provides.

7. Consider ARAC's role after the FAA implements the rulemaking prioritization methodology.

Schedule: The recommendations must be forwarded to the ARAC Executive Committee for review and approval no later than December 2011. The working group may be assigned additional tasks leading to implementation of parameters and criteria that will assist the FAA in prioritizing its rulemaking program by December 2012.

ARAC Acceptance of Task

The ARAC Executive Committee has accepted the task and assigned it to the Rulemaking Prioritization 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 Rulemaking Prioritization 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. Provide a status report at each meeting of the ARAC Executive Committee.

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

4. Present the final recommendations to the ARAC Executive Committee for review and approval.

Participation in the Working Group

The Rulemaking Prioritization Working Group will be comprised of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee. The FAA would like a wide range of members to ensure all aspects of rulemaking are considered in development of the recommendations.

If you wish to become a member of the Rulemaking Prioritization Working Group, write 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 May 9, 2011. 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. You must keep your management chain and those you may represent advised of working group activities and decisions

to ensure the proposed technical solutions do not conflict with your sponsoring organization's position when the subject is presented to ARAC for approval. Once the working group has begun deliberations, members will not be added or substituted without the approval of the FAA and the working group chair.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, ARAC Rulemaking Prioritization 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 April 13, 2011.

Pamela Hamilton-Powell,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 2011–9399 Filed 4–18–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Prepare an Environmental Assessment and Request for Public Scoping Comments for the Air Tour Management Plan Program at Big Cypress National Preserve

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Prepare an Environmental Assessment and to Request Public Scoping Comments.

SUMMARY: The FAA, with National Park Service (NPS) as a cooperating agency, has initiated development of an Air Tour Management Plan (ATMP) for Big Cypress National Preserve (Big Cypress), pursuant to the National Parks Air Tour Management Act of 2000 (Pub. L. 106–181) and its implementing regulations (14 CFR Part 136, Subpart B, *National Parks Air Tour Management*). The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations on the natural resources, cultural resources, and visitor experiences of a national park unit and any tribal lands within or abutting the park. It should be noted that the ATMP has no authorization over other non-air-tour operations such as military and general aviation operations.In compliance with the National Environmental Policy Act of 1969 (NEPA) and FAA Order 1050.1E, an Environmental Assessment (EA) is being prepared.

The FAA and NPS are now inviting the public, agencies, tribes, and other interested parties to provide comments, suggestions, and input on the scope of issues to be addressed in the environmental process.

DATES: By this notice, the FAA as lead agency is requesting comments on the scope of the EA for the ATMP at Big Cypress. Comments must be submitted by May 19, 2011.

FOR FURTHER INFORMATION CONTACT: Keith Lusk—Mailing address: P.O. Box 92007, Los Angeles, California 90009–2007. Telephone: (310) 725–3808. Street address: 15000 Aviation Boulevard, Lawndale, California 90261.

Written comments on the scope of the EA should be submitted electronically via the electronic public comment form on the NPS Planning, Environment and Public Comment System at: *http://parkplanning.nps.gov/BICY_ATMP*,or sent to the mailing address above.

SUPPLEMENTARY INFORMATION: A public scoping packet that describes the project in greater detail is available at:

- *http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/park_specific_plans/big_cypress.cfm*
- *http://parkplanning.nps.gov/BICY_ATMP*

Notice Regarding FOIA: Individuals may request that their name and/or address be withheld from public disclosure. If you wish to do this, you must state this prominently at the beginning of your comment. Commenters using the website can make such a request by checking the box "keep my contact information private." Such requests will be honored to the extent allowable by law, but you should be aware that pursuant to the Freedom of Information Act, your name and address may be disclosed. We will make all submissions from organizations, businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses available for public inspection in their entirety.

Issued in Hawthorne, CA, on April 12, 2011.

Keith Lusk,

Program Manager, Special Programs Staff, Western-Pacific Region.

[FR Doc. 2011–9402 Filed 4–18–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Potential Environmental Impacts of the Proposed Runway 13 Extension and Associated Actions for the Devils Lake Regional Airport in Devils Lake, ND

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

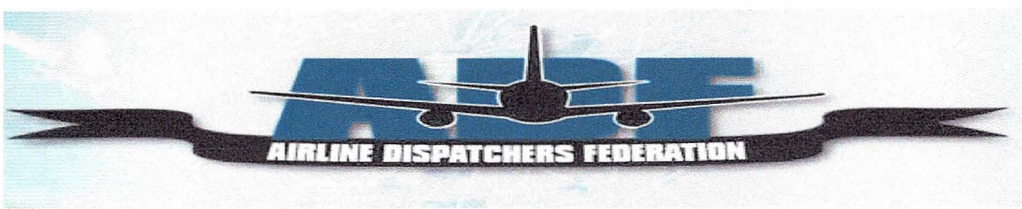
ACTION: Notice of availability of a final EA and FONSI/ROD for the evaluation of the potential environmental impacts associated with the proposed Runway 13 extension and associated actions for Devils Lake Regional Airport in Devils Lake, North Dakota.

SUMMARY: The FAA has issued the final EA and FONSI/ROD for the proposed Runway 13 extension and associated actions for Devils Lake Regional Airport. The EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, FAA Orders 1050.1E, "Environmental Impacts: Policies and Procedures" and FAA Order 5050.4B, "NEPA Implementing Instructions for Airport Actions".

Point of Contact: Ms. Patricia Dressler, Environmental Protection Specialist, FAA Bismarck Airports District Office (ADO), 2301 University Drive, Building 23B, Bismarck, North Dakota, 58504. Telephone number (701) 323–7380.

SUPPLEMENTARY INFORMATION: The FAA is issuing a final EA and FONSI/ROD that evaluated the potential environmental impacts associated with the proposed runway extension and associated actions at Devils Lake Regional Airport located in Devils Lake, North Dakota. Based on the analysis contained in the final EA, the FAA has determined the selected alternative has no associated significant impacts to resources identified in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures and FAA Order 5054.4B, National Environmental Policy Act Implementing Instructions for Airport Actions. Therefore, no environmental impact statement will be prepared. The runway extension project is needed to enhance the utility and safety of the Devils Lake Regional Airport for current and projected levels of aviation by the design aircraft family.

Eight alternatives were studied for meeting the purpose and need. Four of the eight alternatives (including new location) were reviewed, analyzed, discarded due to the degree of environmental impacts and not meeting



December 16, 2011

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

Attention: Pam Hamilton, Director, Office of Rulemaking.

Subject: ARAC Recommendation, Rulemaking Prioritization

Reference: ARAC Tasking, Federal Register (Volume 76, Number 75, April 19, 2011)

Dear Pam,

The ARAC Executive Committee and the Rulemaking Prioritization Working Group (RPWG) 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 define, evaluate and develop processes and a model for classification and prioritization of rulemaking projects. The ARAC Executive Committee has approved this report, as presented at the December 14th, 2011 meeting, for transmittal as an ARAC recommendation to the FAA.

While there is consensus that the report fulfills the tasking, both the ARAC Executive Committee and the RPWG remain available to assist the FAA in any way possible.

I would like to express our thanks to all the RPWG members for their dedication in completing this challenging task.

Sincerely yours,

Norm Joseph
ARAC Chairman

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

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

JAN 5 2012

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 16, 2011 letter. Your letter transmitted to the Federal Aviation Administration (FAA) the Aviation Rulemaking Advisory Committee (ARAC) recommendation from the Rulemaking Prioritization Working Group. The Executive Committee (EXCOM) approved the working group's recommendation following the December 14, 2011 meeting. The FAA accepts the recommendation report.

We wish to thank the Rulemaking Prioritization Working Group and EXCOM members who provided resources to develop, review, and approve the recommendation. The recommendation report and the related documents will be placed on the ARAC website.

We consider your submittal of the Rulemaking Prioritization Working Group recommendation report as completion of the original tasking issued on April 13, 2011 (76 FR 21936, April 19, 2011). We may call upon the working group to assist the FAA throughout the testing of the recommended methodology. Finally, we will keep the committee apprised of the agency's efforts on this recommendation through the FAA report at future EXCOM meetings.

Sincerely,

Pamela Hamilton-Powell
Director, Office of Rulemaking

FAA Aviation Rulemaking Advisory Committee
Rulemaking Prioritization Working Group (RPWG)

Recommendation Report
December 2011

Table of Contents

Executive Summary

On March 30, 2011, the Federal Aviation Administration (FAA) tasked the Aviation Rulemaking Advisory Committee (ARAC) to provide advice and recommendations on how to prioritize rulemaking projects. This task responded to the Department of Transportation's Future of Aviation Advisory Committee (FAAC) Recommendation #22.

The ARAC formed the Rulemaking Prioritization Working Group (RPWG) to carry out the task. The members of the RPWG included ARAC Executive Committee (EXCOM) members, industry, and FAA personnel with experience in aspects of the aviation community impacted by rulemaking, statistical analysis and in general rulemaking requirements.

The RPWG developed tools to ensure a consistent methodology for assessing and prioritizing rulemaking projects. The tools make sure certain facts and data are gathered and verified before a rulemaking project can be "weighed" and/or "scored" for prioritization among and between other projects and lines of business. The details of the methodology and its tools are described throughout this report and in the Appendices.

Recommendation

ARAC was provided a unique opportunity for the FAA, together with interested and knowledgeable parties from industry and the public, to develop important guidance and input to rulemaking issues. The result is an informed process that provides viable and beneficial results.

The RPWG developed a methodology that evaluates rulemaking projects in a consistent manner. The tools provided will allow the FAA to prioritize rulemaking projects across lines of business. The methodology is described in the RPWG's Rulemaking Prioritization Evaluation Tools (R-PETs), which consist of the:

- *Rulemaking Evaluation Process (REP)*—a flowchart that depicts the rulemaking process from identification of a problem/issue to the beginning of the "official" rulemaking process.
- *Rulemaking Assessment Questionnaire (RAQ)*—a three-part tool that ensures the (1) problem/issue is clearly defined, (2) factual data are gathered, so (3) appropriate "weighing" and "scoring" of the problem/issue and the potential solution can take place:
  (1) Part A is used by a subject matter expert (SME) to identify and summarize a problem or issue. It may also be used to outline a petition for rulemaking to evaluate whether the information required by 14 Code of Federal Regulation part 11 (14 CFR part 11) has been provided.
  (2) Part B is used by the Office of Primary Responsibility (OPR) to validate the problem/issue, to reject it as a rulemaking project or to authenticate and/or collect the basic factual data needed to complete the Rulemaking Assessment Matrix (RAM). The RAM's "score" helps prioritize the OPR's own "wish list" as well as the FAA's internal Rulemaking Council prioritization of projects across lines of business.
  (3) Part C is used by the Office of Rulemaking (ARM) or ARAC to validate the RAM and to ensure the factual data are capable of supporting a rulemaking project. This validation is then used by the OPR to prioritize its "wish list" so the top projects may be submitted to the FAA's internal Rulemaking Council for consideration.

- *Rulemaking Assessment Matrix (RAM)*—the tool that uses the results of the RAQ to "weight" and "score" the problem/issue and potential solution within eleven attributes: Safety; Environment, Capacity, Access, International, Cost/Impact, Benefit, Technology, Legislative mandate, Social Impacts and Security Effects.

The RPWG believes the R-PETS will provide important improvements and benefits to the rulemaking process. By identifying the issue clearly and developing factually supportable data *prior* to "officially" beginning the rulemaking process, the FAA will not only ensure its resources are appropriately allocated, but will also have readily available and consistent facts to support its decisions. To provide continued assistance, the working group recommends involving ARAC at key points during the rulemaking evaluation and assessment process.

Due to time constraints on this task, the RPWG was unable to fully test the R-PETS. It therefore recommends the FAA task ARAC to test the RPWG's recommendations and institute refinements, prior to FAA's adoption of the methodology.

However, if the RPWG recommendation for the FAA to task ARAC to test and refine the methodology and its tools cannot be accomplished, it is recommended that the FAA still adopt the R-PETS across its lines of business, i.e., its OPRs, to prioritize rulemaking projects.

Background

The Secretary of Transportation and the FAA Administrator established ARAC in 1991 under the Federal Advisory Committee Act as a forum to obtain input from the aviation industry and public on regulatory matters. ARAC is a formal advisory committee consisting of representatives from aviation associations, the aviation industry, public interest groups, advocacy groups, and interested members of the public.

On April 16, 2010, the Secretary of the Department of Transportation established the Future of Aviation Advisory Committee (FAAC) to provide information, advice and recommendations to ensure the competitiveness of the United States aviation industry and its capability to address the evolving transportation needs, challenges and opportunities of the United States and global economies. The FAAC developed 23 recommendations, which were submitted to the Secretary on December 15, 2010. The Secretary requested that the majority of the recommendations be implemented within two years; recommendation #22 addressed rulemaking prioritization:

> "The Secretary should quickly review the existing regulatory and safety initiative calendar and provide parameters and criteria for the FAA to prioritize its current and future rulemaking program. This review should include industry, or at a minimum seek industry input, and the results should be made publicly available..." (See Appendix I for the full recommendation #22).

To address FAAC Recommendation #22, the FAA tasked ARAC, which accepted the task on March 30, 2011. The FAA published the task in the Federal Register on April 19, 2011 with a request for volunteers. The resultant RPWG had specific expertise in different sectors of the

aviation community and the rulemaking procedure. The RPWG membership is listed in Appendix III. The RPWG conducted its first meeting June 29-30, 2011.

The RPWG's specific task was to:
(1) Review FAAC Recommendation #22 (Appendix I and/or http://www.dot.gov/faac/FAAC_Recommendations.pdf).
(2) Define a process to evaluate rulemaking projects.
(3) Evaluate and consider the parameters and criteria of the risk assessment methodology, ensuring the most effective project receives the highest priority. This includes considering all drivers of rulemaking; e.g., safety, capacity, cost, environmental impacts, harmonization, operations, and other needs.
(4) Explore models or methodologies that would be helpful in developing the risk assessment methodology. This includes reviewing the CAST methodology, which can be found at http://www.cast-safety.org/index.cfm.
(5) Develop a classification system to rank rulemaking projects.
(6) Develop a model to use as a prototype and test it with the subset of issues the FAA provides.
(7) Consider ARAC's role after the FAA implements the rulemaking prioritization methodology.

The task that was published in the *Federal Register* can be found in Appendix II.

The RPWG developed a work plan to complete its tasking. The work plan described the task's goals and objectives, how specific items would be accomplished, and a timeline that ensured timely completion of the report. The RPWG submitted the work plan to the ARAC Executive Committee for approval on August 23, 2011, which was granted on September 29, 2011. The work plan can be found in Appendix IX.

Review of Available Methodologies

The RPWG explored models or methodologies that would be helpful in developing the risk assessment methodology (see item 4 in the task statement above).

The exploration included reviewing the Commercial Aviation Safety Team (CAST) methodology. A member of the working group directly involved with CAST, presented its methodology for prioritizing safety issues. During that discussion, the prioritization methods of the Joint Implementation Measurement and Data Analysis Team (JIMDAT) were also explored.

The working group ultimately settled on the prioritization process used by the European Aviation Safety Agency (EASA). That agency's Preliminary Regulatory Impact Assessment (Pre-RIA) covers similar rulemaking drivers and requirements. It also requires written justification, a rating of the solution, and it could be utilized in a Safety Management System. Overall, the RPWG used it as a benchmark for developing its methodology.

Current FAA Prioritization Methodology

To establish an understanding of the FAA's current process for rulemaking prioritization, the RPWG researched the development of the 4 Year Look-Ahead list. First, the FAA presented the

overall rulemaking process, from how a 4 Year Look-Ahead project gets accepted for rulemaking, to publication of a final rule.

The RPWG discussed how the basic rulemaking process currently evaluated a problem and potential solution. It concluded that early research creates a more viable evaluation and prioritization process; and, once a project was officially accepted for rulemaking, it could also reduce development time.

Next, the FAA explained how the 4 Year Look-Ahead is developed. The list is actually developed by ARM to identify any and all potential rulemaking projects over the next four years. The list was initiated in 2009 to prioritize the agency's rulemaking projects. Each OPR that partakes in rulemaking is requested to evaluate its potential rulemaking projects for the next four years and submit a list of those projects to ARM. This list goes through a refinement process based on availability rulemaking slots and resources.

The working group was unable to identify a clear and concise FAA process for prioritizing rulemaking projects that was used by all lines of business in the Aviation Safety Organization. Therefore, the RPWG concluded the 4 Year Look-Ahead was not a robust indicator of priority in rulemaking projects.

Prioritizing Methodology

The task required the RPWG to evaluate and consider the parameters and criteria of various risk assessment methodology, in the group's efforts to ensure the most effective project received the highest priority.

The working group reviewed the rulemaking drivers, i.e., safety, environment, capacity, access, international (harmonization), cost/impact, benefit, technology, legislative mandate, social impacts and security effects and discussed each as an attribute. It took each attribute and developed risk-based, fact-driven criteria for "weighing" and/or "scoring" purposes.

After developing a matrix to gather information in response to questions driven by the criteria, the working group tested the methodology with the potential rulemaking projects found in Appendix IV.

The testing process revealed that the matrix needed refinement to ensure proper data collection or the weighing/scoring would suffer. It was essential a project have solid background information; lack of information left unanswered questions and therefore no "weighing" and/or "scoring." It also led to subjective answers and therefore, questionable "weighing" and/or "scoring."

The initial matrix also had different criteria containing similar questions or data elements; additionally, some questions required answers to the problem and some required answers to the solution. Finally, the matrix had yes/no answers, which defied scoring.

As a result of the methodology testing, the working group refined the criteria and developed its Rulemaking Prioritization Evaluation Tools (R-PETS).

To address the amount of background information, repeat questions, and subjective answers, the working group refined the criteria to:

Baseline Criteria (current rule/situation)	**Proposed Rule Criteria**
Safety	Safety
Environment	Environment
Capacity	Capacity
Small Business	Small Business
Technology Driven	Technology Driven
Social	Social
Cost	Cost/*Benefits*
Security	Security

The Rulemaking Assessment Matrix (RAM) was refined and enhanced to ensure the problem/issue is fully explained and capable of being solved. The original matrix was divided into two: one for the current problem/issue and one for the proposed solution. Each attribute in the matrix required gathering and evaluation of facts and measureable data. The international questions and legislative mandate criteria were moved to the questionnaire because if the project is mandated, its weight and scoring results become secondary considerations.

To ensure proper data is gathered, the Rulemaking Assessment Questionnaire (RAQ) was developed. The questions ensure objective data is provided to guide the OPR's decision on whether rulemaking is the solution for the problem or issue and if so, the project's importance and viability. The questions also provide an opportunity for the agency to evaluate a potential solution's impact on other agency's actions.

Scoring and Weighing Methodology

During the development of the original matrix, the RPWG created a scoring and weighing system. The original scoring system was a 5 point scale, with a total possible of 32 points.

The original scale was as follows:

Scoring Definition	**Point**
Significant Negative Impact	1
Moderate Negative Impact	2
Negligible Impact	3
Moderate Positive Impact	4
Significant Positive Impact	5

The original weighting was based upon the attributes and criterion that the agency must ensure are fulfilled during rulemaking. Specifically, the FAA is a "safety" agency and must promulgate

rules in the interest of safety, after that the other attributes were weighed against that requirement and each other to develop the following:

Criteria	**Weight**
Safety	25%
Environment	5%
Capacity	5%
General Aviation	5%
Special Conditions	10%
Social	5%
Cost	15%
Benefit	5%
Security	15%

After testing the matrix and reviewing the results, the working group adjusted to the 7-point scale reflected below to enable a greater spread of possibilities and more accurate results.

Scoring Definition	**Point**
High Negative Impact	1
Moderate Negative Impact	2
Low Negative Impact	3
Negligible/No Impact	4
Low Positive Impact	5
Moderate Positive Impact	6
High Positive Impact	7

The working group determined the weight of each attribute as follows:

Baseline Criteria (current rule/situation)	**Weight**	**Proposed Rule Criteria**	**Weight**
Safety	30%	Safety	30%
Environment	8%	Environment	8%
Capacity	15%	Capacity	15%
Small Business	8%	Small Business	8%
Technology Driven	8%	Technology Driven	8%
Social	8%	Social	8%
Cost	15%	Cost/*Benefits*	15%
Security	8%	Security	8%

The RPWG did not test its final R-PETS and has not been able to confirm that the adjustments to the tools have effectively addressed the issues identified. For that reason, The RPWG recommends that the FAA task ARAC to test the R-PETS and institute refinements, prior to FAA's adoption of the methodology.

Rulemaking Evaluation Process and ARAC Involvement

Finally, the RPWG developed the Rulemaking Evaluation Process (REP) to summarize the prioritization process.

After identifying all the necessary attributes, criteria, data gathering requirements, and scoring and weighting system, the RPWG developed a standardized process for prioritizing rulemaking projects. Potential rulemaking projects need to go through several "checks and balances" before being placed on the 4 Year Look-Ahead. The working group's R-PETS ensure appropriate review of rulemaking projects.

In addition, the working group developed guidance for those that conduct the validation of the RAQ and RAM. The recommended process provides two reviews and allows ARAC to be an active participant. The flowchart of the process can be found in Appendix V.

The RPWG believes more research must be performed by OPRs and ARM before projects are recommended for the 4 Year Look-Ahead and/or rulemaking is started. If more research is conducted up-front, the time needed to develop and issue a new rule will decrease. The RPWG also incorporated the task requirement to ensure ARAC plays a role in the rulemaking data gathering and evaluation process as part of the "checks and balances".

The REP describes the stages associated with the R-PET methodology:
(1) Concept Stage
(2) OPR Stage
(3) ARM Stage
(4) Final Stage
(5) Begin Rulemaking

Concept Stage

Whenever the agency is considering rulemaking, the OPR should answer some pre-assessment questions. These questions would include a concise summary of the current problem/issue as well as of the proposed solution. The OPR would identify any drivers for the proposed rulemaking. The pre-assessment questions are found in RAQ Part A (Appendix VI).

Whether a SME from the OPR identifies a problem/issue or a person petitions for rulemaking under 14 CFR part 11, RAQ Part A, should be completed.

If the FAA Administrator or Congress initiates a rulemaking project, the OPR would not need to complete this stage. The project would begin with the OPR Stage.

Once the RAQ Part A is complete, it is sent for its first review (the OPR Stage).

OPR Stage

During the OPR stage, the problem/issue is evaluated, validated, and, if needed, clarified and the RAM is completed.

The SME's manager reviews the completed RAQ Part A and based on that data, accepts or rejects the potential project.

If the RAQ Part A is rejected, it is sent back to the SME or ARM if it is a petition for rulemaking. The reason for its rejection should be completed and submitted in a timely manner.

If the potential project is accepted, the manager completes RAQ Part B (see Appendix VI.) The RAQ Part B review and validation stage ensures the information provided in Part A is substantiated with objective evidence. Additionally, it gathers more sophisticated information on the impacts of the potential solution. If all the information is validated, the OPR, through the manager or SME completes the RAM (see, Appendix VII).

The RAM requires a score for each criterion for both the current problem/issue and the potential solution.

If it is a project initiated by the FAA Administrator or mandated by Congress, the OPR would complete the RAM and the RAQ Part B, prior to beginning the rulemaking project.

After the RAM is completed, the OPR manager does a final review of all the R-PETS (i.e., RAQ Part A, Part B, and the RAM) as well as information on other projects, to determine whether the project should be submitted for inclusion in 4 Year Look-Ahead. The project may, of course, be rejected for another course of action, (e.g., the problem/issue could be better solved with advisory material) or be put on hold.

If project is accepted, the OPR decides how to proceed based on the complexity of the project. Acceptance can take the form of:

- The information can be accepted, but still needs more research by the SME
- Becoming a candidate for the 4 Year Look-Ahead, or
- It can be sent to ARAC for further review.

Some projects can be placed as candidates on the 4 Year Look-Ahead without extensive review. Whereas other projects might be candidates for tasking to ARAC for further review, information gathering or validation before being presented to ARM as a candidate for the 4 Year Look-Ahead.

ARM Stage

When the OPR is ready to present the project for the 4 Year Look-Ahead to ARM or ARAC, it is sent to ARM for a second, independent review. The review can be performed by ARM or assigned as a task to ARAC. It is to identify any drivers or facts that might have been overlooked by or unknown to the OPR and includes a separate RAM.

ARM will perform the independent validation of the R-PETS using the RAQ Part C.

For the projects that are tasked to ARAC, it completes the independent validation of the R-PETS using the RAQ Part C.

The ARM and/or ARAC review results in acceptance of the project for the 4 Year Look-Ahead or a rejection. If the project is rejected, the R-PETS are returned to the OPR with an explanation of the rejection.

If the project is acceptable for the 4 Year Look-Ahead, ARM provides the OPR with the recommendations from the independent review. The OPR should revise the R-PETS for each project based on the recommendations. After the revisions are made, the OPR develops its initial 4 Year Look-Ahead list and submits it to ARM.

ARM is responsible for consolidating the OPR recommendations into a single 4 Year Look-Ahead list. ARM can submit the draft consolidated list to the FAA's internal Rulemaking Council's or task ARAC to conduct a review.

If Rulemaking Council conducts the review, the draft 4 Year Look-Ahead begins the next stage.

If ARAC is tasked to conduct the review, it will provide recommendations to the FAA through the Executive Director of ARAC. The submittal of the recommendations begins the next stage.

The RPWG recognizes the 4 Year Look-Ahead is published once a year. New projects that spring up throughout the year should still go through the Concept Stage, the OPR Stage, and the ARM Stage, and the project can be added to a queue for the next year's request for additions or changes to the 4 Year Look-Ahead.

The RPWG also recognizes that projects in the 4 Year Look-Ahead may be bumped due to unforeseen issues, e.g., Congressional mandate, NTSB recommendations, Administrator requirements, etc.).

Final Stage

The final review results is a published 4 Year Look-Ahead with priority ratings for potential project.

The Rulemaking Council will review the draft 4 Year Look-Ahead list along with the R-PETS associated with each potential project. It will provide comments to ARM, who will finalize the draft 4 Year Look-Ahead list along with the R-PETS. ARM can and should receive necessary assistance from the OPRs to ensure accurate and current information. ARM will submit the final 4 Year Look-Ahead back to Rulemaking Council for approval. Once approved, ARM will publish the 4 Year Look-Ahead. It then becomes a living document.

If ARAC conducts a review before ARM delivers the list to the Rulemaking Council, ARM will distribute ARAC's recommendations to the appropriate OPRs. The OPR will evaluate the recommendations and make the necessary revisions. The impacted OPRs will submit the revised 4 Year Look-Ahead list along with the R-PETS to ARM. ARM finalizes the 4 Year Look-Ahead list along with the R-PETS and submits them to the Rulemaking Council for approval. Once approved, ARM will publish the 4 Year Look-Ahead. It then becomes a living document.

Begin Rulemaking

Once the 4 Year Look-Ahead list is finalized and published, it becomes a living document that is used by both the OPR and the Rulemaking Council to request a new project as resources become available.

Conclusion

After reviewing FAAC Recommendation #22 (Appendix I), the RPWG defined a system to evaluate, classify and rank rulemaking projects. During its deliberations, it evaluated, considered and developed parameters and criteria for a risk assessment methodology, ensuring the most effective project receives the highest priority. The review included consideration of rulemaking drivers, including but not limited to safety, capacity, cost, environmental impacts, harmonization, and operations. The working group also developed criteria for the consideration of security and social impacts.

The resulting methodology was developed from an exploration of models or methodologies that proved helpful in creating the risk assessment methodology. The review included obtaining an understanding of the CAST methodology along with those used by other agencies and internal FAA divisions.

During the process of developing the system for evaluating, classifying and ranking rulemaking projects, the RPWG tested its initial product but was unable to test its final R-PETS.

The final methodology defines several areas where ARAC can be involved in FAA's implementation of the rulemaking prioritization methodology.

Recommendations

The RPWG recommends that:

(1) The FAA task ARAC to test the R-PETS and make final adjustments to the methodology in conjunction with several active OPRs.
(2) With or without an ARAC tasking, FAA adopt the R-PETS as a methodology and system for prioritizing its rulemaking projects.

Appendix I: FAAC Recommendation #22

RECOMMENDATION 22—IDENTIFICATION OF SAFETY PRIORITIES
The Secretary of Transportation should promptly review the existing regulatory and safety initiative calendar to provide parameters and criteria for the FAA to prioritize its current and future rulemaking program. This review should include industry, or at a minimum seek industry input, and the results made publicly available. In addition, the Secretary should direct the FAA Administrator to review field safety and enforcement policies, procedures, and training to ensure they align with the SMS philosophies and supporting policies established by the FAA.

The full FAAC Final Report can be accessed at:
http://www.dot.gov/faac/docs/faac-final-report-for-web.pdf

Appendix II: 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).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide advice and recommendations to the FAA about how to prioritize rulemaking projects. This task addresses, in part, one of the Department of Transportation's Future of Aviation Advisory Committee (FAAC) recommendations. This notice informs the public of a new ARAC activity and solicits membership for the new Rulemaking Prioritization Working Group.

FOR FURTHER INFORMATION CONTACT: Katherine Haley, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: 202-493-5708, facsimile: 202-267-5075; email: Katherine.L.Haley@faa.gov.

SUPPLEMENTARY INFORMATION:
Background

The FAA established ARAC to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities. ARAC's objectives are to improve the development of the FAA's regulations by providing information, advice, and recommendations related to aviation issues.

On April 16, 2010, the Secretary of the Department of Transportation established the Future of Aviation Advisory Committee (FAAC) to provide information, advice and recommendations to ensure the competitiveness of the United States aviation industry and its capability to address the evolving transportation needs, challenges and opportunities of the United States and global economies. As a result, the FAAC developed 23 recommendations which were submitted on December 15, 2010. The Rulemaking Prioritization Working Group will specifically address, in part, Recommendation #22: "The Secretary should quickly review the existing regulatory and safety initiative calendar and provide parameters and criteria for the FAA to prioritize its current and future rulemaking program. This review should include industry, or at a minimum seek industry input, and the results should be made publicly available...,"

The objective of the Rulemaking Prioritization Working Group is to provide advice and recommendations on developing a framework and methodologies to assist the FAA in assessing and sequencing potential rulemaking projects. The FAA will provide the Rulemaking Prioritization Working Group with a subset of issues to test the prototype. These issues are potential rulemaking projects from the FAA's four-year regulatory look-ahead.

When developing the prototype, the working group should review models and methodologies as references, including the Commercial Aviation Safety Team (CAST) methodology. In 1998, the FAA founded the CAST to develop an integrated, data-driven strategy to reduce the commercial aviation fatality risk in the United States and promote new government and industry safety initiatives throughout the world. The CAST methodology identifies top safety areas through the analysis of accident and incident data.

The working group should use the CAST methodology as a reference and not limit the criteria to safety. While safety is a critical factor, the working group should consider all drivers that influence the need to consider rulemaking; e.g., safety, capacity, cost, environmental impacts, harmonization, operations, and other needs.

The March 2011 ARAC Executive Committee meeting included a presentation of solicited ideas and proposed actions for the Executive Committee members to consider. This notice advises the public that the FAA has assigned, and the Executive Committee has accepted, a task to develop a report including recommendations on how to prioritize rulemaking projects.

The Task

The FAA has tasked the ARAC working group to provide advice and recommendations on developing a framework and methodologies to assist the FAA in assessing and sequencing potential rulemaking projects.

The working group is expected to develop a report containing recommendations on how the agency should prioritize rulemaking projects. This report should document both majority and minority positions on the findings and the rationale for each position. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

In developing its recommendations, the working group shall:

1. Review FAAC Recommendation #22, which can be found at http://www.dot.gov/faac/FAAC_Recommendations.pdf.
2. Define a process to evaluate rulemaking projects.
3. Evaluate and consider the parameters and criteria of the risk assessment methodology, ensuring the most effective project receives the highest priority. This includes considering all drivers of rulemaking; e.g., safety, capacity, cost, environmental impacts, harmonization, operations, and other needs.

4. Explore models and/or methodologies that would be helpful in developing the risk assessment methodology. This includes reviewing the CAST methodology, which can be found at http://www.cast-safety.org/index.cfm.
5. Develop a classification system to rank rulemaking projects.
6. Develop a model to use as a prototype and test it with the subset of issues the FAA provides.
7. Consider ARAC's role after the FAA implements the rulemaking prioritization methodology.

Schedule: The recommendations must be forwarded to the ARAC Executive Committee for review and approval no later than December 2011. The working group may be assigned additional tasks leading to implementation of parameters and criteria that will assist the FAA in prioritizing its rulemaking program by December 2012.

ARAC Acceptance of Task

The ARAC Executive Committee has accepted the task and assigned it to the Rulemaking Prioritization 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 Rulemaking Prioritization 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. Provide a status report at each meeting of the ARAC Executive Committee**.**
3. Draft the recommendation report and required analyses and/or any other related materials or documents.
4. Present the final recommendations to the ARAC Executive Committee for review and approval.

Participation in the Working Group

The Rulemaking Prioritization Working Group will be comprised of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee. The FAA would like a wide range of members to ensure all aspects of rulemaking are considered in development of the recommendations.

If you wish to become a member of the Rulemaking Prioritization Working Group, write 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 May 9, 2011. 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. You must keep your management chain and those you may represent advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with your sponsoring organization's position when the subject is presented to ARAC for approval. Once the working group has begun deliberations, members will not be added or substituted without the approval of the FAA and the working group chair.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, ARAC Rulemaking Prioritization 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 April 13, 2011.
/s/
Pamela Hamilton - Powell
Executive Director
Aviation Rulemaking Advisory Committee

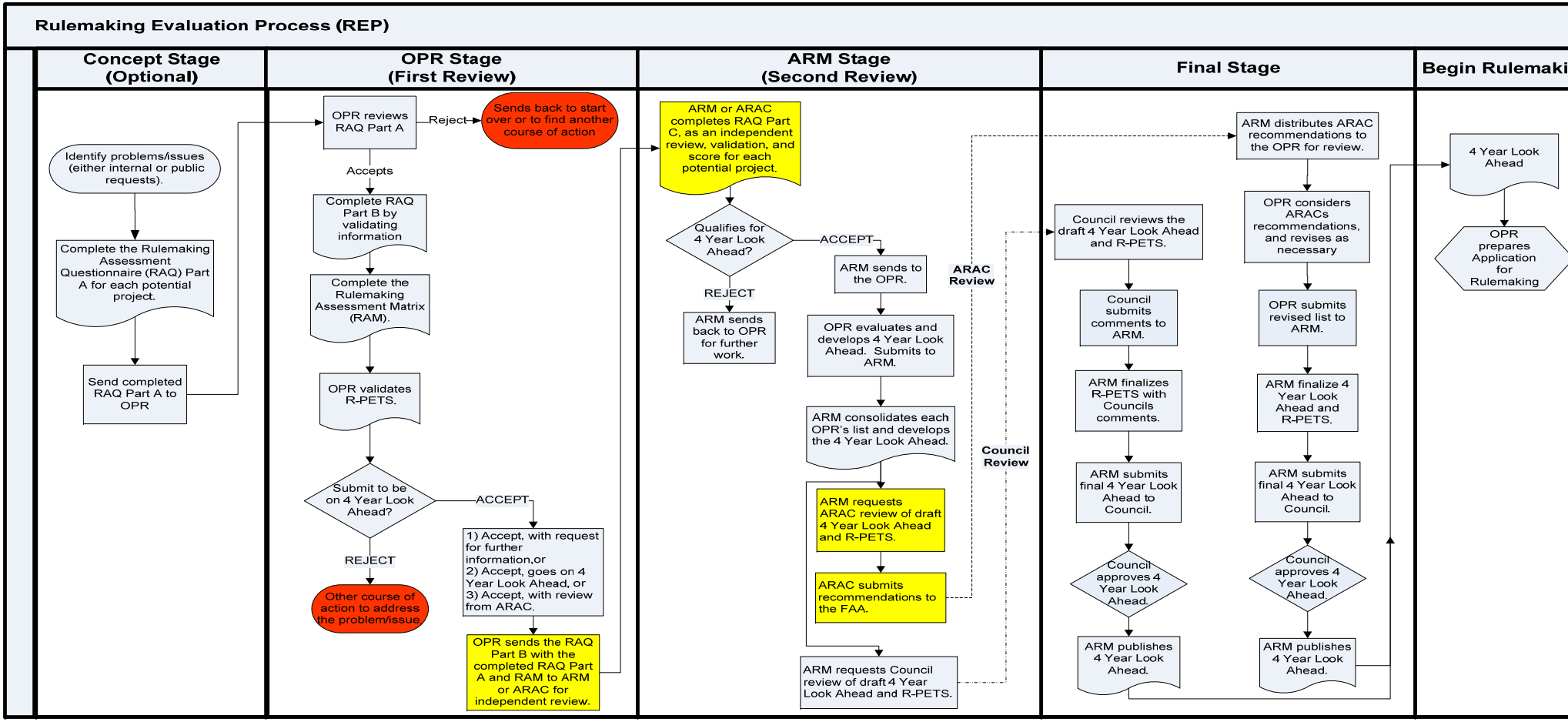
Appendix III: RPWG Members

1. **Sarah MacLeod** – Attorney, Aeronautical Repair Station Association (ARSA), *Co-chair of RPWG*
2. **Craig Bolt** – Design Integration Director, Pratt & Whitney, *Co-chair of RPWG*
3. **Sherry Borener** – Senior Scientist, FAA
4. **Rudy Canto, Jr.** – Director Flight Operations Technical, Airbus Americas
5. **Douglas Carr** – VP, Safety, Security & Regulation, National Business Aviation Association (NBAA)
6. **John Conley** – International Administrative Vice President, Transport Workers Union of America (TWU)
7. **Walter Desrosier** – Vice President, Engineering and Maintenance, General Aviation Manufactures Association (GAMA)
8. **Rosemary Dillard** – Vice President, National Air Disaster Alliance/Foundation (NADA)
9. **Michael Doellefeld** – Director, Commercial Aviation Regulatory Affairs, The Boeing Company
10. **William Edmunds** – Senior Human Performance Specialist, Air Line Pilots Association, International (ALPA)
11. **Katherine Haley** – Transportation Industry Analyst, FAA
12. **Charlie Holley** – Supervisor, Quality Control Inspection, United Airlines
13. **Sarah Knife** – Principal Engineer, Airplane and Regulatory Safety, General Electric (GE) Aviation
14. **Melinda Lewis** – Program Analyst, SAIC
15. **Bob Mattern** – P&W Fellow - Operational Safety Risk Analysis, Pratt & Whitney
16. **Paul McGraw** – Senior Managing Director, Operations & Safety, Airlines For America (A4A)
17. **Daniel Rauscher** – Pilot, Volo Aviation, LLC (Former LR45 PM, Flight Safety International)
18. **Melissa Rudinger** – Senior Vice President, Government Affairs, Aircraft Owners and Pilots Associations (AOPA)
19. **Tom Peters** – Senior Airworthiness Specialist, Embraer
20. **David York** – VP for Regulatory and International Affairs, Helicopter Association International (HAI)
21. **Daniel Zuspan** – Director, Commercial Aviation Regulatory Affairs, The Boeing Company

Appendix IV: 10 Subset of Potential Rulemaking Projects

1. Part 120, "Drug and Alcohol Testing Requirements”
2. Enhanced Flight Vision Systems
3. Introduce Minimum Vectoring Altitude and Minimum IFR Altitudes into Parts 95/97
4. Flight crewmember pairing and crew resource management techniques
5. 2002 Noise Stringency Limits of Helicopters (Helicopter Stage 3)
6. Emission Standards for Turbine Engine Powered Airplanes, and Identification and Registration Marking
7. "Best Equipped/Best Served" Rule
8. Fuel Tank Lightning Protection
9. Main Deck Class B & F Cargo Compartments
10. Data Communications

Appendix V: Rulemaking Evaluation Process (REP) Flowchart



Process Legend:
White: Standard process flow step
Yellow: Process step with option for ARAC involvement.
Red: Stop process exit and/or return to previous stage for additional information

Appendix VI: Rulemaking Assessment Questionnaire (RAQ)

Introduction

The Rulemaking Prioritization Evaluation Tools (R-PETS) provides the Federal Aviation Administration (FAA) a systematic and standardized approach to collecting and analyzing information to prioritization of proposed rulemaking projects. The tools include:

(1) The Rulemaking Evaluation Process (REP) is a flow chart that takes you through the stages associated with placing a rulemaking project on the 4 Year Look-Ahead list for consideration by the FAA's Rulemaking Council as resources become available. The purpose of the REP is to provide a quick overview of the process.

(2) The Rulemaking Assessment Matrix is used to "weigh" and "score" attributes and criteria associated with assessing the rulemaking project so that it may be prioritized within a line of business (OPR) and across all lines of business within the Aviation Safety Organization (AVS).

(3) The Rulemaking Assessment Questionnaire (RAQ) is used to the collect information necessary to complete the Rulemaking Assessment Matrix (RAM). The purpose of the RAQ is to make sure all relevant facts and factors are considered prior to initiating a rulemaking project. The information gathered is used to qualify and quantify the priority assigned to a project by the RAM.

The FAA encourages its employees to make substantive suggestions for improvements to the rules and regulations that govern aviation safety. By ensuring required information is gathered in a comprehensive and objective manner, the FAA and industry continues to improve the international aviation safety record. It also encourages proper evaluation and coordination of the proposed rule among and between the various departments, divisions and offices.

By using the R-PETS and following the REP, agency employees, regulated parties and the public are assured that all relevant facts and factors are considered prior to and during the rulemaking project.

The RAQ consists of three sequential parts and one for a yearly review. Each part is completed during different stages in the REP.

- **Part A:** During the REP's Concept Stage, preliminary information is gathered to explain the problem/issue and the proposed solution. The information can be gathered by a subject matter expert (SME) from an office of primary responsibility (OPR) or any other FAA-AVS employee who believes rulemaking would be an appropriate solution to a problem/issue. This part of the RAQ could also be used to evaluate a publicly submitted petition for rulemaking to ensure the information required by 14 CFR part 11 is available.

- **Part B:** During the OPR stage, a review of Part A, completion of Part B and the RAM are accomplished. Part B's purpose is to validate the problem/issue, to reject it as a rulemaking project or to authenticate and/or collect the basic factual data needed to complete the RAM. The RAM's "score" helps prioritize the OPR's own "wish list" as well as the FAA's internal Rulemaking Council prioritization of projects across lines of business.

- **Part C:** During the ARM stage, Part C is used by the Office of Rulemaking (ARM) or ARAC to validate the RAM and to ensure the factual data are capable of supporting a rulemaking project. This validation is then used by the OPR to prioritize its "wish list" so the top projects may be submitted to the FAA's internal Rulemaking Council for consideration.

The result of completing the entire REP is a comprehensive 4 Year Look-Ahead of potential rulemaking projects that the FAA can accomplish in a prioritized manner as resources become available.

- **Part D:** Is a comprehensive review by the OPR of its projects on the 4 Year Look-Ahead is conducted an annual basis to validate the potential projects. The review consists of the RAQ and RAM for each project.

PART A: PRELIMINARY INFORMATION — Proposal for a rulemaking project

OBJECTIVE: Identify the problem/issue, state the purpose of the proposal and gather preliminary information to determine initial validity. It is important to understand the depth and breadth of information necessary to produce an effective and efficient rulemaking project. The goal is to avoid duplicative and unnecessary burdens on the FAA, the regulated parties and the public. By gathering this preliminary information, a solution to a definitive issue may present itself without the need for further action.

INSTRUCTIONS: An SME from an OPR or an interested FAA employee completes Part A of this questionnaire.

If the problem is identified by a petition for rulemaking, then the designated OPR should use this tool to determine if the petition has the information required by 14 CFR part 11 and is valid.

Upon completion, the RAQ is provided to the OPR management for the first level review.

If used to evaluate a petition for rulemaking, any reasons for rejection should be reported to ARM so the petitioner is notified of the FAA's decision under 14 CFR part 11 in a timely manner.

If the rulemaking project is mandated by Congress, designated by the Administrator or an urgent recommendation from National Transportation Security Board (NTSB), then the SME would begin with Part B and the RAM.

PART A: QUESTIONNAIRE

(Q1) What is the purpose of the rulemaking project?

(a) Summarize the current situation, problem/issue.
- Provide concise, but detailed information about the current situation, problem/issue.
- Identify any hazards or root causes for the situation, problem/ issue.
- By undertaking this exercise, a finite situation, along with any problems/issues will emerge that can be objectively reviewed for potential solutions.

(b) Summarize the potential solution(s).
- Provide alternatives for how the situation(s), problem(s) or issue(s) could be addressed in a rulemaking project.
- Provide the objective of each potential solution by reviewing the information defining the current situation, problem or issue.
- Although actual rulemaking language is certainly not necessary, there must be enough detail to gather the information required to proceed.

(Q2) What are the drivers for the proposed rulemaking project?

(DROP DOWN MENU (PICK ALL THAT APPLY))

(a) Legislative mandate
(b) NTSB recommendation
(c) FAA accident/incident data
(d) Voluntary reporting program data
(e) Service Difficulty Report (SDR) or other mandated reporting mechanism data
(f) International Civil Airlines Organization (ICAO) requirement
(g) EASA harmonization
(h) Transport Canada Civil Aviation (TCCA) harmonization
(i) Environment agency requirement
(j) Department Homeland Security (DHS)/security requirement
(k) Other requirement (please define)
(l) Agency strategic plan
(m) Aviation Rulemaking Committee (ARC) or ARAC recommendation
(n) OPR business or performance plan
(o) Other (please define)

(Q3) What rules are impacted by the current situation?
- List the rules that may be part of the situation, problem/issue.
- The summary in Part A (Q1)(a) should be used to ensure a comprehensive list of rules is defined.

(Q4) What rules are impacted by the potential solution(s)?

- List the rule(s) that most likely need to be changed to implement the potential solution;
- List the "main" rule by part and section;
- Include any other rules that are referenced in the part or section that may need adjustment to accomplish the purpose of the proposal as outlined in Part A (Q1)(b).

(Q5) Which certificate holders are impacted by the current situation?

- List the certificate holders directly impacted by the current situation by type (e.g., air carriers), 14 CFR part (e.g., part 121) and a description of how or why the certificate holder is impacted;
- List any certificate holders indirectly impacted and why. The list of "parts" should be divided by potential OPRs so that the OPR is "forced" to see immediately that it will need cooperation or thoughts from other offices or divisions within the agency.

(Q6) Which certificate holders are impacted by the potential solution(s)?

- While this list may be the same as the certificate holders impacted by the current situation set forth in Part A (Q5), it may well be different, e.g., changes in operational rules impact required equipage, maintenance or air traffic.
- Again, list the certificate holder by type, 14 CFR part, and include a description of the both the direct and indirect impact.

(Q7) Does it have an international impact?

- Will the project impact international trade or safety agreements?
- The purpose of this question may or may not be duplicative of "drivers" in Part A (Q2)(f)-(h). For example, some trade agreements allow or disallow certain activities that will impact the balance of trade, so if the change in the regulations may impact the ability of a country to import or export products, it may impact a trade agreement. On the other hand, some of the bilateral aviation safety agreements require that the FAA merely report changes to regulations that impact the agreement. In either event, it is necessary to understand the impact to process a rulemaking.

(a) Yes (please explain how)
(b) No
(c) I don't know

After review of the information collected to ensure it is completed and valid, submit to the OPR management for completion of Part B.

PART B: OPR STAGE

OBJECTIVE: Determine whether the current situation and/or potential solution (proposal) requires rulemaking and if so, what rating it would receive when the RAM is completed and assessed. The RAM rating helps determine the urgency and/or necessity of the rulemaking and its timing.

While it seems like a tremendous amount of research, it is necessary to move the rulemaking forward. This data will be invaluable for determining the amount and extent of resources necessary to accomplish the rulemaking project.

If the rulemaking project is mandated by Congress, designated by the Administrator or an urgent recommendation from NTSB, then the subject matter expert begins with this part.

INSTRUCTION: The manager of the SME conducts reviews Part A and completes Part B, which requires additional information to be collected and any questionable or subjective information to be identified.

After completion, the manager should return the reviewed Part A and additional information in Part B to the SME.

The SME uses the information in Part A and B to complete the RAM.

During the completion of the RAM, the SME will identify any additional questionable information or subjective data.

PART B: OPR STAGE QUESTIONS

(Q1) Review, validation, clarification or rejection of the purpose of the rulemaking project.

- By ensuring the current situation and potential solution is clear and concise, the data gathering exercise will result in information that enables the RAM to be completed properly.

(a) Review, validate and/or clarify the current situation.
- Ensure the description of the current situation is concise and valid.
- If the request for the rulemaking project is based upon a misunderstanding of the current rules or guidance material, reject the project with an explanation.

(b) Review, validate and/or clarify the potential solution(s).
- if the current situation is properly validated, the review of the potential solutions should focus on the conciseness of the description and whether other solutions are also available.
- Each solution should include a pro and con discussion so that the most viable can be determined.

(Q2) Review, validation and/or clarification of drivers

- In order to determine the rating and urgency of the rulemaking project, each driver must be reviewed and validated.
- The data gathered and confirmed on these elements will be used to complete the RAM. Scoring should be determined by whether the information supports or detracts from placing a priority on rulemaking to address the current issue/problem with the potential solution.

(a) Legislative mandate.
- Research and attach the public law that requires the rulemaking
- Obtain any legislative history or explanation of the congressional dictate.

(b) NTSB recommendation.
- Research and attach the NTSB recommendations along with the NTSB reports that establish the probable cause of any accidents or incidents that may be alleviated by the rulemaking.
- Note whether the probable cause is directly or indirectly related to the potential rulemaking project.

(c) FAA accident/incident data.
- Research and attach FAA accident or incident data that may drive or be rectified by the rulemaking project.
- Note the extent to which the data relates directly or indirectly to the potential rulemaking project.

(d) Voluntary reporting program data.
- Research and attach any voluntary reporting data that has been “scrubbed” indicating that the current situation or solution is viable. For example, ASIS, Aviation Safety Action Program (ASAP), Air Traffic Safety Action Program (ATSAP), etc.
- Note the extent to which the data relates directly or indirectly to the potential rulemaking project.
- Weigh the reliability of the information when determining the extent to which it impacts attribute scoring.

(e) SDR, mechanical interruption reports or other mandated reporting mechanism data.
- Research and attach any mandatory reports, individually or consolidated, indicating that the current situation or solution is viable.

- Note the extent to which the data relates directly or indirectly to the potential rulemaking project.

(f) ICAO requirement.
- Research and attach the ICAO requirement that is driving the rulemaking project.
- Note whether the "requirement" is a SARP or merely an ICAO recommendation

(g) EASA harmonization.
- Research and attach any EASA rulemaking project or rule that has been adopted that should be harmonized.
- Note whether the harmonization project is required by the bilateral agreement, which may impact its importance.

(h) TCCA harmonization.
- Research and attach any TCCA rulemaking project or rule that has been adopted that should be harmonized.
- Note whether the harmonization project is required by the bilateral agreement, which may impact its importance.

(i) Environment agency requirement.
- Research and attach the Environmental Protection Agency (EPA) requirement that would drive the rulemaking project.
- Note whether the EPA action mandates an action by the FAA.

(j) DHS/security requirement.
- Research and attach the Department of Homeland Security (DHA) or Transportation Safety Agency (TSA) requirement that is driving the rulemaking
- Note whether the DHA/TSA requirement mandates an action by the FAA
- Other requirement (please define)—attach any other mandate that requires the rulemaking project.
- Agency strategic plan—if the rulemaking is part of the agency's strategic plan, specify the aspect that is being covered
- ARC/ARAC recommendation—if the rulemaking has been recommended by an ARC or the ARAC, specify the particulars
- OPR business or performance plan—if the rulemaking is part of the OPR's business or performance plan, indicate the aspect it is covering
- Other (please define)—review and attach any other objective standard that is driving the request for rulemaking.

(Q3) Review and verify the rules and other information impacting the current situation.

- By reviewing each rule that governs the current situation, it can be determine whether rulemaking is an appropriate action for addressing any issue/problem.
- Ensure that all applicable rules are listed. That means if there are cross-references in the rules cited, add them.
- To ensure the current situation has been researched adequately, search for, obtain and list:

(a) Advisory material.
- Advisory circulars
- Policy and other public information.

(b) Internal guidance material.
- Orders
- Handbooks and other FAA employee guidance

(c) Legal interpretations and court decisions

(d) Exemptions or special conditions granted on the current
(e) Repetitive "issue papers" (for AIR projects particularly)

(Q4) Review and verification of rules and other information impacted by the potential solution(s).

- In other to understand the impact of the potential solution and therefore the complexity of the rulemaking project, determine and document:
  (a) The nature and extent of any rule amendment(s)
  (b) The nature and extent of any amendments to guidance, i.e., public guidance such as advisory circulars and internal guidance such as handbooks.
  (c) The nature and extent legal interpretations and court decisions may need to be evaluated
  (d) Whether the potential solution will clear future exemption or special condition requests
  (e) Whether the potential solution will clear other requests or issues, such as issue papers

(Q5) Review, validation and/or clarification of certificate holders directly and indirectly impacted by the current situation.

- By examining the certificate holders impacted (both directly and indirectly) by the current situation closely, the RAM attribute score related to cost drivers impacting the potential rulemaking project will become clear.
- Carefully review the reasons that the current situation directly or indirectly impacts the certificate holder; determine if those reasons are valid or need to be substantiated (or have been substantiated in past rulemaking projects).

(Q6) Analyze the <u>entire current situation</u>.

- By completing this data gathering exercise, further costs, information on resource requirements and rulemaking complexity will become evident.
- Using information gathered above, describe:
  (a) Any impact on best available technology or technological advances.
  (b) Any physical environmental risks, i.e, greenhouse gases, fossil fuel related emissions.
  (c) Any audio environmental risks, i.e., due to noise.
  (d) Any operational capacity or impact, i.e., commercial operational capacity (separation standards), arrival-departure capacity, allocation of slots, terminal capacity, sequencing, general terminal area, airspace planning, maximum enroute capacity, oceanic capacity, general aviation restrictions, etc.
  (e) Any security risks, i.e., impact on the Administrator, employee access, etc.
  (f) All internal FAA offices impacted by the current situation and by the potential solutions. While there is an OPR, other divisions and offices within FAA need to be considered during discussion of current situations and potential solutions to ensure the proper coordination is made and also that the total cost of the project can be ascertained.
  (g) Any impact on the local community or need for physical relocation of property or acquisition of property.
  (h) Any impact on work conditions, i.e., job retention, job quality, personnel performance capabilities and/or other working conditions.

(i) Any impact on worker or certificate holder qualifications or training requirements.
(j) Whether small businesses will be impacted.

(Q7) Review, validate and clarify certificate holders directly and indirectly impacted by the <u>potential solution</u>.

- By examining the certificate holders impacted (both directly and indirectly) by the potential solution closely, the RAM attribute score related to cost drivers impacting the potential rulemaking project will become clear.
- Carefully review the reasons that the potential solution directly or indirectly impacts the certificate holder; determine if those reasons are valid or need to be substantiated (or have been substantiated in past rulemaking projects).

(Q8) Analyze the <u>potential solution</u>.

- By completing this data gathering exercise, further costs, information on resource requirements and rulemaking complexity will become evident.
- Using information gathered above, describe:
  (a) Any impact on best available technology or technological advances.
  (b) Any physical environmental risks, i.e,greenhouse gases, fossil fuel related emissions.
  (c) Any audio environmental risks, i.e., due to noise.
  (d) Any operational capacity or impact, i.e., commercial operational capacity (separation standards), arrival-departure capacity, allocation of slots, terminal capacity, sequencing, general terminal area, airspace planning, maximum enroute capacity, oceanic capacity, general aviation restrictions, etc.
  (e) Any security risks, i.e., impact on AOA, employee access, etc.
  (f) All internal FAA offices impacted by the current situation and by the potential solutions. While there is an OPR, other divisions and offices within FAA need to be considered during discussion of current situations and potential solutions to ensure the proper coordination is made and also that the total cost of the project can be ascertained.
  (g) Any impact on the local community or need for physical relocation of property or acquisition of property.
  (h) Any impact on work conditions, i.e., job retention, job quality, personnel performance capabilities and/or working conditions.
  (i) Any impact on worker or certificate holder qualifications or training requirements.
  (j) Whether small businesses will be impacted.

(Q9) Is there any other actions being taken by the agency to address the situation or part of the situation—while researching for Part B(Q6)(a), request information on any actions being taken on either the current situation or the potential solutions.

Upon completion of Part B, return to SME for completion of the RAM. Review the completed RAM to ensure it reflects the data gathered.

The OPR management may accept or reject the potential project; rejections should be accompanied with an explanation.

Acceptance can take the form of:

- The information can be accepted, but still needs more research by the SME
- Becoming a candidate for the 4 Year Look-Ahead immediately, in which case the project is forwarded to ARM for a final review, or
- It can be sent to ARAC for further review, in which case, the RAQ and RAM are forwarded to ARM to assign the review to ARAC as a task.

PART C: ARM STAGE

OBJECTIVE: Provide an independent review and RAM for the rulemaking project.

In order to ensure comprehensive rulemaking is conducted by the agency as a whole, it is imperative Part A and B data are complete, accurate and objective and the RAM reflects a verifiable score.

If some questions require subjective responses, the basis for the response needs to be fully explained and justified so any opposing views or information can be collected and thereby avoid unnecessary complication of the rulemaking project.

ARM or ARAC conducts this second review by completing Part C. It is conducted prior to the OPR compiling its draft 4 Year Look-Ahead.

INSTRUCTION: Use the information from Part A, Part B, and the RAM, complete the Part C independent review and validation.

PART C: ARM STAGE QUESTIONS

(Q1) Review the purpose of the rulemaking project verified under Part B (Q1) and (Q2):

- If further information is required to determine whether the current situation or "best" solution is being presented, request that information specifically.
- If the rulemaking project was improperly validated, reject it with an explanation of what is needed for the project to proceed.
  (a) In depth review of the validation and the current situation.
  (b) In-depth review of the validation of potential solution to ensure it is a "real" solution.

(Q2) Review the rules, advisory material, guidance material, legal interpretation, court decisions, special conditions, exemptions or repetitive issue papers verified under Part B (Q3)-(Q4).

- Are these documents directly or indirectly related to current situation (issue/problem)?
- Note any discrepancies or inconsistencies.

(Q3) Verify and adjust direct and indirect impacts on certificate holders under Part B(Q5)-(Q8). Ensure the information in Part B (Q6) and (Q8)(a)-(g) are based upon objective information and if not, the basis for the subjective opinion or information is stated clearly.

(Q4) Survey and validate other actions being taken by the agency to address the situation and/or solution to help determine the internal resources required to complete the rulemaking project—obtained from other RAM submissions or current rulemaking projects.

(Q5) Define the critical/controversial issues that may impact the project from the data and information gathered.

(Q6) Provide any additional information on the potential cost/benefits of the proposed solution.

(Q7) Complete a second, independent RAM

PART D: OPR YEARLY REVIEW

OBJECTIVE: The OPR ensures the potential projects on the 4 Year Look-Ahead are current from year-to-year.

INSTRUCTION: THE OPR will:

(Q1) Review and revalidate the data provided in the original RAQ Part A, Part B, and the RAM.

(Q2) Adjust its requests for 4 Year Look-Ahead according to the updated information in the RAQ Part A, Part B, and the RAM.

Appendix VII: Rulemaking Assessment Matrix (RAM)

For the rationale on the score and the weight, see Appendix VIII.

ATTRIBUTE QUESTION	INSTRUCTION	METRIC	NATIONAL/ AGENCY STANDARD	EXPLANATION	SCORE	AVERAGE SCORE	WEIGH
CURRENT PROBLEM/ISSUE See information contained in RAQ (A)(1)(a).							
Scoring Definition: 1 =High Negative Impact, 2 =Moderate Negative Impact, 3 =Low Negative Impact, 4 =No Impact, 5 =Low Positive Impact, 6 =Moderate Positive Impact, 7 =High Positive Impact							
1. Are there safety impacts?	Rate the impact on safety.	Base the rating on historical safety events or known causes of risks that can be objectively quantified as documented in **RAQ (A)(2),(7); (B)(2)**.	fatalities per hundred million persons onboard (AVS dashboard metric) Recommendations (NTSB, FAA, other authorities, GAO findings/ OIG - FAA audit findings and other countries audit findings on behalf of FAA findings)				
	Rate the impact on future fatalities or serious injuries.	Based on the history of this issue, will this trend continue in the future.					
							30%
2. Are there environmental impacts?	Rate the impact on environmental risks due to emissions.	Based on any physical environmental risks (i.e., greenhouse gases, fossil fuel related emissions) as documented in **RAQ A(7); B(6)(b)**.	Metric effect on standard noise and emissions numbers				
	Rate the impact on environmental risks due to noise.	Based on any audio environmental risks (i.e., due to noise) as documented in **RAQ A(7); B(6)(c)**.	Capacity increasing regulations may affect environmental outcomes, these are captured here.				

							8%
3. Are there commercial operational capacity impacts?	Rate the impact on commercial operational capacity.	Based on any impact on operational capacity (i.e., separation standards, arrival-departure capacity, allocation of slots) as documented in **RAQ B(6)(d)**.	Airports, enroute, oceanic and terminal arrival and departure capacity is reported daily through Aviation System Performance Metrics (ASPM) http://aspm.faa.gov/aspm/entryASPM.asp				
	Rate the impact on airport and terminal capacity of the commercial NAS.	Based on any impact on airport and terminal capacity of the commercial NAS (i.e., airport arrival and departure capacity per hour, sequencing of arrivals, general terminal area, and airspace planning activities) as documented in **RAQ B(6)(d)**.					
	Rate the impact on maximum enroute capacity of the commercial NAS.	Based on any impact on maximum enroute capacity of the commercial NAS as documented in **RAQ B(6)(d)**.					
	Rate the impact on oceanic capacity of the commercial NAS.	Based on any impact on oceanic capcity (i.e., enroute throughput per hour or distance) of the commercial NAS as documented in **RAQ B(6)(d)**.					
	Rate the impact on non-commercial operational capacity.	Based on any impact on non-commercial (i.e., GA) operational capacity as documented in **RAQ B(6)(d)**.					
							15%

4. Are there impacts on small business?	Rate the economic impact on small businesses with limited resources.	Based on the definitions in the Regulatory Flexibility and Small Business Regulatory Enforcement Fairness Acts (5 USC §§ 601-612) and Executive Order 13272, Proper Consideration of Small Enterprises as documented in **RAQ B(6)(j)**.	GA airports hours of operation/availability. (GA can still land if tower is closed at some airports.)				
							8%
5. Are there impacts to technology requirements?	Rate the impact to technology requirements.	Based on impacts or unnecessary burdens or limitations on design, equipment, or business activities as documented in **RAQ A(7); B(6)(a)**.	Yes/no (required therefore no other metric needed)				
							8%
6. Are there social impacts?	Rate the impact on social risks.	Based on impacts on the local community or need for physical relocation of property or acquisition of property, impacts on work conditions (i.e., job retention, job quality, personnel performance capabilities and/or working conditions, and workers' qualifications), impacts on worker or certificate holder qualifications or training requirements as documented in **RAQ B(6)(g)-(i)**.	Direct/indirect cost for small businesses.				
							8%

7. Are there economic impacts?	Rate the impact on total costs.	Based on costs to all internal FAA offices, industry, license holders, personnel, or consumers impacted by the current situation due to (a) costs of rulemaking, (b) development, (c) acquisition, and (d) maintenance costs as documented in **RAQ A(5),(7); B(6)(f).**					
	Rate the economic impact if problem is *not* addressed.	Based on costs as documented in **RAQB(6)(g)**.					
							15%
8. Are there any security risks in the regulatory environment?	Rate the impact on security risks.	Based on any security risks (i.e., impact on AOA, employee access, etc.) as documented in **RAQ B(6)(e)**.					
							8%
						Weighted Score =	**1.6**

Impact Area	Weighting	Average Score
Safety =	30.0%	1.5
Environment =	8.0%	1.5
Capacity =	15.0%	3.0
Small Business =	8.0%	1.0
Technology =	8.0%	1.0
Social =	8.0%	1.0
Economic =	15.0%	1.5
Security =	8.0%	1.0

Scoring Summary

Number of Scores =	15	Out of 15
Number of Blanks =	0	
Weighted Score =	**1.6**	
Weighted Percent =	**22.4%**	

Scoring Definition

High Negative Impact =	1	-3
Moderate Negative Impact =	2	-2
Low Negative Impact =	3	-1
No Impact =	4	0

Low Positive Impact =	5	1
Moderate Positive Impact =	6	2
High Positive Impact =	7	3

ATTRIBUTE QUESTION	INSTRUCTION	METRIC	NATIONAL/ AGENCY STANDARD	EXPLANATION	SCORE	AVERAGE SCORE	WEIGHT
PROPOSED RULEMAKING See information contained in RAQ (A)(1)(b).							
Scoring Definition: 1 =High Negative Impact, 2 =Moderate Negative Impact, 3 =Low Negative Impact, 4 =No Impact, 5 =Low Positive Impact, 6 =Moderate Positive Impact, 7 =High Positive Impact							
1. Are there safety impacts?	Rate the impact on safety.	Base the rating on historical safety events or known causes of risks that can be objectively quantified as documented in **RAQ (A)(2),(7); (B)(2)**.	fatalities per hundred million persons onboard (AVS dashboard metric) Recommendations (NTSB, FAA, other authorities, GAO findings/ OIG - FAA audit findings and other countries audit findings on behalf of FAA findings)				
	Rate the impact on future fatalities or serious injuries.	If no evidence of contribution to risk or cause of fatalities or serious injuries answer none (0).					
							30%
2. Are there environmental impacts?	Rate the impact on environmental risks due to emissions.	Based on any physical environmental risks (i.e., greenhouse gases, fossil fuel related emissions) as documented in **RAQ A(7); B(8)(b)**.	Metric effect on standard noise and emissions numbers				
	Rate the impact on environmental risks due to noise.	Based on any audio environmental risks (i.e., due to noise) as documented in **RAQ A(7); B(8)(c)**.	Capacity increasing regulations may affect environmental outcomes, these are captured here.				
							8%

3. Are there commercial operational capacity impacts?	Rate the impact on commercial operational capacity.	Based on any impact on operational capacity (i.e., separation standards, arrival-departure capacity, allocation of slots) as documented in **RAQ B(8)(d)**.	Airports, enroute, oceanic and terminal arrival and departure capacity is reported daily through Aviation System Performance Metrics (ASPM) http://aspm.faa.gov/aspm/entryASPM.asp				
	Rate the impact on airport and terminal capacity of the commercial NAS.	Based on any impact on airport and terminal capacity of the commercial NAS (i.e., airport arrival and departure capacity per hour, sequencing of arrivals, general terminal area, and airspace planning activities) as documented in **RAQ B(8)(d)**.					
	Rate the impact on maximum enroute capacity of the commercial NAS.	Based on any impact on maximum enroute capacity of the commercial NAS as documented in **RAQ B(8)(d)**.					
	Rate the impact on oceanic capacity of the commercial NAS.	Based on any impact on oceanic capcity (i.e., enroute throughput per hour or distance) of the commercial NAS as documented in **RAQ B(8)(d)**.					
	Rate the impact on non-commercial operational capacity.	Based on any impact on non-commercial (i.e., GA) operational capacity as documented in **RAQ B(8)(d)**.					
							15%

4. Are there impacts on small business?	Rate the economic impact on small businesses with limited resources.	Based on the definitions in the Regulatory Flexibility and Small Business Regulatory Enforcement Fairness Acts (5 USC §§ 601-612) and Executive Order 13272, Proper Consideration of Small Enterprises as documented in **RAQ B(8)(j)**.	GA airports hours of operation/availability. (GA can still land if tower is closed at some airports.)				
							8%
5. Are there impacts to technology requirements?	Rate the impact to technology requirements.	Based on impacts or unnecessary burdens or limitations on design, equipment, or business activities as documented in **RAQ A(7); B(8)(a)**.	Yes/no (required therefore no other metric needed)				
							8%
6. Are there social impacts?	Rate the impact on social risks.	Based on impacts on the local community or need for physical relocation of property or acquisition of property, impacts on work conditions (i.e., job retention, job quality, personnel performance capabilities and/or working conditions, and workers' qualifications), impacts on worker or certificate holder qualifications or training requirements as documented in **RAQ B(8)(g)-(i)**.	Direct/indirect cost for small businesses.				
							8%

7. Are there economic impacts?	Rate the impact on total costs.	Based on costs to all internal FAA offices, industry, license holders, personnel, or consumers impacted by the proposed rule due to (a) costs of rulemaking, (b) development, (c) acquisition, and (d) maintenance costs as documented in **RAQ A(6),(7); B(6)(f), (7)**.					
	Rate the economic impact if problem is *not* addressed.	Based on costs as documented in **RAQ B(8)(g)**.	Explain any adjustments to the economic impact from the baseline assessment.				
							15%
8. Are there any security risks in the regulatory environment?	Rate the impact on security risks.	Based on any security risks (i.e., impact on AOA, employee access, etc.) as documented in **RAQ B(8)(e)**.					
							8%
						Weighted Score =	**2.5**

Impact Area	Weighting	Average Score
Safety =	30.0%	2.5
Environment =	8.0%	2.5
Capacity =	15.0%	3.6
Small Business =	8.0%	2.0
Technology =	8.0%	2.0
Social =	8.0%	2.0

Scoring Summary

Number of Scores =	15	Out of 15
Number of Blanks =	0	
Weighted Score =	**2.5**	
Weighted Percent =	**35.8%**	

Scoring Definition

High Negative Impact =	1	-3

Economic =	15.0%	2.5
Security =	8.0%	2.0

Moderate Negative Impact =	2	-2
Low Negative Impact =	3	-1
No Impact =	4	0
Low Positive Impact =	5	1
Moderate Positive Impact =	6	2
High Positive Impact =	7	3

Appendix VIII: Scoring and Weighting of Criteria

Scoring Definition	Point
High Negative Impact	1
Moderate Negative Impact	2
Low Negative Impact	3
Negligible/No Impact	4
Low Positive Impact	5
Moderate Positive Impact	6
High Positive Impact	7

Baseline Criteria (current rule/situation)	Weight	Proposed Rule Criteria	Weight
Safety	30%	Safety	30%
Environment	8%	Environment	8%
Capacity	15%	Capacity	15%
Small Business	8%	Small Business	8%
Technology Driven	8%	Technology Driven	8%
Social	8%	Social	8%
Cost	15%	Cost/*Benefits*	15%
Security	8%	Security	8%

Appendix IX: RPWG Work Plan

Rulemaking Prioritization Working Group
Work Plan

Scope:
In response to Future of Aviation Advisory Committee Recommendation #22, the FAA tasked Aviation Rulemaking Advisory Committee (ARAC) to provide advice and recommendations on how to prioritize rulemaking projects. The Rulemaking Prioritization working group (RPWG) is to provide recommendations to the ARAC Executive Committee by December 2011.

Operating Boundaries:

- Operate within ARAC processes and procedures, including following FACA requirements.

Authorized by: The FAA and approved by the ARAC Executive Committee

Members:

WG Member	Company	WG Position
Bolt, Craig	P&W	Co-Chair
Borener, Sherry	FAA	FAA Rep
Canto Jr., Captain Rudy	Airbus	Member
Carr, Douglas	NBAA	Member
Conley, John	Transport Workers Union	Member
Desrosier, Walt	GAMA	Member
Dillard, Rosemary	National Air Disaster Alliance/Foundation	Member
Edmunds, Bill	ALPA	Member
Haley, Katie	FAA	ARM Rep
Holley, Charlie	Continental Airlines	Member
Knife, Sarah	GE Aviation	Member
MacLeod, Sarah	ARSA	Co-Chair
Mattern, Bob	P&W Fellow, Operational Safety Risk Analysis	Member
McGraw, Paul	ATA	Member
Peters, Tom	Embrarer	Member
Rauscher, Dan	Volo Aviation (formerly, Lear 45 PM, FlightSafety International)	Member
Rudinger, Melissa	AOPA	Member
York, David	HAI	Member
Zuspan, Dan	Boeing	Member

Other Participants/Subject Matter Experts:
Invited to support the working group as a resource on an "as needed" basis.

Goals/Objectives/Expectations:

- Provide written recommendations on how the FAA should prioritize rulemaking projects, including factors to be considered.
- Evaluate how the new prioritization method may integrate with the current rulemaking process.
- Maximize the use of virtual meeting tools to maximize collaboration and minimize costs. Meet face to face as required or in coordination with other meetings where participants may already be traveling.

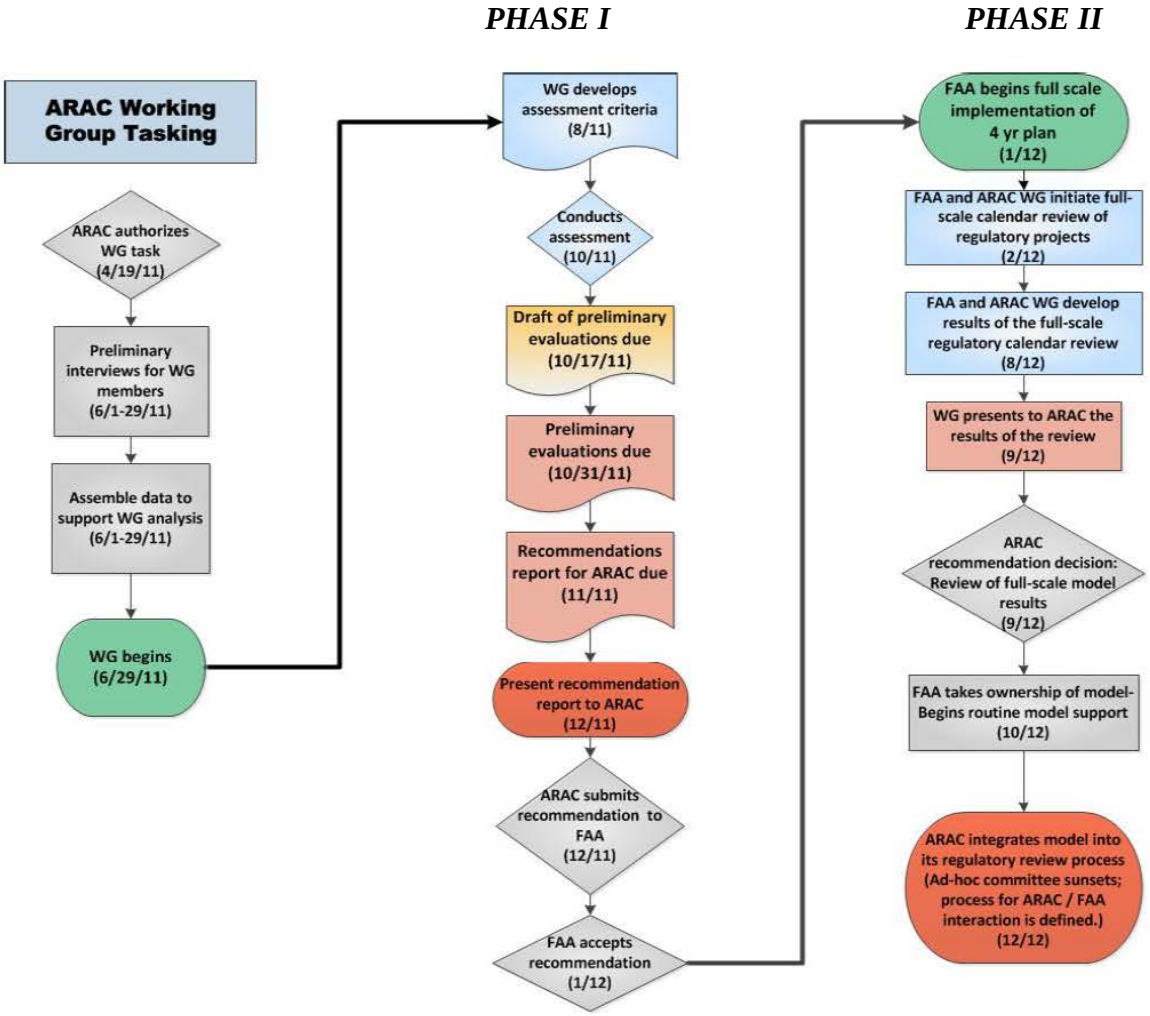
Tasking:

- Review and benchmark other agencies, e.g., CAST, NASA, and EASA rulemaking prioritization models.
- Evaluate and consider the parameters and criteria of the risk assessment methodology, ensuring the most effective project receives the highest priority. This includes considering all drivers of rulemaking; e.g., safety, capacity, cost, environmental impacts, harmonization, operations, and other needs.
- Develop a classification system to rank rulemaking projects.
- Develop a model to use as a prototype and test it with the subset of issues the FAA provides.
- Consider ARAC's role after the FAA implements the rulemaking prioritization methodology.

Meetings:

- First meeting held on 7/29-30/11.
- Bi-weekly Web-Ex meetings beginning on 7/20/11.
- Team members to allocate time between calls to support research, evaluation, and development of recommendations, as required.
- Face-to-face meetings will be arranged balancing time/travel commitments with working group work and schedule.

Schedule:


PHASE I
PHASE II
ARAC Working Group Tasking
ARAC authorizes WG task (4/19/11)
Preliminary interviews for WG members (6/1-29/11)
Assemble data to support WG analysis (6/1-29/11)
WG begins (6/29/11)
WG develops assessment criteria (8/11)
Conducts assessment (10/11)
Draft of preliminary evaluations due (10/17/11)
Preliminary evaluations due (10/31/11)
Recommendations report for ARAC due (11/11)
Present recommendation report to ARAC (12/11)
ARAC submits recommendation to FAA (12/11)
FAA accepts recommendation (1/12)
FAA begins full scale implementation of 4 yr plan (1/12)
FAA and ARAC WG initiate full-scale calendar review of regulatory projects (2/12)
FAA and ARAC WG develop results of the full-scale regulatory calendar review (8/12)
WG presents to ARAC the results of the review (9/12)
ARAC recommendation decision: Review of full-scale model results (9/12)
FAA takes ownership of model- Begins routine model support (10/12)
ARAC integrates model into its regulatory review process (Ad-hoc committee sunsets; process for ARAC / FAA interaction is defined.) (12/12)

Appendix X: Acronyms

Acronym	***Full Name***
ARAC	Aviation Rulemaking Advisory Committee
ARC	Aviation Rulemaking Committee
ARM	Office of Rulemaking
ASAP	Aviation Safety Action Program
ATSAP	Air Traffic Safety Action Program
AVS	Aviation Safety Organization
CAST	Commercial Aviation Safety Team
CFR	Code of Federal Regulations
Council	Rulemaking Management Council
DHS	Department of Homeland Security
EASA	European Aviation Safety Agency
EPA	Environmental Protection Agency
EXCOM	ARAC Executive Committee
FAA	Federal Aviation Administration
FAAC	Future of Aviation Advisory Committee
GA	General Aviation
ICAO	International Civil Aviation Organization
JIMDAT	Joint Implementation Measurement and Data Analysis Team
NPRM	Notice of Proposed Rulemaking
NTSB	National Transportation Safety Board
OPR	Office of Primary Responsibility
Pre-RIA	Preliminary Regulatory Impact Assessment
RAM	Rulemaking Assessment Matrix
RAQ	Rulemaking Assessment Questionnaire
REP	Rulemaking Evaluation Process
R-PETS	Rulemaking Prioritization Evaluation Tools
RPWG	Rulemaking Prioritization Working Group
SDR	Service Difficulty Report
SME	Subject Matter Expert
SMS	Safety Management System
TCCA	Transport Canada Civil Aviation
TSA	Transportation Security Agency

AMENDMENTS TO PFC APPROVALS

Amendment No. city, State	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
11–11–C–01–RNO Reno, NV	04/03/12	$25,491,376	$33,933,876	04/01/17	07/01/18
07–02–C–01–CLT	04/11/12	144,557,137	143,057,137	12/01/18	12/01/18

Issued in Washington, DC, on May 3, 2012.

Joe Hebert,

Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. 2012–11231 Filed 5–9–12; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—Continuing a Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of continuing a task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a continuing task to provide advice and recommendations to the FAA about implementing a process for prioritizing rulemaking projects. This task addresses, in part, one of the Department of Transportation's Future of Aviation Advisory Committee (FAAC) recommendations. This notice informs the public of a continuing ARAC activity and does not solicit membership for the existing Rulemaking Prioritization Working Group (RPWG).

FOR FURTHER INFORMATION CONTACT: Katherine Haley, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–493–5708, facsimile: 202–267–5075; email: *Katherine.L.Haley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA established ARAC to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities. ARAC's objectives are to improve the development of the FAA's regulations by providing information, advice, and recommendations related to aviation issues.

In April 2011, the FAA tasked ARAC to provide advice and recommendations on developing a framework and methodologies to assist the FAA in assessing and sequencing potential rulemaking projects.[1] The FAA provided the RPWG with a set of issues to test the framework and methodologies. The RPWG conducted its task from June to December 2011 and submitted recommendations to ARAC on December 14, 2011. ARAC accepted the recommendations on December 16, 2011 and forwarded them to the FAA. The entire recommendation report can be found at: *http://www.faa.gov/regulations_policies/rulemaking/committees/arac/.*

The March 2012 ARAC Executive Committee meeting included a discussion of continuing the task to further test the RPWG's methodology. This notice advises the public that the FAA has assigned, and the ARAC Executive Committee has accepted, the task to test the methodology and to develop a report including recommendations explaining the results.

The Task

The FAA has tasked the RPWG to provide advice and recommendations to further test the recommended methodology.

The RPWG is expected to develop a report containing recommended changes to the methodology. This report should document both majority and minority positions on the findings and the rationale for each position. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

In developing its recommendations, the RPWG shall:

1. Review the RPWG Phase I Recommendation Report.
2. Test the methodology and the tools using a subset of completed rulemakings provided by the FAA.
3. Develop measurable scoring evaluation to evaluate projects against each other.
4. Evaluate the results of the test and refine the process and the tools accordingly.

Schedule: The recommendations must be forwarded to the ARAC Executive Committee for review and approval no later than September 2012. The RPWG may be asked to clarify the report between September and December 2012.

ARAC Acceptance of Task

The ARAC Executive Committee has accepted the continuing task using members of the existing RPWG. The RPWG serves as staff to ARAC and assists in the analysis of the assigned task. ARAC must review and approve the RPWG's recommendations. If ARAC accepts the working group's recommendations, it will send them to the FAA.

Working Group Activity

The RPWG must comply with the procedures adopted by ARAC. As part of the procedures, the RPWG 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. Provide a status report at each meeting of the ARAC Executive Committee.
3. Draft the recommendation report and required analyses and/or any other related materials or documents.
4. Present the final recommendations to the ARAC Executive Committee for review and approval.

Participation in the Working Group

The existing RPWG is comprised of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

All existing RPWG members who choose to participate in this task must actively participate by attending all meetings, and providing written comments when requested to do so. Each member must devote the resources necessary to support the working group in meeting any assigned deadlines. Each member must keep their management chain, and those they may represent, advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with their sponsoring organization's position when the subject is presented to ARAC for approval. Once the RPWG has begun deliberations, members will not be added or substituted without the

[1] FAA, Aviation Rulemaking Advisory Committee (ARAC)—New Task (76 FR 21936).

approval of the FAA and the Working Group Chair.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, RPWG 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 the RPWG meetings.

Issued in Washington, DC, on May 3, 2012.

Brenda D. Courtney,

Acting Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 2012–11302 Filed 5–9–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2012–0020]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated March 8, 2012, the Union Pacific Railroad (UP) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 234. FRA assigned the petition Docket Number FRA–2012–0020.

UP seeks a waiver from the portion of 49 CFR Section 234.223, Gate arm. Section 234.223 requires that "each gate arm shall start its downward motion not less than three seconds after flashing lights begin to operate * * *."

UP also requests that the normal position of the gate arm down and the flashing lights dark not be considered as an activation failure, partial activation, or a false activation under 49 CFR 234.5.

This waiver petition is related to the Illinois high-speed passenger rail project on the route between Chicago, IL, and St. Louis, MO; on UP's Joliet and Springfield Subdivisions. This route is owned and maintained by UP. High-speed passenger operation will be conducted by the National Railroad Passenger Corporation (Amtrak) or another operator designated by the Illinois Department of Transportation (IDOT).

At farm private crossings (also known as field access crossings), which are currently not protected by active warning devices, IDOT has requested UP install active warning devices that operate differently than standard active warning devices. Currently, there are 24 field access crossings proposed for the installation of the nonconventional crossing warning system.

At the field access crossings involved, the normal operation would require the gate arms to be in the lowered position with no flashing lights activated. Upon the train's approach, the flashing lights and bells would then activate. To allow for the landowner to bring vehicles or farm equipment across the crossing, it would be necessary to unlock a pushbutton box and operate the pushbutton. The gate would then return to the upright position and operate as a conventional active warning system for either 8 hours, or if "reset," via pushbutton within the box. If not manually reset to the gate arm down condition, at the end of 8 hours the gate arms would then return to the down position.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received by June 25, 2012 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or online at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC, on May 7, 2012.

Ron Hynes,

Acting Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2012–11337 Filed 5–9–12; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms, and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and the expected burden. The **Federal Register** Notice with a 60-day comment period was published on November 16, 2011 (76 FR 71122–71123).

DATES: Comments must be submitted on or before June 11, 2012.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Jessica Cicchino, Ph.D., Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–131), National Highway Traffic Safety Administration, 1200 New Jersey Ave. SE., W46–491, Washington, DC 20590. Dr. Cicchino's phone number is 202–366–2752 and her email address is *jessica.cicchino@dot.gov.*

AEROSPACE INDUSTRIES ASSOCIATION

January 4, 2013

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

Attention: Lirio Liu, Director, Office of Rulemaking

Subject: ARAC Recommendation, Rulemaking Prioritization Working Group (RPWG)

Reference: Tasking Notice (77 FR 27538, May 10, 2012)

Dear Lirio,

On behalf of the Aviation Rulemaking Advisory Committee, I am pleased to submit the attached report and presentations as an ARAC recommendation. This report addresses the follow-up tasking referenced on page 4 of the report which asked the ARAC specifically to:

1. Review the RPWG Phase I Recommendation Report.
2. Test the methodology and the tools using a subset of completed rulemakings provided by the FAA.
3. Develop measurable scoring evaluation to evaluate projects against each other..
4. Evaluate the results of the test and refine the process and the tools accordingly.

The ARAC approved the report for transmittal to the FAA during its December 6th, 2012 meeting. This was ARAC's first meeting under its new structure and charter.

I want to thank all the members of the RPWG for their hard work on both phases of this report. In particular, I want to thank ARAC members and RPWG Co-Chairs, Craig Bolt and Sarah MacLeod for their tireless dedication to the completion of this task.

Sincerely,

Dan Elwell
ARAC Chairman

Copy: Renee Butner – FAA Office of Rulemaking
ARAC members
Katherine Haley – RPWG FAA Representative

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

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

January 31, 2013

Mr. Dan Elwell
SVP, Safety, Security and Operations
Airlines For America
1301 Pennsylvania Ave., NW, Suite 1100
Washington, DC 20004

Dear Mr. Elwell:

This is in response to your January 4, 2013 letter. Your letter transmitted to the Federal Aviation Administration (FAA) the Aviation Rulemaking Advisory Committee (ARAC) recommendation from the Rulemaking Prioritization Working Group. ARAC approved the working group's recommendation following the December 6, 2012 meeting. The FAA accepts the recommendation report.

We wish to thank the Rulemaking Prioritization Working Group and ARAC members who provided resources to develop, review, and approve the recommendation. The recommendation report and the related documents will be placed on the ARAC website.

We consider your submittal of the Rulemaking Prioritization Working Group recommendation report as completion of the task published in the *Federal Register* on May 10, 2012 (77 FR 27538). We will keep the committee apprised of the agency's efforts on this recommendation through the FAA report at future ARAC meetings.

Sincerely,

/s/

Lirio Liu
Director, Office of Rulemaking

FAA Aviation Rulemaking Advisory Committee
Rulemaking Prioritization Working Group (RPWG)

Recommendation Report

Addendum
December 2012

Table of Contents

Executive Summary

The Federal Aviation Administration (FAA) received the Aviation Rulemaking Advisory Committee's (ARAC's) Rulemaking Prioritization Working Group's (RPWG) recommendation in December 2011 and agreed that the same group should test its recommended Rulemaking Prioritization Evaluation Tools (R-PETs) on a representative cross-section of final rules. In March 2012, the FAA asked ARAC to support this follow-on task, which was accepted and published in the Federal Register in May 2012.

Background

The Secretary of Transportation and the FAA Administrator established ARAC in 1991 under the Federal Advisory Committee Act as a forum to obtain input from the aviation industry and public on regulatory matters. ARAC is a formal advisory committee consisting of representatives from aviation associations, the aviation industry, public interest groups, advocacy groups, and interested members of the public.

On April 16, 2010, the Secretary of the Department of Transportation established the Future of Aviation Advisory Committee (FAAC) to provide information, advice and recommendations to ensure the competitiveness of the United States aviation industry and its capability to address the evolving transportation needs, challenges and opportunities of the United States and global economies. The FAAC developed 23 recommendations, which were submitted to the Secretary on December 15, 2010. The Secretary requested that the majority of the recommendations be implemented within two years; recommendation #22 addressed rulemaking prioritization:

> "The Secretary should quickly review the existing regulatory and safety initiative calendar and provide parameters and criteria for the FAA to prioritize its current and future rulemaking program. This review should include industry, or at a minimum seek industry input, and the results should be made publicly available..." (See Appendix A for the full recommendation #22).

Responding to Recommendation #22, on March 30, 2011, the FAA tasked the ARAC to provide advice and recommendations on how to prioritize rulemaking projects. The ARAC formed the RPWG to carry out this task. The members of the RPWG included ARAC Executive Committee (EXCOM) members, industry, and FAA personnel with experience in aspects of the aviation community impacted by rulemaking, statistical analysis and in general rulemaking requirements.

In December 2011, the RPWG submitted a recommendation outlining a methodology that evaluates rulemaking projects in a consistent manner. The recommendation provided tools for the FAA to use to prioritize its rulemaking projects; the R-PETs. Due to time constraints on this task, the RPWG was unable to fully test the R-PETS. It recommended the FAA provide a follow up task to ARAC to test the RPWG's recommendations and institute refinements, prior to FAA's adoption of the methodology.

Therefore, the FAA re-tasked ARAC to test the R-PETs; that task was accepted on March 29, 2012 and published in the *Federal Register* on May 10, 2012 (See Appendix B for the *Federal Register* notification.) The RPWG conducted its first meeting on May 15, 2012.

The RPWG's specific re-tasking was to:

1. Review the RPWG Phase I Recommendation Report.
2. Test the methodology and the tools using a subset of completed rulemakings provided by the FAA.
3. Develop measurable scoring evaluation to evaluate projects against each other.
4. Evaluate the results of the test and refine the process and the tools accordingly.

Testing of Final Rules

The FAA selected fourteen (14) final rules from various Offices of Primary Responsibility's (OPR) to test the R-PETs. (See Appendix D for the list of the final rules and the corresponding OPR.) Each of the 14 rules were reviewed by a team of FAA Subject Matter Experts (SMEs) and RPWG members with expertise in the particular subject. (See Appendix C for the list of persons involved in the testing.)

The teams were trained on how to use the tools; of the 14 rules, 12 were tested. One rule was unable to be tested due to lack of resources for the subject; the other was similar to one being tested. These two untested rules are indicated in Appendix D. The tested rules were sufficient to evaluate and improve the R-PETs.

Results of Testing

In July 2012, the RPWG and the FAA SME's met to discuss test results and to improve the tools. Based on the collective cross-sharing of key learning's from the testing phase, two sub-teams were formed to further work detailed improvements to the process tool set; one for the Rulemaking Assessment Questionnaire (RAQ) and one for the Rulemaking Assessment Matrix (RAM).

Rulemaking Assessment Questionnaire (RAQ)

As a result of the testing and the RAQ sub-team review, the RAQ was substantially improved by eliminating redundancies, simplifying several procedural difficulties, rephrasing questions to require that both the pros and the cons of the issue be explained and improving the instructions and suggesting that examples for each step be provided.

The use of the original Part A of the RAQ was redefined and RAQ Part B became the main evaluation document; leaving Part A as an optional portion of the process and its' use paced by need for use, rather than mandated by the process. For example, when a petition for rulemaking comes into the agency, the OPR may complete Part A; if the outcome favors the proposal, the OPR could then complete Part B. Another potential use for Part A is if an FAA employee wishes to propose activity.

By changing the context of Part A and B, repetitiveness was eliminated as well as the extensive information gathering to be conducted by managers.

When the RPWG developed and submitted the recommendation in December 2011, it did not address attributes specific to Commercial Space Transportation (AST). During the re-tasking phase, the RPWG and the AST SMEs included the appropriate language and specific questions throughout the RAQ to ensure the R-PETs was applicable FAA wide and not just focused on any single sector of the FAA rulemaking lines of business.

Additionally, the sub-team revised questions to ensure each can be answered by any rulemaking OPR, including AST.

Parts C and D were not directly tested and therefore remain largely unchanged. The RPWG did walk through Parts C and D of the RAQ and associated overlay within the REP, and found them to be appropriate for the FAAs' further consideration and implementation. Part C is to be used by ARM, ARAC, and Council. Part D continues to be used as a review mechanism for the OPR.

Finally, the information gathered by the RAQ was directly attributed to each attribute in the RAM so appropriate data and scoring could result.

RAQ Recommendations:

The RPWG recommends the FAA adopts the RAQ into its process. The updated RAQ can be found in Appendix F.

> *During the testing effort, it became apparent to the RPWG and SME's participating in the effort that the testing phase was overly simplified and potentially skewed in providing process validation feedback, since the testing use existing, recent rulemakings as samples. Given this observation, the RPWG recommends the FAA conduct another test of the R-PETs using several proposed projects from the 4-Year Look Ahead prior to implementation. Doing so will provide more robust and unbiased feedback and proving of the recommended prioritization process, tools and scoring.*
>
> *The RPWG also recommend providing an example of the R-PETs for each OPR so that the division can understand how these rulemaking tools apply to its area*

Rulemaking Assessment Matrix (RAM)

The RAM was difficult to negotiate for many SMEs; since some were unfamiliar with the software, the separate worksheets for a baseline and a proposed evaluation were missed. The instructions did not make clear the goal: to complete both worksheets resulting in two scores; a baseline (current state) score and a proposed (recommended rulemaking state) score. Adding to the confusion, each worksheet required an explanation of each question; many of which were explained and answered in the RAQ. It was suggested that the eight RAM scoring attribute be revised and evaluating the safety attribute using the FAA's Safety Risk Management (SMS) methodology would be helpful.

As a result of the testing and SME comments, the baseline and proposed worksheets were merged, removing the duplicative explanations. Indeed, the instructions for the entire RAM were vastly improved

Each attribute was reviewed to address the issues and suggestions raised during the test. The language was adjusted to ensure standardization and AST specific information was added where appropriate.

The SMS criteria currently being used to assess safety in other rulemaking was appended to the *safety attribute* with the understanding that the FAA would need to work on making it user-friendly for this application.

The *environmental attribute* and the *commercial operational capacity attribute* were given minor adjustments. The questions were simplified and the standards referenced were updated.

The questions associated with the *economic impact attribute* were revised to require estimates for both the industry and for the FAA; the *small business attribute* was considered redundant and rolled into the overall economic impact score. While the data would be difficult to analyze without an economist, the information collected in the RAQ would allow a preliminary score.

The *technology*, *social*, and *security attributes* did not change.

A section was created for the SME to include rulemaking drivers; however it was information al purposes only, not for scoring.

The chart below shows the revised weighting system associated with the reduction in attributes scored.

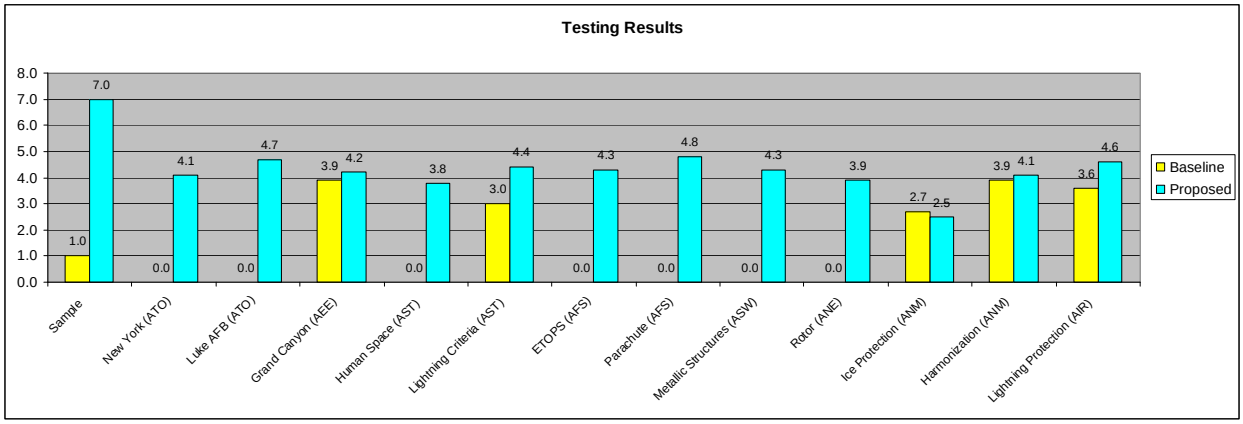
Attribute	**New Weight**	**Previous Weight**
Safety	30%	30%
Environment	10%	10%
Commercial Capacity	17%	10%
Economic	17%	10%
Technology	10%	10%
Social	8%	10%
Security	8%	10%
Small Business	N/A	10%

Due to the confusion of the scoring system, the numeric values were changed to the following:

Scoring Definition	**New Score**	**Previous Score**
High Negative Impact	-5	1
Moderate Negative Impact	-3	2
Low Negative Impact	-1	3
No Impact	0	4
Low Positive Impact	1	5
Moderate Positive Impact	3	6
High Positive Impact	5	7

Although concern was voiced over the subjectivity of the scores and the weighting criteria of each attribute, the test results showed that regardless of the issue or the OPR, the weighting and the scores were not skewed by one attribute.

The graph below displays the results of the testing.



While subjectivity will exist, the review from the OPR, ARM, ARAC, and the Rulemaking Management Council, will minimize subjectivity allowing the score to reflect the attributes of issue.

RAM Recommendations
The RPWG recommends the FAA adopts the RAM into its process. The updated RAM can be found in Appendix G.

The RPWG was unable to include an example of the input and scoring inputs for improved RAM and recommends the FAA provide one when it completes the final testing of this tool prior to full process implementation.

The RPWG recommends SMS criteria currently being used to assess safety in other rulemaking was appended to the safety attribute with the understanding that the FAA work on making incorporation of the SMS criteria user-friendly for application within the RAM in assessing safety aspects of proposed rulemaking priorities.

Rulemaking Evaluation Process (REP)

Based on the changes to the RAQ and the RAM, the REP was adjusted to reflect the new usage of RAQ Part A.

The option for the ARAC to review the R-PETs evaluation as part of the ARM review, i.e., for ARM to send the information straight through to the Rulemaking Management Council or to have ARAC first was adjusted. Since AST has its own advisory committee, FAA must fit it into the process or all AST projects would go straight to the Council.

REP Recommendations

The RPWG recommends the FAA incorporates the REP into its current process. The updated REP can be found in Appendix E.

Training Program and Examples Recommendation

In order for the FAA to obtain the most benefit from the R-PETs the RPWG strongly recommends that the FAA develop two training programs; one for SME's and one for managers.

Additionally, each OPR should create several examples so that its personnel properly use these tools.

Other Concerns

The amount of work required by the R-PETs was discussed extensively during the test; the RPWG fully understands how much "up-front" work is being requested. Indeed, it is this work that will ensure each project is developed properly with a proper score on its safety impact.

Workload & Process Efficiency Recommendations
The RPWG strongly recommends that the R-PETS become part of the Application for Rulemaking and be automated, which will reduce completion time.

The RPWG recommends the FAA accept the updated R-PETs that require up-front comprehensive information gathering and to automate the R-PETs to ease and store the information gathered.

Conclusion

The RPWG tested and improved the original R-PETs; the mechanism to prioritize rulemaking projects in an objective manner.

Recommendations

The RPWG recommends that the FAA:

1. Ensure the RPWG's recommended safety attribute matrix and instructions are part of the FAA's SMS policies and procedures and develop criteria and instructions that tie the RAM scoring methodology to the SMS policies and procedures.
2. Determine if Commercial Space Transportation Advisory Committee (COMSTAC) should be involved in the R-PETs process and adjust the REP accordingly.
3. Conduct an internal test of the R-PETs using several proposed projects from the 4 Year Look Ahead.
4. Provide one example of a completed R-PET for each rulemaking OPR.
5. Develop training for SMEs and managers.
6. Automate the R-PETs.
7. Adopt the R-PETs into its rulemaking process.

Appendix A: FAAC Recommendation #22

RECOMMENDATION 22—IDENTIFICATION OF SAFETY PRIORITIES
The Secretary of Transportation should promptly review the existing regulatory and safety initiative calendar to provide parameters and criteria for the FAA to prioritize its current and future rulemaking program. This review should include industry, or at a minimum seek industry input, and the results made publicly available. In addition, the Secretary should direct the FAA Administrator to review field safety and enforcement policies, procedures, and training to ensure they align with the SMS philosophies and supporting policies established by the FAA.

The full FAAC Final Report can be accessed at:
http://www.dot.gov/faac/docs/faac-final-report-for-web.pdf

Appendix B: Tasking Notice (77 FR 27538)

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
Aviation Rulemaking Advisory Committee - Continuing a Task

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of continuing a task assignment for the Aviation Rulemaking Advisory Committee (ARAC).
SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a continuing task to provide advice and recommendations to the FAA about implementing a process for prioritizing rulemaking projects. This task addresses, in part, one of the Department of Transportation's Future of Aviation Advisory Committee (FAAC) recommendations. This notice informs the public of a continuing ARAC activity and does not solicit membership for the existing Rulemaking Prioritization Working Group (RPWG).
FOR FURTHER INFORMATION CONTACT: Katherine Haley, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: 202-493-5708, facsimile: 202-267-5075; email: Katherine.L.Haley@faa.gov.
SUPPLEMENTARY INFORMATION:
Background

The FAA established ARAC to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities. ARAC's objectives are to improve the development of the FAA's regulations by providing information, advice, and recommendations related to aviation issues.

In April 2011, the FAA tasked ARAC to provide advice and recommendations on developing a framework and methodologies to assist the FAA in assessing and sequencing potential rulemaking projects.[1] The FAA provided the RPWG with a set of issues to test the framework and methodologies. The RPWG conducted its task from June to December 2011 and submitted recommendations to ARAC on December 14, 2011. ARAC accepted the recommendations on December 16, 2011 and forwarded them to the FAA. The entire recommendation report can be found at: http://www.faa.gov/regulations_policies/rulemaking/committees/arac/.

The March 2012 ARAC Executive Committee meeting included a discussion of continuing the task to further test the RPWG's methodology. This notice advises the public that the FAA has assigned, and the ARAC Executive Committee has accepted, the task to test the methodology and to develop a report including recommendations explaining the results.

The Task

The FAA has tasked the RPWG to provide advice and recommendations to further test the recommended methodology.

The RPWG is expected to develop a report containing recommended changes to the methodology. This report should document both majority and minority positions on the findings and the rationale for each position. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

In developing its recommendations, the RPWG shall:

5. Review the RPWG Phase I Recommendation Report.
6. Test the methodology and the tools using a subset of completed rulemakings provided by the FAA.
7. Develop measurable scoring evaluation to evaluate projects against each other.
8. Evaluate the results of the test and refine the process and the tools accordingly.

[1] FAA, Aviation Rulemaking Advisory Committee(ARAC) –New Task (76 FR 21936)

Schedule: The recommendations must be forwarded to the ARAC Executive Committee for review and approval no later than September 2012. The RPWG may be asked to clarify the report between September and December 2012.

ARAC Acceptance of Task

The ARAC Executive Committee has accepted the continuing task using members of the existing RPWG. The RPWG serves as staff to ARAC and assists in the analysis of the assigned task. ARAC must review and approve the RPWG's recommendations. If ARAC accepts the working group's recommendations, it will send them to the FAA.

Working Group Activity

The RPWG must comply with the procedures adopted by ARAC. As part of the procedures, the RPWG 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. Provide a status report at each meeting of the ARAC Executive Committee**.**
3. Draft the recommendation report and required analyses and/or any other related materials or documents.
4. Present the final recommendations to the ARAC Executive Committee for review and approval.

Participation in the Working Group

The existing RPWG is comprised of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

All existing RPWG members who choose to participate in this task must actively participate by attending all meetings, and providing written comments when requested to do so. Each member must devote the resources necessary to support the working group in meeting any assigned deadlines. Each member must keep their management chain, and those they may represent, advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with their sponsoring organization's position when the subject is presented to ARAC for approval. Once the RPWG has begun deliberations, members will not be added or substituted without the approval of the FAA and the Working Group Chair.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, RPWG 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 the RPWG meetings.

Issued in Washington, DC, on May 3, 2012.

/s/

Brenda D. Courtney
Acting Executive Director,
Aviation Rulemaking Advisory Committee

Appendix C: RPWG Members

1. **Sarah MacLeod** – Attorney, Aeronautical Repair Station Association (ARSA), *Co-chair of RPWG*
2. **Craig Bolt** – Design Integration Director, Pratt & Whitney, *Co-chair of RPWG*
3. **Sherry Borener** – Senior Scientist, FAA
4. **Douglas Carr** – VP, Safety, Security & Regulation, National Business Aviation Association (NBAA)
5. **John Conley** – International Administrative Vice President, Transport Workers Union of America (TWU)
6. **Walter Desrosier** – Vice President, Engineering and Maintenance, General Aviation Manufactures Association (GAMA)
7. **Rosemary Dillard** – Vice President, National Air Disaster Alliance/Foundation (NADA)
8. **Michael Doellefeld** – Director, Commercial Aviation Regulatory Affairs, The Boeing Company
9. **William Edmunds** – Senior Human Performance Specialist, Air Line Pilots Association, International (ALPA)
10. **Robert Hackman** – Senior Vice President, Government Affairs, Aircraft Owners and Pilots Associations (AOPA)
11. **Katherine Haley** – Transportation Industry Analyst, FAA
12. **Charlie Holley** – Supervisor, Quality Control Inspection, United Airlines
13. **Sarah Knife** – Principal Engineer, Airplane and Regulatory Safety, General Electric (GE) Aviation
14. **Paul McGraw** – Senior Managing Director, Operations & Safety, Airlines For America (A4A)
15. **Daniel Rauscher** – Pilot, Volo Aviation, LLC (Former LR45 PM, Flight Safety International)
16. **Tom Peters** – Senior Airworthiness Specialist, Embraer
17. **David York** – VP for Regulatory and International Affairs, Helicopter Association International (HAI)

FAA SME's

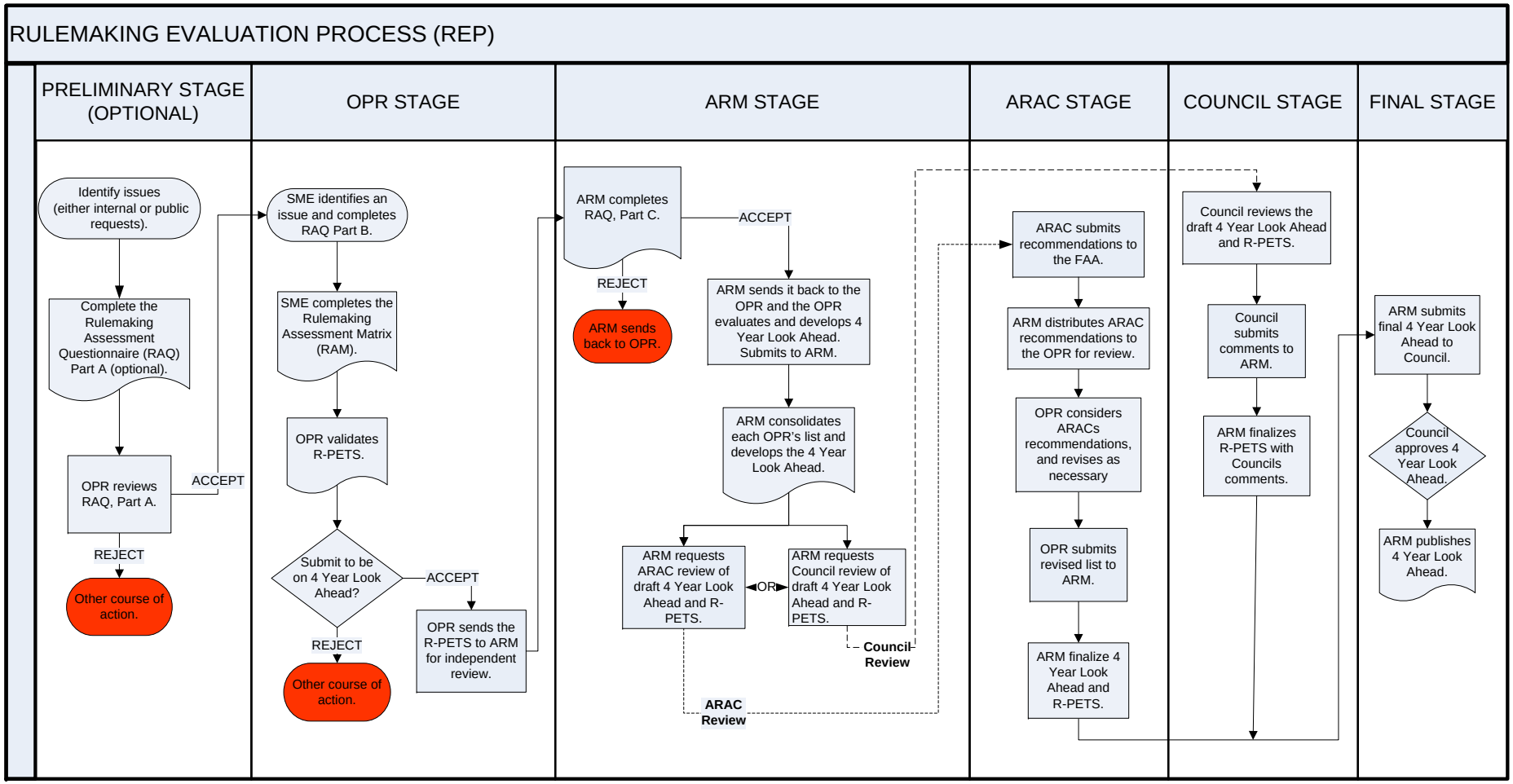
18. **Chip Bulger –** Special Projects Team Lead, Aircraft Certification Service (AIR)
19. **Kim Barnette –** General Aviation Airworthiness, Flight Standards, (AFS)
20. **John Howell -** Aerospace Engineer, (AST)

21. **Robert Jones -** Aerospace Engineer, (ANM)
22. **Sandy Liu –** Aerospace Engineer, Office of Energy and Environment, (AEE)
23. **David Maddox –** Airspace and Rules Specialist, Air Traffic Organization (ATO)
24. **Shirley McBride -** Regulations Program Lead, (AST)
25. **Sharon Miles -** Aircraft Certification, (ASW)
26. **Tim Mouzakis -** Rotor Integrity Specialist, (ANE)
27. **Warren Randolph -** Branch Manager - Safety Modeling and Forecasting, (AVP)
28. **Karen Shelton-Mur –** Space Transportation Development, Commercial Space Transportation (AST)
29. **Don Stimson -** Airplane Performance and Handling Qualities Specialist, (ANM)

Appendix D: Final Rules Used For Testing

1. Lightning Protection Requirements (AIR)
2. Rotor Overspeed Requirements (ANE)
3. Part 121 Activation of Ice Protection Systems (ANM)
4. Harmonization of Airworthiness Standards Flight Rules (ANM)
5. Damage Tolerance and Fatigue Evaluation for Composite Structures (ASW) (Not Tested.)
6. Fatigue Tolerance Evaluation of Metallic Structure (ASW)
7. Lightning Criteria for Expendable Launch Vehicles (AST)
8. Human Space Flight Requirements for Crew and Space Flight Participants (AST)
9. Stage 4 Aircraft Noise Standards (AEE) (Not Tested.)
10. Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park (AEE)
11. Part 93 Special Rules Area in the Vicinity of Luke AFB, AZ (ATO)
12. Modification of the New York, New York Class B Air Space Area and Establishment of the New York Class B Air Space Hudson River and East River Exclusion Special Flight Rules Area (ATO)
13. Clarification of Parachute Packing Authorization (AFS)
14. Extended Operations (ETOPS) of Multi-Engine Airplanes (Final Rule Immediately Adopted) (AFS)

Appendix E: Rulemaking Evaluation Process (REP) Flowchart



Appendix F: Rulemaking Assessment Questionnaire (RAQ)

Introduction

The Rulemaking Prioritization Evaluation Tools (R-PETS) are a set of tools that provides a means for collecting and analyzing information to improve current regulations. These tools create a standardized approach which allows the FAA to systematically prioritize its rulemaking projects. These tools are completed prior to requesting approval for a rulemaking project.

They are also used in developing and updating the annual call for the 4-Year Look Ahead. The 4 Year Look Ahead is a list of each OPR's potential rulemaking projects for the next four years.

The use of R-PETS encourages proper evaluation and coordination of a rulemaking action among and between the various departments, divisions and offices. By using the R-PETS, agency employees, regulated parties and the public are assured that all relevant facts and factors are considered prior to and during a rulemaking project.

Through these efforts the FAA and industry continue to improve the international aviation safety record.

The R-PETS consist of the following tools:

(1) The Rulemaking Evaluation Process (REP)–a flow chart, that guides the user through the process of examining an issue, determining the solution, reviewing and validating by from ARM and/or ARAC, and finalizing the prioritized list for the 4 Year Look Ahead, which will be approved by the FAA's Rulemaking Management Council.

(2) The Rulemaking Assessment Questionnaire (RAQ)– the tool used to collect information necessary to objectively analyze the proposed rulemaking project. This tool ensures all relevant facts are considered when assessing the issue.

(3) The Rulemaking Assessment Matrix (RAM)–a tool used to qualify and quantify the information gathered from the RAQ. The rulemaking project is assessed by scoring and weighting the attributes and criteria based upon the data gathered in the RAQ.

Rulemaking Assessment Questionnaire (RAQ)
The RAQ is a tool used to gather data to assess a current problem/issue and its proposed solution. It consists of four parts:

Part A: Preliminary Evaluation (optional)–This phase is only used by persons that have not been assigned a rulemaking project or merely wish to consider whether a rulemaking project is desirable. With the information gathered during this phase, a solution to a definitive issue may present itself without the need for further action.

Part B: OPR Rulemaking Evaluation–This is the starting point for most rulemaking projects; this tool provides a series of questions that requires the SME of the OPR to collect and authenticate the basic factual data to determine if rulemaking is the next step. This data will determine the amount and extent of resources necessary to accomplish the rulemaking project. A goal of gathering this information is to avoid duplicative and unnecessary burdens on the FAA, the regulated parties, and the public.

Part C: ARM and ARAC Review and Validation–This part is used for ARM and ARAC to review and validate the information provided in the RAQ and RAM during Part B. ARM and ARAC will provide comments to the OPR on issues or concerns with the information provided in the tools. Based on the comments, the OPR makes revisions to the R-PETS. At this point, the R-PETS are consider final and the OPR can proceed with prioritizing it's 4-Year Look Ahead. The results of the R-PET's determines how the OPR should prioritize and rank its projects. The OPR submits its 4 Year Look Ahead list to ARM, who in turn prepares and submits it to the Rulemaking Management Council. The Rulemaking Management Council provides the final review of the R-PETS and approves the 4-Year Look Ahead.

Part D: OPR Yearly Review–A comprehensive review conducted by the OPR of its projects already on the 4-Year Look Ahead list that did not begin the rulemaking process within that current fiscal year.

Rulemaking Assessment Questionnaire (RAQ)

PART A: PRELIMINARY EVALUATION (Optional)

OBJECTIVE: To identify the problem/issue and gather preliminary information to determine whether a rulemaking is an effective and efficient solution.

INSTRUCTIONS: Any person interested in proposing a rulemaking project within the agency's system must answer the questions in Part A in accordance with the instructions for each section.

If you are an OPR or SME that has been assigned a rulemaking project or are to evaluate a petition for rulemaking do not use Part A, instead start with Part B.

PART A: PRELIMINARY EVALUATION (Optional)—If you wish to suggest a rulemaking to the agency, please complete this section. If you are an OPR or SME that has been assigned a rulemaking project or are to evaluate a petition for rulemaking *do not use Part A,* instead start with Part B.

(Q1) What is the purpose of the rulemaking? Answering (a) and (b) ensures a concise definition of the issue and potential solutions. It may be useful to consider the "pro/"con" of the issue vis-à-vis each potential solution or you may simply explain the issue and each potential solution.

(a) Summarize the status quo issue, i.e., the rule is not created or changed; this exercise will ensure a finite issue will emerge that can be objectively reviewed under the solutions proposed in (b).
- Provide concise, but detailed information about the status quo, issue. This includes explaining the current system and/or existing procedures.
- Identify any hazards or root causes for the issue.

(b) Summarize the proposed solution(s); although actual rulemaking language is certainly not necessary, there must be enough detail to gather the information required to proceed
- Provide alternatives for how the situation(s), problem(s) or issue(s) could be addressed in a rulemaking project, consider pros and cons of each.
- Provide explanation of how the current system and/or existing procedures would change.
- Provide the objective of each proposed solution by reviewing the information defining the status quo, problem or issue.

(Q2) What are the drivers for the proposed rulemaking project?
(DROP DOWN MENU (PICK ALL THAT APPLY))

(a) Legislative mandate
(b) NTSB recommendation
(c) FAA accident/incident data
(d) Voluntary reporting program data
(e) Service Difficulty Report (SDR) or other mandated reporting mechanism data
(f) Commercial Space Launch Act or 14 CFR part 400 requirements.
(g) International Civil Aviation Organization (ICAO) requirement
(h) European Aviation Safety Administration (EASA) harmonization
(i) Transport Canada Civil Aviation (TCCA) harmonization
(j) Environment agency requirement
(k) Department Homeland Security (DHS)/security requirement
(l) Other executive agency requirement
(m) Agency Strategic Plan
(n) Aviation Rulemaking Committee (ARC) or ARAC recommendation
(o) OPR Business or Performance Plan

(p) Advisory materials, Issue Papers, Special Conditions, etc.
(q) Other (please define)

(Q3) **What rules are impacted by the status quo?** This information will define the depth and breadth of the project. For example, when multiple rules are changed, multiple parties can be directly impacted by the action, which may require more resources to complete and/or create more controversy. Using the from Part A (Q1)(a) define:
- The main rule that under scrutiny; list by part and section number.
- All applicable rules; that means adding any rules that are cross-references in the main rule(s) cited. You can find the information to cross-reference here e-CFR.
- List any other rules or advisory materials that may be part of the issue. List any other rule that may need adjustment as well as the guidance material (both internal and external that may be part of the issue).

(Q4) **What rules are impacted by the proposed solution(s)?** This information will define the depth and breadth of the project. For example, when multiple rules are changed, multiple parties can be directly impacted by the action, which may require more resources to complete and/or create more controversy. Using the from Part A (Q1)(b):
- List the rule(s) that most likely need to be changed to implement each proposed solution.
- List the "main" rule by part and section, including any new sections;
- Include any other rules that are referenced in the part or section that may need adjustment to accomplish the purpose of each proposed solution.

(Q5) **Which impacted parties are affected by the status quo?** This information will define the depth and breadth of the project. For example, the more stakeholders directly impacted the more controversy that may be generated by the change.
- List the stakeholders directly impacted by the status quo by type (e.g., air carriers, expendable launch vehicle operators, reusable launch vehicle operators, commercial space licensee, certification license or experimental permit holders, etc.), the 14 CFR part (e.g., part 121, part 417) governing that stakeholder and a description of how or why the stakeholder is impacted.
- List any stakeholders indirectly impacted and why.
- When listing the parts 14 CFR that are impacted, list the OPRs responsible for those elements so that it can immediately be noted whether coordination with other offices or divisions within the agency are needed.

(Q6) **Which impacted parties are affected by the proposed solution(s)?** This information will define the depth and breadth of the project. For example, the more stakeholders directly impacted the more controversy that may be generated by the change or the failure to change
- While this list may be the same as the stakeholders impacted by the status quo set forth in Part A (Q5), it may well be different, e.g., changes in operational rules impact required equipage, maintenance or air traffic.
- Again, list the holder by type, 14 CFR part, and include a description of the both the direct and indirect impact.

(Q7) **Does it have an international impact?** The purpose of this question may or may not be duplicative of "drivers" in Part A (Q2)(e)-(g). For example, some trade agreements allow or disallow certain activities that will impact the balance of trade, so if the change in the regulations may impact the ability of a country to import or export products, it may impact a trade agreement. On the other hand, some of the bilateral aviation safety agreements require that the FAA merely report changes to regulations that impact the agreement. In either event, it is necessary to understand the impact to process a rulemaking.

- Will the project impact international trade or safety agreements?

(i) Yes (please explain how)
(ii) No
(iii) I don't know

(Q8) **Based on the information provided, should the suggestion be accepted for rulemaking?**

(i) Yes – Proceed to RAQ Part B for completion.
(ii) No – Don't proceed further (provide the submitter a reason for the rejection).

Rulemaking Assessment Questionnaire (RAQ)

PART B: OPR RULEMAKING EVALUATION

OBJECTIVE: The goal of this part is to determine whether the status quo (current issue) and the proposed solution (proposal) will proceed as a rulemaking or be a candidate for the 4-Year Look Ahead list. By gathering and validating this preliminary information, a solution to a definitive issue may present itself without the need for further action.

INSTRUCTION: OPRs and SMEs will use this in-depth evaluation by following a series of questions that requires the collection and/or authentication of the factual data to determine if rulemaking is the next step and if it is, where it may rank in the process.

For petitions for rulemaking, use this part to evaluate the petition based on the requirements found in §11.71. For each requirement in §11.71, there is a suggested question to provide the answer. If you believe the answer is best suited somewhere else in this part, feel free to include it.

§11.71(a)(2) – include in (Q1)
§11.71(a)(3) – include in (Q4)
§11.71(a)(4) – include in (Q1), (Q6), (Q8)
§11.71(a)(5) – include in (Q8)
§11.71(a)(6) – include in (Q8)
§11.71(b)(1) – include in (Q4), (Q6), (Q8)
§11.71(b)(2) – include in (Q4), (Q6), (Q8)
§11.71(b)(3) – include in (Q4), (Q6), (Q8)
§11.71(b)(4) – include in (Q8)

Note: If the RAQ, Part A was completed, then use this Part as a review and validation of the same questions and answer the additional questions.

PART B: OPR RULEMAKING EVALUATION

(Q1) Define the purpose of the rulemaking project. The answers to (a) and (b) requires a concise definition of the issue and potential solutions. It may be useful to consider the "pro/"con" of the issue vis-à-vis each potential solution or you may simply explain the issue and each potential solution. If an SME or OPR is evaluating information provided in Part A, the goal is to validate or change the information provided based upon a more in-depth review and understanding of the issue and potential solution(s).

(a) Summarize the status quo issue, i.e., no new rule will be created or an existing rule will not change; this exercise will ensure a finite issue will emerge that can be objectively reviewed under the solutions proposed in (b).
- Provide concise, but detailed information about the status quo, issue, i.e., the rule remains unchanged. This includes explaining the current system and/or existing procedures.
- Identify any hazards or root causes for the issue.

(b) Summarize the proposed solution(s); although actual rulemaking language is certainly not necessary, there must be enough detail to gather the information required to proceed.
- Provide alternatives for how the situation(s), problem(s) or issue(s) could be addressed in a rulemaking project;, consider pros and cons of each.
- Provide explanation of how the current system and/or existing procedures would change.
- Describe the benefits of improvements each proposed solution.
- As suggested, a pro/con discussion of each potential solution is encouraged so that a similar evaluation of each may be compiled.

(c) If used to evaluate a petition for rulemaking, ensure that the submittal contains the information required by 14 CFR sections 11.

(Q2) Define the drivers of the proposed rulemaking project. To determine the rating and urgency of a rulemaking project, each driver must be evaluated.

(a) Legislative mandate.
- Research and attach the public law that requires the rulemaking
- Obtain any legislative history or explanation of the congressional dictate

(b) NTSB recommendation.
- Research and attach the NTSB recommendations along with the NTSB reports that establish the probable cause of any accidents or incidents that may be alleviated by the rulemaking.
- Note whether the probable cause is directly or indirectly related to the proposed rulemaking project.

(c) FAA accident/incident data.
- Research and attach FAA accident or incident data that may drive or be rectified by the rulemaking project.
- Note the extent to which the data relates directly or indirectly to the proposed rulemaking project.

(d) Voluntary reporting program data.
- Research and attach any voluntary reporting data that has been "scrubbed" indicating that the status quo or solution is viable. For example, ASIS, Aviation Safety Action Program (ASAP), Air Traffic Safety Action Program (ATSAP), etc.
- Note the extent to which the data relates directly or indirectly to the project.

(e) SDR, mechanical interruption reports or other mandated reporting mechanism data.

- Research and attach any mandatory reports, individually or consolidated, indicating that the status quo or solution is viable.
- Note the extent to which the data relates directly or indirectly to the proposed rulemaking project.

(f) Commercial Space Launch Act or 14 CFR part 400 requirements.
- Research and attach the data required by the law or the regulations

(g) ICAO requirement.
- Research and attach the ICAO requirement that is driving the rulemaking project.
- Note whether the "requirement" is a SARP or merely an ICAO recommendation.

(h) EASA harmonization.
- Research and attach any EASA rulemaking project or rule that has been adopted that should be harmonized.
- Note whether the harmonization project is required by the bilateral agreement, which may impact its importance.

(i) TCCA harmonization.
- Research and attach any TCCA rulemaking project or rule that has been adopted that should be harmonized.
- Note whether the harmonization project is required by the bilateral agreement, which may impact its importance.

(j) Environment agency requirement.
- Research and attach the Environmental Protection Agency (EPA) requirement that would drive the rulemaking project.
- Note whether the EPA action mandates an action by the FAA.

(k) DHS/security requirement.
- Research and attach the DHS or Transportation Safety Agency (TSA) requirement that is driving the rulemaking
- Note whether the DHA/TSA requirement mandates an action by the FAA

(l) Other executive agency requirement (please define)—attach any other mandate that requires the rulemaking project.

(m) Agency strategic plan—if the rulemaking is part of the agency's strategic plan, specify the aspect that is being covered

(n) ARC/ARAC recommendation—if the rulemaking has been recommended by an ARC or the ARAC, specify the particulars

(o) OPR business or performance plan—if the rulemaking is part of the OPR's business or performance plan, indicate the aspect it is covering

(p) Advisory materials, Issue Papers, Special Conditions, etc.

(q) Other (please define)—review and attach any other objective standard that is driving the request for rulemaking.

(Q3) **Provide the rules and other information impacting the <u>status quo, i.e., the rule or situation will remain unchanged</u>.** By reviewing each rule that governs the status quo, it can be determine whether rulemaking is an appropriate action for addressing the issue. It may be revealed that guidance or interpretation may suffice to address the issue. Additionally, the breadth, depth and cost to the industry and the agency for maintaining the status quo becomes clear and can be articulated.

- Ensure that all applicable rules are listed. That means if there are cross-references in the rules cited, add them. You can find the information to cross-reference here e-CFR.
- To ensure the status quo has been researched adequately, search for, obtain and list:

(a) Advisory material.
- Advisory circulars

- Policy and other public information.

(b) Internal guidance material.
- Orders
- Handbooks and other FAA employee guidance

(c) Legal interpretations and court decisions
(d) Exemptions or special conditions granted on the current
(e) Repetitive "issue papers" (for AIR projects particularly)

(Q4) Provide the rules and other information impacted by the <u>proposed</u> solution(s). The breadth, depth, cost and controversy of potential solution(s) will become apparent as this information is gathered. Normally, the more rules developed or changed to address a particular issue result in more cost and controversy to the agency and the industry. Further, the more certificate holders directly impacted by the rulemaking action will also increase the resources needed for drafting, reviewing, implementation and enforcement.

- Ensure that all applicable rules are listed; if there are cross-references in the rules cited, add them.
- To understand the impact of the proposed solution and therefore the complexity and the cost of the rulemaking project, determine and document:
  (a) The nature and extent of any rule development and/or amendment(s)
  (b) The nature and extent of any development and/or amendments to guidance, i.e., public guidance such as advisory circulars and internal guidance such as handbooks.
  (c) The nature and extent legal interpretations and court decisions.
  (d) Whether the proposed solution will clear future exemption or special condition requests.
  (e) Whether the proposed solution will clear other requests or issues, such as issue papers.

(Q5) Identify the impacted parties, both directly and indirectly, affected by the <u>status quo</u>.

- By identifying and examining the stakeholders (e.g., air carriers, expendable launch vehicle operators, reusable launch vehicle operators, commercial space licensee, certification license or experimental permit holders, etc.), impacted (both directly and indirectly) by the status quo, the complexity and cost drivers impacting the proposed rulemaking project will become clear.
- Carefully review the reasons that the status quo directly or indirectly impacts the stakeholders; determine if those reasons are valid or need to be substantiated (or have been substantiated in past rulemaking projects).

(Q6) Identify the impacted parties, both directly and indirectly, affected by the <u>proposed solution</u>. By examining the certificate holders impacted (both directly and indirectly) by the proposed solution closely, the RAM attribute score related to cost drivers impacting the proposed rulemaking project will become clear.

- List or validate the stakeholders directly impacted by the status quo by type (e.g., air carriers, expendable launch vehicle operators, reusable launch vehicle operators, commercial space licensees, certification license or experimental permit holders, etc.), the 14 CFR part (e.g., part 121, part 417) governing that stakeholder and a description of how or why the stakeholder is impacted.
- List or validate any stakeholders indirectly impacted and why.

- List the OPRs responsible for the various stakeholders so that it can immediately be noted whether coordination with other offices or divisions within the agency are needed.
- Develop or review the reasons that the proposed solution directly or indirectly impacts the certificate holder; ensure the reasons are valid or substantiated (or have been substantiated in past rulemaking projects).

(Q7) **Analyze the <u>entire status quo</u>.** By completing this data gathering exercise, further costs, information on resource requirements and rulemaking complexity will become evident. Using the information gathered describe:

(a) Any impact on best available technology or technological advances.
(b) Any physical environmental risks, i.e., greenhouse gases, fossil fuel related emissions; pollutants of concern are: Ozone; Lead; Nitrogen Oxides; Carbon Monoxide; Sulfur Dioxide; and Particulate Matter.
(c) Any audio environmental risks, i.e., due to noise, i.e., number of people exposed to significant noise (> 65 DNL)
(d) Any operational capacity or impact on commercial operations in NAS or space launch and re-entry requirements, i.e., commercial operational capacity (separation standards), arrival-departure capacity, allocation of slots, terminal capacity, sequencing, general terminal area, airspace planning, maximum enroute capacity, oceanic capacity, general aviation restrictions, etc.
(e) Any security risks, i.e., impact on Airport Operating Area (AOA), employee access, etc.
(f) All internal FAA offices impacted by the status quo and by the proposed solutions. While there is an OPR, other divisions and offices within FAA need to be considered during discussion of status quos and proposed solutions to ensure the proper coordination is made and also that the total cost of the project can be ascertained.
(g) Any impact on the local community or need for physical relocation of property or acquisition of property.
(h) Any impact on work conditions, i.e., job retention, job quality, personnel performance capabilities and/or other working conditions.
(i) Any impact on worker or certificate holder, licensee, or permittee holder qualifications and/or training requirements.
(j) Whether small businesses will be impacted.

(Q8) **Analyze the <u>proposed solution</u>.** By completing this data gathering exercise, further costs, information on resource requirements and rulemaking complexity will become evident; using the information gathered describe:

(a) Any impact on best available technology or technological advances and any impact on the ability to continue the past technology.
(b) Any physical environmental risks, e.g., greenhouse gases, fossil fuel related emissions; pollutants of concern are: Ozone; Lead; Nitrogen Oxides; Carbon Monoxide; Sulfur Dioxide; and Particulate Matter.
(c) Any audio environmental risks, i.e., due to noise.
(d) Any operational capacity or impact, i.e., commercial operational capacity (separation standards), arrival-departure capacity, allocation of slots, terminal capacity, sequencing, general terminal area, airspace planning, maximum enroute capacity, oceanic capacity, general aviation restrictions, launch window, commercial space transportation launch/reentry operations, etc.
(e) Any security risks, i.e., impact on AOA, employee access, etc.
(f) All internal FAA offices impacted by the status quo and by the proposed solutions. While there is an OPR, other divisions and offices within FAA need to be considered during discussion of status quos and proposed solutions to ensure the proper coordination is made and also that the total cost of the project can be ascertained.

(g) Any impact on the local community or need for physical relocation of property or acquisition of property.
(h) Any impact on work conditions, i.e., job retention, job quality, personnel performance capabilities and/or working conditions.
(i) Any impact on worker or certificate holder, licensee, or permittee qualifications and/or training requirements.
(j) Any impact on small businesses.

(Q9) Are any actions being taken by another OPR that will have an impact on either the status quo or the proposed solution(s).
(a) Yes – [explain how]
(b) No
(c) Unsure

(Q10) Based on the information above, is rulemaking warranted?
(a) Yes – Complete the RAM.
(b) No – Don't proceed further—if used to evaluate a petition for rulemaking, an explanation of why the agency will not proceed must be provided to the petitioner.

Rulemaking Assessment Questionnaire (RAQ)

PART C: ARM and/or ARAC REVIEW AND VALIDATION

OBJECTIVE: Provide an independent review and validation of the RAQ and the RAM for the proposed rulemaking project.

In order to ensure comprehensive rulemaking is conducted by the agency as a whole, it is imperative Part B is complete and the RAM reflects a verifiable score.

If some questions require subjective responses, the basis for the response needs to be fully explained and justified so any opposing views or information can be collected and thereby avoid unnecessary complication of the rulemaking project.

INSTRUCTION: Complete the Part C review and validation using the information from Part B, and the RAM.

PART C: ARM and ARAC REVIEW AND VALIDATION

(Q1) Review the purpose of the rulemaking project verified under Part B (Q1) and (Q2):

- If further information is required to determine whether the status quo or "best" solution is being presented, request that information specifically.
  (a) In depth review of the status quo.
  (b) In-depth review of the proposed solution to ensure it is a valid solution and that appropriate alternatives were considered.

(Q2) Review the rules, advisory material, guidance material, legal interpretation, court decisions, special conditions, exemptions or repetitive issue papers verified under Part B (Q3)-(Q4).

- Are these documents directly or indirectly related to status quo?
- Note any discrepancies or inconsistencies.

(Q3) Verify and adjust direct and indirect impacts on impacted parties under Part B(Q5)-(Q8). Ensure the information in Part B (Q7) and (Q8)(a)-(g) are based upon objective information and if not, the basis for the subjective opinion or information is stated clearly.

(Q4) Survey and validate other actions being taken by the agency to address the situation and/or solution. This information will be used to help determine the internal resources required for the rulemaking project—this information should be obtained from other RAM submissions or current rulemaking projects.

(Q5) Define the critical/controversial issues that may impact the project from the data and information gathered.

(Q6) Provide any additional information on the proposed cost/benefits of the proposed solution.

(Q7) Validate the scores of the RAM to ensure they align with the information provided for the status quo and the proposed solution.

PART D: OPR YEARLY REVIEW

OBJECTIVE: The OPR ensures the proposed projects on the 4-Year Look Ahead are current from year-to-year.

INSTRUCTION: The OPR will:

(Q1) Review and revalidate the data provided in the original RAQ Part B and the RAM.

(Q2) Adjust its requests for 4-Year Look-Ahead according to the updated information.

Appendix G: Rulemaking Assessment Matrix (RAM)

Instructions For Completing the Rulemaking Assessment Matrix (RAM)

The Rulemaking Assessment Matrix (RAM) is used to "score" attributes associated with the rulemaking project. The completed RAM is used to prioritize rulemaking projects.

There are four worksheets:
1) Instructions
2) RAM
3) SMS Matrix
4) Example

RAM

The RAM is completed with the data from the Rulemaking Assessment Questionnaire (RAQ). The objectively gathered data from the RAQ will qualify and quantify the "weight" and "score" for each attribute. in the RAM; use the RAQ references in the RAM for the

There are two scores in the RAM; the Status Quo, which assumes the rulemaking activity will not take place and the Proposal for rulemaking, which assumes the regulation will change. Each cell contains a drop down menu to select the score. Use objective d

SMS Matrix

See information on the SMS Matrix worksheet.

Example

There is an example of a completed RAM to help guide you during the development of it.

Rulemaking Assessment Matrix (RAM)										
Title of Rulemaking Project:	**[Type title here]**									
	STATUS QUO QUESTIONS				**PROPOSAL QUESTIONS**			**EXPLANATION**	**SCORE**	
ATTRIBUTE QUESTION	**INSTRUCTION**	**METRIC**	**NATIONAL/ AGENCY STANDARD**	**SCORE**	**INSTRUCTION**	**METRIC**	**SCORE**	**EXPLANATION OF CHANGE**	**AVERAGE Status Quo WEIGHT**	**AVERAGE Change WEIGHT**
1. Are there safety impacts?	Looking at the status quo, i.e., no change in the rule, what is the probability and severity of an occurrence negatively impacting safety.	The "status quo" must be based upon the objective data gathered in RAQ, Part B, Q1(a), Q(2)(b),(c),(d),and (e); Q(3)(d) and (e); and Q(7)(a).	SMS Matrix	0	Look at the proposed solution, i.e., the "change" to the rule(s), assume the regulatory action is taken, plot the combined rating of the probability and severity of the "new" status.	The proposed score must be based upon the objective data gathered in RAQ, Part B, Q(1)(b), Q(2)(b),(c),(d),and (e); Q(4)(d) and (e); and Q(8)(a). Use the SMS Matrix, i.e., the "national/agency standard" to create the score.	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
	If the rule is not changed, rate the impact on fatalities and serious injuries	The rule has a direct impact on the fatality or serious injuries found in RAQ, Part B, Q(1)(a), Q(2)(b) and (c) only.	SMS Matrix	0	Assume the regulatory action has been taken and rate its impact on safety.	The regulatory action will have a direct impact on reducing the fatalit(ies) or serious injur(ies) found in RAQ, Part B, Q(1)(b), Q(2)(b) and (c) only; however, if information from RAQ, Part B, Q(2)(d) and (e) have indicate precursors to the accident or i	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
	If the rule is not created or changed, rate the impact on public safety.	Expected casualt(ies) of the expendable launch vehicle (ELV) and reusable launch vehicle (RLV) for launch and re-entry of flights explained in RAQ, Part B, Q(1)(a) and data gathered under RAQ, Part B, Q(2)(f), Q(7)(b)	Commercial Space Launch Act of 1984 as promulgated in 14 CFR part 400 and any agreement(s) for temporary restricted airspace (NAS).	0	Based upon the data gathered for the Status Quo metric.	Expected reduction in casualt(ies) explained in RAQ, Part B, Q(1)(b) and data gathered under RAQ, Part B, Q(2)(f), Q(4)(d) and (e), and Q(7)(b).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
			Status Quo Average Score =	**0**		**Proposed Average Score =**	**0**		**0**	**0.0**

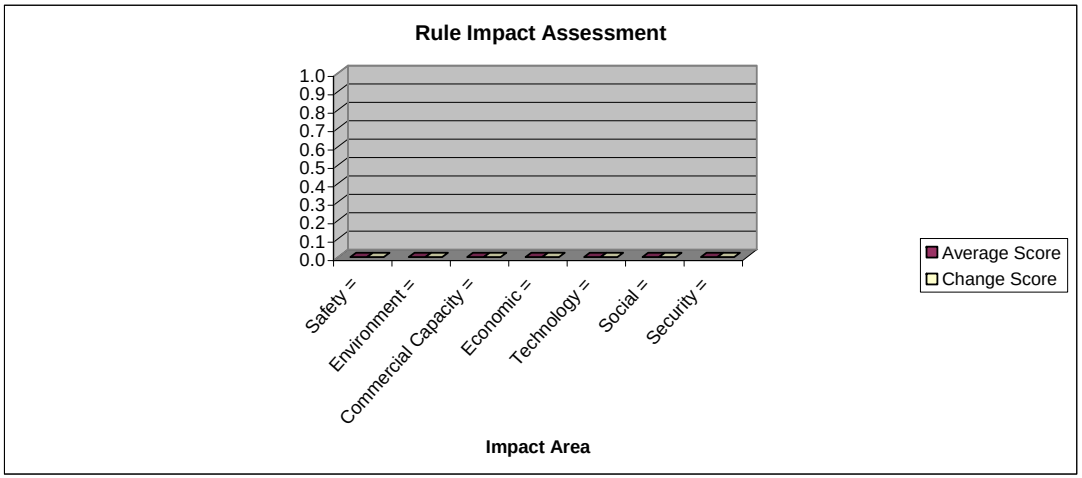
2. Are there environmental impacts?	Assume the status quo, i.e., the rule is not changing, rate environmental risks due to gaseous emissions.	Expected results from explanation in RAQ,Part B, Q(1)(a) and the data gathered in RAQ, Part B, Q(2)(j) and Q(7)(b).	US National Air Quality Standards & National Environmental Policy Act (NEPA) and the AEE Environmental Policy: http://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/policy/media/FAA_EE_Policy_Statement.pdf	0	Assume the regulatory action has been taken and rate the change based on the metric.	Expected results of explanation in RAQ, Part B, Q(1)(b) and data gathered under RAQ, Part B Q(8)(b).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
	Assume the status quo, i.e., there is no rule change, rate the environmental risks due to noise exposure.	Explanation contained in RAQ Part B, Q(1)(a) and data gathered Q(7)(c).	Noise Control Act of 1972 & National Environmental Policy Act (NEPA) and the AEE Environmental Policy: http://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/policy/media/FAA_EE_Policy_Statement.pdf	0	Rate the future impact on environmental risks due to noise exposure on people.	Explanation in RAQ, Part B, Q(A)(2) and data gathered in RAQ, Part B, Q(8)(c).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
			Status Quo Average Score =	**0**		**Proposed Average Score =**	**0**		**0**	**0.0**
3. Are there commercial operational capacity impacts?	Assuming the regulatory action is not taken, i.e., the status quo, rate the impact on totality of operational capacity.	Explanation in RAQ, Part B, Q(1)(a) and Q(6)(d).	Aviation System Performance Metrics (ASPM) http://aspm.faa.gov/aspm/entryASPM.asp	0	Assume the regulatory action is taken, rate the impact on total operational capacity.	RAQ Part B, Q(1)(b) and Q(8)(d).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
	Assuming the regulatory action is not taken, i.e., the status quo, rate the impact on non-commercial operational capacity.	Explanation in RAQ, Part B, Q(1)(a) and Q(7)(d).	Aviation System Performance Metrics (ASPM) http://aspm.faa.gov/aspm/entryASPM.asp	0	Assume the regulatory action is taken, rate the impact on non-commercial operational capacity.	RAQ Part B, Q(1)(b) and Q(8)(d).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
	For Commercial Space, assuming the rule is not created or changed, i.e., the status quo, rate the impact on airspace restrictions during launch and re-entry.	Explanation in RAQ, Part B, Q(1)(a) and Q(7)(d).	Commercial Space Launch Act of 1984 as promulgated in 14 CFR part 400 and any agreement(s) for temporary restricted airspace (NAS).	0	Assume the regulatory action is taken, rate the impact of airspace restrictions during launch and re-entry.	RAQ Part B, Q(1)(b) and Q(8)(d).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
			Status Quo Average Score =	**0**		**Proposal Average Score =**	**0**		**0**	**0.0**

4. Are there economic impacts?	Assuming the regulatory action is not taken, i.e., the status quo, rate the impact on the total cost(s) for both the agency and the industry.	Explanation in RQA, Part B, Q(1)(a) and data or information collected in RAQ, Part B, Q(3), Q(5), Q(7).	Current cost of maintaining the status quo, e.g., the more certificate holders, exemptions, etc., the higher the internal and external costs.	0	Assume the regulatory action is taken, rate the impact on the total cost of compliance for both the Agency and the industry.	Explanation in RAQ, Part B, Q(1)(b) and data gathered in RAQ, Part B, Q(4), Q(6), and Q(8).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
	Assuming the regulatory action is not taken, i.e., the status quo, rate the economic impact on small businesses with limited resources.	Explanation in RQA, Part B, Q(1)(a) and data or information collected in RAQ, Part B, Q(3), Q(5), Q(7) as it relates to small businesses.	Definitions in the Regulatory Flexibility and Small Business Regulatory Enforcement Fairness Acts (5 USC §§ 601-612) and Executive Order 13272.	0	Assume the regulatory action is taken, rate the impact on the total cost of compliance for both the Agency and small businesses.	Explanation in RAQ, Part B, Q(1)(b) and data gathered in RAQ, Part B, Q(4), Q(6), and Q(8).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
			Status Quo Average Score =	**0**		**Proposed Average Score =**	**0**		**0**	**0.0**
5. Are there impacts on technology?	Assuming the regulatory action is not taken, i.e., the status quo, rate the impact on technology.	Explanation in RAQ, Part B, Q(a)(1) and the data gathered under RAQ, Part B, Q(6)(a).		0	Assume the regulatory action is taken, rate the impact on the technology.	Explanation in RAQ, Part B, Q(1(b) and Q(8)(a).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
									0	**0.0**
6. Are there social impacts?	Assuming the regulatory action is not taken, i.e., the status quo, rate the socialital impact(s).	Explanation in RAQ, Part B, Q(1)(a) and data collected in RAQ, Part B, Q(7)(g)-(i).	Objective data generated from answering the RAQ questions.	0	Assume the regulatory action is taken, rate the impact on societial impact(s).	Objective evidence generated by the explanation in RAQ, Part B, Q(1)(b) and Q(8)(g)-(i).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
									0	**0.0**
7. Are there any security risks in the regulatory environment?	Assuming the regulatory action is not taken, i.e., the status quo, rate the security risk	Explanation in RAQ, Part B, Q(1)(a) and Q(7)(e).		0	Assume the regulatory action is taken, rate the impact on security.	Objective evidence generated by the explanation in RAQ, Part B, Q(1)(b) and Q(8)(e).	0	All explanations, including those in the RAQ, Part B, Q1(a)(2) must reference the metric, i.e., the objective data gathered.		
									0	**0.0**
Drivers	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	Provide list from RAQ, Part B, Q2		

Impact Area	Weighting	Average Score	Change Score
Safety =	30.0%	0.0	0.0
Environment =	10.0%	0.0	0.0
Commercial Capacity =	17.0%	0.0	0.0
Economic =	17.0%	0.0	0.0
Technology =	10.0%	0.0	0.0
Social =	8.0%	0.0	0.0
Security =	8.0%	0.0	0.0

	Total Scoring Summary		
	Status Quo	**Proposed Rule**	**Change**
Number of Possible Scores =	85	85	0
Actual Sub-Total =	0	0	0
Weighted Score =	0.0000	0.0000	0.00
Weighted Percent =			#DIV/0!

Scoring Definition	
-5	High Negative Impact
-3	Medium Negative
-1	Low Negative Impact
0	No Impact
1	Low Positive Impact
3	Medium Positive Impact
5	High Positive Impact



Safety Risk Management Matrix

Definitions
Hazard is defined as a condition that could foreseeable cause or contribute to an accident.
Severity is defined as the consequence or impact of a hazard's effect or outcome in terms of degree of loss or harm.
Likelihood is defined as the estimated probability or frequency, in qualitative or quantative terms, of a hazards effect or outcome.

Table C-1: Severity Definitions*

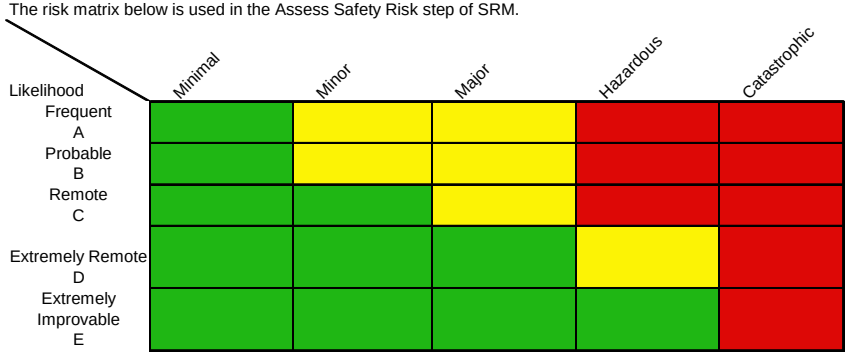
Minimal	Minor	Major	Hazardous	Catastrophic
Negligible safety effect	Physical discomfort to persons	Physical distress or injuries to persons	Multiple serious injuries; fatal injury to a relatively small number of persons (one or two); or a hull loss without fatalities	Multiple fatalities (or fatality to all on board) usually with the loss of aircraft/vehicle
	Slight damage to aircraft/vehicle	Substantial damage to aircraft/vehicle		

* Excludes vehicle, crew, and participants of commercial space flight.

Table C-2: Likelihood Definitions

Frequent A	Expected to occur routinely
Probable B	Expected to occur often
Remote C	Expected to occur infrequently
Extremely Remote D	Expected to occur rarely
Extremely Improbable E	So unlikely that it is not expected to occur, but it is not impossible

Figure C-1: Risk Matrix
The risk matrix below is used in the Assess Safety Risk step of SRM.



Appendix H: Acronyms

Acronym	***Full Name***
ARAC	Aviation Rulemaking Advisory Committee
ARM	Office of Rulemaking
ASAP	Aviation Safety Action Program
ATSAP	Air Traffic Safety Action Program
AVS	Aviation Safety Organization
CFR	Code of Federal Regulations
COMSTAC	Commercial Space Transportation Advisory Committee
Council	Rulemaking Management Council
EASA	European Aviation Safety Agency
EXCOM	ARAC Executive Committee
FAA	Federal Aviation Administration
FAAC	Future of Aviation Advisory Committee
GA	General Aviation
ICAO	International Civil Aviation Organization
NPRM	Notice of Proposed Rulemaking
NTSB	National Transportation Safety Board
OPR	Office of Primary Responsibility
RAM	Rulemaking Assessment Matrix
RAQ	Rulemaking Assessment Questionnaire
REP	Rulemaking Evaluation Process
R-PETS	Rulemaking Prioritization Evaluation Tools
RPWG	Rulemaking Prioritization Working Group
SME	Subject Matter Expert
SMS	Safety Management System
TSA	Transportation Security Agency