

**AVIATION RULEMAKING ADVISORY COMMITTEE
EXECUTIVE COMMITTEE
RECORD OF MEETING**

MEETING DATE: April 8, 2008

MEETING TIME: 10:00 a.m.

LOCATION: Federal Aviation Administration
800 Independence Avenue, SW
10th Floor
McCracken Room
Washington, DC 20591

PUBLIC ANNOUNCEMENT: The Federal Aviation Administration (FAA) told the public of this Aviation Rulemaking Advisory Committee (ARAC) meeting in a Federal Register notice published February, 26, 2008 (73 FR 10321).

ATTENDEES: Executive Committee Members

Craig Bolt	Pratt & Whitney, <i>ARAC Chair</i>
Norman Joseph	Airline Dispatchers Federation, <i>ARAC Vice Chair</i>
William Edmunds	Air Line Pilots Association, <i>Air Carrier Operations Aeronautical Technical Subject Area, Assistant Chair</i>
Pam Hamilton	Federal Aviation Administration, Office of Rulemaking, <i>Executive Director</i>
Sarah MacLeod	Aeronautical Repair Station Association, <i>Air Carrier/General Aviation Maintenance Aeronautical Technical Subject Area, Assistant Chair</i>
Richard Marchi	Airport Council International— North America, <i>Airport Certification Aeronautical Technical Subject Area, Assistant Chair</i>

Dennis McGrann	NOISE (National Organization to Insure a Sound-controlled Environment), <i>Noise Certification Aeronautical Technical Subject Area, Assistant Chair</i>
Ric Peri	Aircraft Electronics Association, <i>General Aviation Certification and Operations Aeronautical Technical Subject Area, Assistant Chair</i>
Ty Prettyman	National Air Carrier Association, <i>Training and Qualifications Aeronautical Technical Subject Area, Assistant Chair</i>
Mike Romanowski	Aerospace Industries Association, <i>Aircraft Certification Aeronautical Technical Subject Area, Assistant Chair</i>
John Swihart	Helicopter Association International, <i>Rotorcraft Aeronautical Technical Subject Area, Former Assistant Chair</i>
Nan Shellabarger	Federal Aviation Administration, Aviation Policy and Plans

Attendees

Eve Taylor Adams	Federal Aviation Administration, Office of Rulemaking
Dorenda Baker	Federal Aviation Administration, Aircraft Certification Service
Leisha Bell	Aircraft Owners and Pilots Association
Ranee Carr	Aerospace Industries Association
Brenda Courtney	Federal Aviation Administration, Office of Rulemaking
Shannon Garcia Hamilton	Office of the Rulemaking (TSA)
Edward Hall	Federal Aviation Administration, Aircraft Maintenance Division, AFS-300

Kurt Johnson	Federal Aviation Administration
Ida Klepper	Federal Aviation Administration, Office of Rulemaking
Don MacGlashan	CAAN (Citizens for the Abatement of Aircraft Noise)
Ferrin Moore	Federal Aviation Administration, Aircraft Maintenance Division, AFS-301
Gerri Robinson	Federal Aviation Administration, Office of Rulemaking
Raymond Thompson	Dubai Aerospace Enterprise (DAE) University
Monalisa Tindall	Federal Aviation Administration, Aircraft Maintenance Division, AFS-350
Lisa DeFrancesco	PAI Consulting

COMMITTEE ADMINISTRATION

The Executive Committee Chair, Mr. Craig Bolt, called the meeting to order at 10:03 a.m. The Executive Director, Ms. Pam Hamilton, read the required Federal Advisory Committee Act (FACA) statement.

Mr. Bolt introduced himself to the meeting attendees and welcomed four new Executive Committee Members: Mr. Ty Prettyman, Mr. Dennis McGrann, Mr. Mike Romanowski, and Mr. Ric Peri. Each introduced himself and briefly described his work experience. Mr. Bolt noted that Mr. Courtney Makela, Boeing, is now the Occupant Safety Aeronautical Technical Subject Area, Assistant Chair, and Mr. David York is the Rotorcraft Aeronautical Technical Subject Area, Assistant Chair; however, neither was able to attend the meeting. Mr. John Swihart represented the Rotorcraft Aeronautical Technical Subject Area for Mr. York and he provided a brief profile of Mr. York's work experience. General introductions of the remaining meeting attendees followed.

REVIEW OF MINUTES

Mr. Bolt asked for any corrections or comments to the draft minutes from the December 5, 2007, meeting. Hearing no comments or corrections, Mr. Bolt ratified the minutes.

ISO FEEDBACK FORM

Mr. Bolt asked meeting attendees to complete their ISO-9001 customer feedback form before leaving the meeting and return them to Ms. Gerri Robinson. Mr. Bolt discussed the feedback

provided by attendees from the December 5, 2007, meeting and noted the performance scores for the Office of Rulemaking were in the 4 to 5 range. Written suggestions included improving harmonization with the Aviation Rulemaking Committees (ARCs) in the rulemaking phase, promoting greater involvement by relevant FAA staff in ARAC Aeronautical Technical Subject Areas that remain active, and restructuring the ARAC Executive Committee to improve the FAA regulatory process. Ms. Hamilton stated the comments tracked well with the discussion the group had on continuous improvement. She added that continuous improvement also was on today's meeting agenda.

Mr. Richard Marchi then asked for clarification on the difference between an ARC and ARAC. He noted that ARCs claim to have a more streamlined process. Ms. Hamilton explained the authority for ARCs is in a Federal statute and that, unlike ARAC, ARCs do not have to follow FACA requirements.

AVIATION MAINTENANCE TECHNICIAN SCHOOLS CURRICULUM AND OPERATING REQUIREMENTS WORKING GROUP—REPORT FROM THE WORKING GROUP CHAIR

Introduction

Dr. Raymond Thompson, Part 147 Working Group Chair, and Mr. Ferrin Moore, AFS-301 and Part 147 Working Group Co-Chair, reported the working group's progress by teleconference from the Aviation Technician Education Council (ATEC) conference in Las Vegas, Nevada. Dr. Thompson and Mr. Moore also provided a copy of the presentation to meeting attendees. (Attachment). The working group tasks are to (1) evaluate §§ 147.21 and 147.31 and appendixes A through D to part 147 of Title 14, Code of Federal Regulations (14 CFR), and make recommendations to ARAC that would enable the aviation maintenance technician schools to meet the needs of their clientele more effectively; and (2) evaluate and incorporate revisions granted by exemptions to 14 CFR §§ 65.75(a) and 65.77.

Comment [CB1]: Gerri, are we going to attach the presentation?

Curriculum Hours

Dr. Thompson stated the working group spent notable time at its January 2008 meeting working on the part 147 curriculum. The working group kept the current requirement for 1,900 hours but added a 15% variance, plus or minus, within the general, airframe, and powerplant subject areas as outlined in the FAA-commissioned Goldsby report. Dr. Thompson added--at its next meeting on April 14-16, 2008--the working group will discuss the meaning of the 15% variance in context with the group's charter, which is to ensure new technology can be easily integrated into the program. He added the 15% variance could not be used to lower hours in all 3 subject areas, resulting in 1,600 hours. If the variance is used to lower hours in one subject area, then hours in another subject area would have to be increased to meet the total 1,900 hours.

Curriculum Content

Dr. Thompson noted the working group will complete the curriculum at the next working group meeting. The group already has satisfactorily updated the curriculum content to reflect those areas air carriers seek in an aviation maintenance technician (AMT) graduate. Dr. Thompson stated the working group will recommend incorporating exemptions to §§ 65.75(a) and 65.77 into the regulation and suggest revisions to Advisory Circular (AC) 147-3A and the part of the principal maintenance inspector handbook related to part 147. He noted no conclusions have been reached by the working group on the operating rules for attendance and enrollment, tests, and credit for prior instruction or experience that could be applicable to meeting the requirements of §§ 147.21 and 147.31.

Dr. Thompson briefly outlined the curriculum format changes using the proposed knowledge and skill levels. He explained the current format causes mismatches between what is required in the classroom versus the laboratory. He stated the group reviewed the current format from a knowledge and skill perspective and separated the content into more discrete areas. The group divided the proposed knowledge levels into level A, Be Familiar; level B, Knows; and level C, Understands. The group divided the proposed skill levels into level 1, No Skill Demonstration Required; level 2, Competent; and level 3, Proficient.

Operations Specifications

Dr. Thompson stated the group studied other training rules that use operations specifications, such as 14 CFR part 141. The group determined the part 147 curriculum also should be placed in an operations specification so it can be updated more easily without going through the rulemaking process. He stated the suggestion to use operations specifications from the last Executive Committee meeting was an excellent idea and that this option is long overdue for part 147 schools. He noted an attorney from the Office of the Chief Counsel will attend the next working group meeting. The attorney and the group will review what a part 147 operations specifications would look like and provide guidance on how to move forward with this recommendation.

Concept Paper/Work Plan

Dr. Thompson stated the concept paper and work plan are a work in progress. Currently, the work plan is being revised. The group expects to have a revision to Mr. Moore after the April working group meeting for forwarding to the Executive Committee at the end of April.

Schedule

Dr. Thompson noted the working group has met 3 times and the next meeting is April 14 through 16, with a possible work session in June 2008. He added the working group plans to assess its schedule after the April meeting. Dr. Thompson stated that once the curriculum, hours, and operations specifications issues are completed, the completion of the remaining tasking items is straightforward. Mr. Moore explained that if there is a request for an extension it would not be for more than 3 to 4 months. Dr. Thompson reiterated the goal of the working group is to not ask for an extension. Mr. Bolt recognized the working group's ambitious task and encouraged the group to meet the June deadline. Dr. Thompson stated that after the April meeting the group plans to divide the document drafting between 2 to 3 subgroups and use

e-mail and teleconferences to comment and resolve differences so meeting the June 2008 deadline is possible.

CONTINUOUS IMPROVEMENT OF THE FAA RULEMAKING PROCESS

Committee Manual

Ms. Hamilton noted that as part of continuous improvement there is interest in having the Executive Committee review the FAA Committee Manual and provide feedback. The Committee Manual includes ARAC and ARCs. Ms. Hamilton provided a hyperlink to the document for members of the Executive Committee. Ms. Hamilton asked the Executive Committee how it would like to review the manual and how best to organize that review. Mr. Bolt noted the Committee Manual describes the process but the group could take its experiences and improve it. He suggested each member individually review the manual and a small group collate the comments. He recognized that new Executive Committee members could provide valuable feedback because they have no preconceived ideas about how the process works and could identify areas that do not make sense. Ms. MacLeod stated the Executive Committee needs to ensure the proper interests are represented in the manual. Ms. Hamilton agreed and stressed the FAA is interested in recommendations from the Executive Committee on what structures work better to improve the process. She noted that recent audits of the quality management system processes within the aviation safety lines of business found that process manuals are too bulky and too cumbersome. The auditors recommended the FAA streamline the manuals into 5- to 10-page process documents with a work instruction that contains the necessary detail. Streamlining the manuals will take place parallel with the Executive Committee's recommend changes to the process. Mr. Marchi recommended the review process be carried out through e-mails instead of setting up a separate group to do the review. The comments should clarify processes and not be merely editorial.

Discussion of the ARAC Process

Mr. Peri noted that as a new Executive Committee member and formerly as a participating ARAC member he sees the ARAC process as muddled. He questioned whether the effectiveness of rulemaking changes are ever measured, that is, did the rulemaking accomplish its intended purpose. He believes that ARAC and industry do not clearly define a problem statement so a solution is measureable. Mr. Peri would like the Executive Committee to develop a clear, concise problem statement so it can ask what is a reasonable solution and can the effectiveness be measured later, such as in 12, 18, or 24 months. He also would like the process to include to a lessons learned assessment.

Mr. Romanowski asked that given there is an opinion that an ARC is not burdened with bureaucracy like ARAC how did the part 147 task, presented earlier by Dr. Thompson, get assigned to ARAC. Ms. Hamilton explained the sponsoring FAA organization that sought industry support on the task wanted to use an ARC but 2 or 3 Executive Committee meetings ago a decision was made to task ARAC instead. Mr. Romanowski agreed with previous comments from Ms. MacLeod that new tasks should be funneled through the Executive Committee assistant chairs instead of the aeronautical technical subject areas to remove a layer of bureaucracy. Ms. MacLeod read from the ARAC charter that AVS-1 chooses ARAC and the membership may change to accommodate unforeseen circumstances. She added that an ARC works almost the same as ARAC; however, instead of a standing committee, it is a specific committee. It must follow the same rulemaking process as ARAC. She suggested that ARAC be recreated as a standing ARC and regain its credibility. She further noted that it is more than a perception that ARAC is a bureaucratic organization. Ms. MacLeod clarified in later remarks that it is not legal for ARAC to be a standing ARC but it could be more ARC-like.

Mr. Marchi pointed out that process issues such as the availability of an FAA economist to draft the economic analysis should not delay an ARAC recommendation. He understands the FAA wants ARAC to deliver a complete rulemaking package but the lack of timely FAA resources can slow and ultimately hurt the process. He suggested the Executive Committee streamline these kinds of problems. Ms. MacLeod added that an ARAC recommendation does not have to be rulemaking.

Mr. Peri asked how many rulemaking process committees exist. Ms. Hamilton responded there are 8 to 10 active ARCs plus ARAC. Mr. Peri noted that ARAC was the model of how to move forward with rulemaking recommendations, and now it is the least desirable process. He believes the FAA sponsoring organization is choosing the least painful process to follow. Ms. Hamilton clarified the sponsoring organization can make a recommendation but the Administrator approves the decision to charter an ARC and there is internal coordination within the FAA. The fact that a sponsor prefers an ARC is not the deciding reason. She added the FAA decided that it does not want to use only ARCs and disband ARAC. The FAA believes there continues to be a legitimate purpose for ARAC but it needs revitalization and continuous improvement. Ms. Hamilton noted the FAA renewed the ARAC charter at the end of March but did not have time to include the FAA's vision of a new ARAC. She explained there is a great opportunity to make the ARAC process more agile. She noted that some ARCs have been experiencing problems similar to those seen in ARAC. Ms. MacLeod stated that one of ARAC's problems is that rulemaking by committee is difficult. She added there must be a balance of people that understand the technical, legal, and economic portion of the rulemaking. The FAA sought technical expertise and the result was a group of people who could not write rules. She added that ARAC has been most successful when it had been narrow in its tasking and not so successful with broad taskings that included drafting a rule and an AC. She emphasized that working group leaders need to understand the rulemaking process. Ms. Hamilton agreed the FAA tries to solve too much in an ARAC task. Ms. MacLeod suggested the FAA return to an earlier version of the rulemaking manual that included specific steps on the rulemaking process. She would like to see the definition of the problem; how it can be solved, which may be through a rulemaking; and what other areas are affected by the suggested change. Mr. Marchi concluded that one of the advantages of the Executive Committee is it has breadth of experience but the process needs efficiency.

FAA Rulemaking Initiation/Process

Mr. Bolt asked the group how to better move forward to help change the process. Ms. MacLeod asked Ms. Hamilton to explain in what situations the FAA asks industry for support on a rulemaking effort. Ms. MacLeod added the FAA could call on industry at formal meetings like an Executive Committee meeting and issue supplemental notices of proposed rulemaking.

Ms. Hamilton highlighted the FAA rulemaking process. She explained the FAA has 3 major quality management system processes: the Rulemaking Manual, the Exemption Manual, and the Committee Manual. She noted the Rulemaking Management Council meets 6 times a year to review rulemaking project records (RPRs), which are proposals to move rulemaking projects through the FAA's system. Rulemaking projects start with a phase I RPR. At that point, the program office tells the Council if it needs industry input to solve an issue. In this phase, the rulemaking team also decides what direction to take the project. For example, is rulemaking needed or can the problem be solved another way, are there unintended consequences, and what other areas may be affected. Ms. Hamilton stated that phase II RPRs are used to gain approval to do a notice of proposed rulemaking (NPRM) and include a proposed schedule. Once the Council approves the schedule, it becomes a contract between the rulemaking team and management to meet those deadlines. Ms. MacLeod reminded the group there is no ex parte communication during the phase I RPR stage. Ms. Hamilton continued describing the rulemaking process and noted that after publication of an NPRM, there is a congressionally mandated 16-month deadline to issue a final rule. After the close of the comment period, the rulemaking team prepares a phase III RPR with a proposed final rule schedule and describes any changes to the NPRM for the final rule. Ms. Hamilton reconfirmed the Council meets 6 times a year and occasionally holds ad hoc meetings. Ms. MacLeod asked which projects are contained in the FAA reports to Congress. Ms. Hamilton replied the FAA reports to Congress twice a year on rulemaking projects that exceed the 16-month deadline. She added the Semi-Annual Regulatory Agenda likely lists all phase II and III rulemaking projects.

Problem Solving by Committee

Mr. Peri noted the Committee Manual discusses 2 items: an outline of the rulemaking process and problem solving by committee. He believes the process needs to include training in problem solving by committee and added that this process is well-established at the United States Department of Agriculture (USDA). He believes there is a disconnect between the task statement and the final product. For example, under the part 147 summary of tasking briefed at the meeting, the task statement is to make recommendations to ARAC that would enable the AMT schools to meet the needs of their clientele more effectively. He questioned how to solve that problem without identifying the clientele and the deficiencies. He surmised that if you identified this information, it would allow the Executive Committee to later review and determine if the group accomplished the task. He suggested the USDA brief the Executive Committee on rulemaking by committee. Ms. Eve Adams noted that she will contact USDA Graduate School to find someone to brief the Executive Committee on problem solving by committee.

Executive Committee Review

Mr. Bolt asked for a volunteer to serve as a focal point to collect ideas from Executive Committee members. Ms. MacLeod and Mr. Peri will study where ARAC fits in the

FAA rulemaking process. Ms. MacLeod wants to determine what ARAC should be doing and how it should get it done. Ms. Hamilton noted the FAA has no preconceived notions of what should be in the Committee Manual and added the current manual can be changed. Ms. MacLeod wants ARAC to be a more usable resource. Mr. Peri agreed the process should be streamlined and structured for efficiency. Mr. Bolt suggested that Ms. MacLeod take the lead on the review of the Committee Manual. She asked for a wish list from the Executive Committee members on ARAC process changes. Ms. MacLeod also asked for clarification on the status of the work instructions. Ms. Adams noted the work instructions are almost completed. Ms. Adams stated the hyperlink to the rulemaking process document will show reviewers where in the phase I portion the Executive Committee should focus its attention.

Mr. Peri recommended the Executive Committee follow a 3-prong approach to its review: (1) the product ARAC is trying to produce, that is, the mission statement; (2) the rulemaking processes and the portion applicable to the ARAC; and (3) the problem solving method. He suggested the e-mails circulating among the Executive Committee members should focus on those 3 items.

ISSUE AREA STATUS REPORTS

Transport Airplane and Engine Aeronautical Technical Subject Area

Mr. Bolt stated the Transport Airplane and Engine Aeronautical Technical Subject Area had its last meeting in February. The Airplane-Level Safety Analysis Working Group continues to work on risk analysis and will report its progress in late May at a special meeting. He added the other groups in various phases of operation are the Propeller Harmonization Working Group, which is updating the regulations and an AC to address critical life-limited parts for propellers, the Airworthiness Assurance Working Group, and the Avionics Systems Harmonization Working Group.

Air Carrier Operations Aeronautical Technical Subject Area

Mr. William Edmunds stated the All-Weather Operations Working Group met last week in Toulouse, France, and is working on several harmonization issues. He noted that an issue arose last week with the European Aviation Safety Agency (EASA) about its unwillingness to participate in the working group. Mr. Edmunds reported the EASA representative does not agree with how the harmonization issues are developed. Ms. Hamilton asked for the name of the representative. She stated that she attended a meeting in Cologne, Germany, last week with EASA and Transport Canada and they discussed harmonization and how to work more constructively. She noted that it was a productive meeting. Ms. MacLeod stated that EASA has its own internal communication issues. She added that EASA will not send a representative to a working group meeting unless the subject is on EASA's rulemaking list. Mr. Edmunds stated that he would provide Ms. Hamilton the name of the EASA representative so she may help with this problem.

Air Carrier/General Aviation Maintenance Aeronautical Technical Subject Area

Ms. MacLeod stated that she has nothing to report. It was noted that Ms. MacLeod was reclassified as a technical expert on January 9, 2008.

Airport Certification Aeronautical Technical Subject Area

Mr. Marchi stated this Aeronautical Technical Subject Area has been inactive for about 3 years. During that 3-year period, the FAA economist drafted and completed the economic analysis for the Rescue and Firefighting Requirements Working Group task.

Mr. Marchi noted that he contacted the 52 members of the issue area to find out if each wanted to continue being involved in ARAC and, with those members who have retired, learn who their successors are. He noted that about 40% of the members have responded with the names of designees. He added the plan is to redistribute the recommendation report, which has been approved, with the draft FAA economic analysis, for final concurrence. It would then be forwarded to the Executive Committee and subsequently to the FAA.

Mr. Marchi next asked for guidance on cases where members have retired but want to remain involved. He asked how to address a request by a retired individual to remain active when the individual no longer works for the organization. Ms. MacLeod noted the aeronautical technical subject area is staffed by organizations and the working groups are staffed by technical expertise. She stated that if the individual wants to be involved at the aeronautical technical subject level, then the individual would have to be a member of the organization.

Mr. Marchi also noted that he had been contacted by an individual at the FAA regarding the status of a National Transportation Safety Board (NTSB) recommendation that had been referred to ARAC for airports to conduct a debriefing critique after an accident and report the results to the FAA. Mr. Marchi stated that he was unaware of such a recommendation and noted it does not appear in the tasking of the Airport Certification Aeronautical technical subject Area and to his knowledge has not been undertaken by one of the working groups. He researched the recommendation on the NTSB's Web site, and the status shows correspondence from the FAA stating the recommendation had been assigned to ARAC and the FAA is waiting for a response from ARAC. Ms. Hamilton reiterated there is a rigorous internal FAA process to ensure any response to an NTSB recommendation that mentions rulemaking is routed through the Office of Rulemaking before it leaves the FAA. Mr. Marchi stated that he would provide the information he collected to Ms. Hamilton on this issue.

Rotorcraft aeronautical Technical Subject Area

Mr. Swihart stated that Rotorcraft Aeronautical Technical Subject Area met on February 24, 2008, in Houston, Texas, as part of the HAI Heli-Expo 2008. Mr. Swihart stated the group reviewed the AC material associated with its task on damage tolerance and fatigue evaluation. He noted the rulemaking package was voted on last year and at the last meeting the group voted on the AC. He signed the complete package and sent it to the FAA for proposed rulemaking. He stated the group has completed all assigned tasks and it is now inactive. Mr. Swihart added that Mr. David York will take over as the Rotorcraft Aeronautical Technical Subject Assistant Chair. As an aside, Mr. Swihart noted the Performance and Handling Qualities Requirements for Rotorcraft rule had been issued. Mr. Bolt thanked Mr. Swihart for his contributions to ARAC.

On the issue of EASA participation, Mr. Swihart commented that early on there was active participation from the Joint Aviation Authorities (JAA) representative (when the JAA was in existence) but that EASA made it clear that it did not want to participate. He noted the group had good participation from European industry and he forwarded EASA information only copies of its activities.

OTHER REMARKS FROM EXECUTIVE COMMITTEE MEMBERS

Mr. Norm Joseph apologized for not being able to attend the meeting in person to welcome the new Executive Committee members. He stated that it sounds as if there is a good group going forward with a new invigorated attitude.

Ms. MacLeod noted there was a conflict between the number of ARAC members listed in December 5, 2007, minutes and those listed in the new FAA order on ARAC. Ms. Hamilton clarified that at the time of the December 2007 meeting the FAA had received a lukewarm response from industry and only 38 members requested continued participation in ARAC. After the meeting, the FAA telephoned those members who had not responded, and the FAA finalized the charter with 55 members instead of 38 members. Ms. Hamilton promised the December 2007 minutes will be corrected to reflect that 38 members was a preliminary figure.


At the conclusion of the remarks, Mr. Bolt reminded the Executive Committee members to turn in the ISO Feedback Forms to Ms. Robinson after the meeting.

NEXT MEETING

The next meeting will be held on [TBD].

ADJOURNMENT

Mr. Bolt accepted a motion to adjourn from Mr. Romanowski, seconded by Ms. MacLeod. All were in favor and none opposed. The meeting was adjourned at 11:43 a.m.

Approved by: 
Craig Bolt, Chair

Dated: May 1, 2008

Ratified on: December 10, 2008