

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

**MEETING DATE:** May 17, 2006

**MEETING TIME:** 10:00 a.m.

**LOCATION:** Federal Aviation Administration  
700 Independence Avenue, SW  
4th Floor  
Southeast Town Center Suite  
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 March 31, 2006 (71 FR 16408).

**ATTENDEES: Executive Committee Members**

Craig Bolt	Pratt & Whitney, <i>ARAC Chair</i>
Norman Joseph	Airline Dispatchers Federation, <i>ARAC Vice Chair</i>
Anthony Fazio	Federal Aviation Administration, <i>ARAC Executive Director</i>
John Swihart	Helicopter Association International, <i>Rotorcraft Issues, Assistant Chair</i>
Rosemary Dillard	National Air Disaster Alliance/Foundation, <i>Public Interest Representative</i>
Jerry Wright	Air Line Pilots Association, <i>Air Carrier Operations Issues, Assistant Chair (for Mr. Bill Edmunds)</i>

**Attendees**

Gerri Robinson	Federal Aviation Administration, Office of Rulemaking
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Eve Taylor Adams	Federal Aviation Administration, Office of Rulemaking
Brian A. Yanez	Federal Aviation Administration
Caren Waddell	Federal Aviation Administration, Office of Rulemaking
Christa Brolley	Phaneuf Associates Inc.

## **COMMITTEE ADMINISTRATION**

The Executive Committee Chair, Mr. Craig Bolt, called the meeting to order at 10:13 a.m., noting that there was a small group present.

The Executive Director, Mr. Anthony Fazio, read the required Federal Advisory Committee Act (FACA) statement.

The Executive Committee members and those attending the meeting introduced themselves. Mr. Bolt offered congratulations to Mr. Norman Joseph as the new vice chair.

## **REVIEW OF MINUTES**

Mr. Bolt stated that Mr. Ron Priddy signed the minutes from the November 9, 2005, meeting. If anyone has any changes, they should contact Ms. Gerri Robinson.

## **ISO FEEDBACK FORM**

Mr. Anthony Fazio stated that the Office of Rulemaking received its ISO-9001 certification. Therefore, customer feedback is important. A feedback form is being provided to all attendees. Mr. Fazio stated due to OMB regulations, the advisory committee feedback form can be used only if filled out and turned in at the meeting.

## **DISCUSSION OF ARAC**

Mr. Fazio provided background information. In the 1970s Congress was concerned with agencies meeting with parts of public. Congress wanted to provide transparency so it passed the Federal Advisory Committee Act (FACA). ARAC was formed under FACA and, therefore, has to meet certain requirements. Mr. Fazio noted that most of these requirements are administrative tasks such as publishing notices, taking notes during the meeting and drafting records of meeting, renewing the charter every 2 years, appointing a Federal Designated Official (currently Mr. Fazio), and ensuring that any documents created are available to the public. ARAC also has obligations to the Government Accounting Office, who oversees all advisory committees. In addition, under FACA, ARAC is to be terminated as soon as its objectives are completed or become obsolete. The key issue today is whether ARAC has become obsolete.

Mr. Fazio stated that he reviewed the original ARAC meeting transcript from May 23, 1991. At that time, aviation was undergoing a tremendous growth period. However, the public was dissatisfied with the rulemaking efforts and how long it took to issue rules. To speed up this process, ARAC was to bring interested parties together to reach consensus. The FAA initially overwhelmed ARAC and bureaucratic machinery was created on both sides. Occasionally, consensus was not reached and the FAA did not give ARAC products a priority. Mr. Fazio noted that while ARAC may not have sped up the process, it did produce more consensus-based documents.

In 1996, Congress provided authority to create aviation rulemaking committees (ARC). An ARC can be used by the FAA in any fashion. There is no transparency requirement so if it chooses; the FAA can select experts to provide advice. To date, there are 12 ARCs.

Mr. Fazio noted the work sent to ARAC has been reduced over the past few years based on the recommendation of ARAC members because the FAA cannot process what ARAC provides. He noted the taskings to ARAC also have been reduced because of the tremendous achievements the FAA has made. There are not as many NTSB recommendations and the accident rate has been reduced to .021 accidents per flight. He added that the FAA is transitioning from forensic to prognostic analysis; trying to break the accident chain before it happens. He noted that future taskings would include looking at data to implement solutions to solve future accidents. Mr. Bolt added the taskings also are reduced because a many of them dealt with harmonization issues and most of the regulations have now been harmonized. Mr. Fazio stated today ARAC is given 4 or 5 tasks per year but the value of ARAC has not decreased and it is valuable to have a standing committee the FAA can task quickly. After a review of the current ARAC taskings, it was noted that some issue areas have no taskings.

Mr. Fazio stated that ARAC's has completed:

- 49 Final Rules,
- 58 Notices of proposed rulemakings,
- 31 Advisory circulars, and
- 11 other documents such as technical standard orders and internal guidance.

Mr. Fazio noted that even though ARAC may not perform the same volume of work it once did, it still has value. Mr. Swihart pointed out that ARAC produces high quality documents. He added that ARAC also allows individuals with technical knowledge to work on regulations, especially in areas in which the FAA lacks the depth of industry understanding. This has allowed the FAA to produce better regulations.

Mr. Swihart stated the FAA needs to review how it handles the products that ARAC produces. Mr. Fazio responded the FAA did not connect ARAC to its internal rulemaking process. However, he states that ARAC taskings currently are integrated in the rulemaking process. Mr. Swihart agrees the FAA has made progress but states that it needs to revisit the current ARAC taskings. He pointed that that ARAC projects needs timely FAA reviews and stated that it took three years to get a preliminary review on a project. Mr. Fazio also discussed how the priority system evolved in AVS.

Mr. Fazio stated that he has talked with his counterpart at the European Aviation Safety Agency (EASA) on how to continue the cooperation and share rulemaking programs. He added that the FAA needs a representative to participate on EASA working groups.

Ms. Dillard addressed the value of ARAC and questioned how often meetings should be held. It was noted that over the last few years ARAC has held two meetings a year and does not hold a meeting if there is no need.

Mr. Fazio stated there is a misconception that ARAC does all of the FAA's rulemaking, which is not true. At ARAC's peak, it did only about 25 percent. Most FAA rulemaking projects only use in-house technical people. The FAA uses ARAC only if the rulemaking is very technical or controversial. The downside to using ARAC is that while the technical people working on the tasking may agree, a company may disagree with its own technical people because of cost. Mr. Bolt stated that he is trying to encourage in-house cooperation.

Mr. Swihart discussed how he approaches tasking with his working groups and what he does when material is presented to the Issue Area.

The question asked by some ARAC members is whether there is still a role for ARAC in light of the ARCs and the reduction in work sent to ARAC. Furthermore, should ARAC continue to perform as it has in the past with the issue areas or should all the work be done out of the Executive Committee? Should the issue areas without current taskings be disbanded or retired?

The members discussed options as to what to do with ARAC. Mr. Joseph recommended disbanding a working group when a project is finished. Mr. Fazio stated that idle Issue Areas also should be retired. If work in an area is needed, the Executive Committee would form the working groups. He noted that the Executive Committee already has formed working groups for three taskings and it has worked fine. It was noted that the Executive Committee would still be necessary and there is a legal requirement for the Executive Committee to have broad industry representation so it cannot go down to two people.

Mr. Fazio stated that ARAC is a unique advisory committee because most advisory committees are created to solve a problem in a specific area. Because ARAC was a standing committee, everyone in the aviation industry wanted representation. There currently are 76 members. To make this manageable, the Issue Areas were created.

***Action Items***

<b>No.</b>	<b>Action</b>	<b>Responsible Individual</b>
<b>1</b>	Discuss the composition of the executive committee if the Issue Areas are disbanded so that all members have a broad representation.	Mr. Fazio, Mr. Bolt, and Mr. Joseph
<b>2</b>	Draft a white paper discussing the background of ARAC, what is happening, why changes to ARAC are necessary, and provide recommendations for	Mr. Fazio and Mr. Bolt

No.	Action	Responsible Individual
	change. A draft will be provided to the Executive Committee in the middle of July 2006 for comment. Once finalized, it will be provided to AVS-1. It also will be provided to the ARAC members before the next meeting to be deliberated on at the meeting.	

## NOMINATIONS ON VACANT ISSUE AREA CHAIRS

Based on the previous discussion, this discussion was tabled because the Issue Area's without Chairs have no taskings.

## ISSUE AREA STATUS REPORTS

### *Rotorcraft Issue Area.*

Mr. Swihart stated there is one working group active that is working on damage tolerance and fatigue in composite rotorcraft. He stated the document has been through a preliminary legal review and the working group is being reformed with a new Chair. He expects no substantial problems with the document.

The fatigue evaluation of metallic structures is being worked on in the rotorcraft directorate.

### *Transport Airplane and Engine Issue Area*

Mr. Bolt stated that a new working group (Airplane-Level Safety Analysis) is being formed to review airplane level safety assessments. It was noted that this has been an important issue in the Issue Area for years. The task is to review all the required safety assessments, what they mean, and how they relate. Mr. Swihart noted that he provided comments on this tasking. He stated that the tasking uses the term "aircraft" when rotorcraft are not included and should be revised to read "airplane." Mr. Bolt noted that he would ensure that within the issue area the documents use "airplane." Mr. Yanez will follow up on this for the FAA.

The Airworthiness Assurance working group will vote on its work product at the end of June 2006.

The Ice Protection Harmonization working group work will carry over into next year.

The Avionics Harmonization working group will vote on its work product in August/September 2006.

*Air Carrier Operations Issue Area*

There is still an outstanding issue with the All-Weather Operations Working Group. Mr. Bill Edmunds needs to provide the information.

*Airport Certification Issue Area*

Mr. Fazio stated that the Executive Committee will see if there is still interest from the FAA to pursue the work the Rescue and Firefighting Requirements Working Group had. If not, the task should be withdrawn. In response to a question, it was noted that this working group was looking at the firefighting requirements on airport grounds. Ms. Dillard stated that she would support this working group if they need assistance.

**REMARKS FROM OTHER EXCOM MEMBERS**

Mr. Fazio stated that this would be his last meeting as Executive Director. He has accepted a new position in Brussels and will leave in August 2006 so he will not be here for the next meeting. Mr. Fazio thanked everyone for all the work over the years and will miss everyone here. The Committee thanked Mr. Fazio for all of his help over the years. Mr. Fazio stated that his replacement has not been identified.

**NEXT MEETING**

The next meeting will be held on November 8, 2006.

**ADJOURNMENT**

Mr. Bolt accepted a motion to adjourn from Mr. Swihart. All were in favor and none opposed. The meeting was adjourned.

Approved by: \_\_\_\_\_/s/\_\_\_\_\_  
Craig Bolt, Chair

Dated: \_\_\_\_\_June 12, 2006\_\_\_\_\_

Ratified on: \_\_\_\_\_November 16, 2006\_\_\_\_\_