

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

**MEETING DATE:** November 17, 2004

**MEETING TIME:** 10:00 a.m. – 12:00 p.m.

**LOCATION:** Federal Aviation Administration  
800 Independence Ave., SW  
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 October 29, 2004 (69 FR 63192).

**ATTENDEES: Executive Committee Members**

Ron Priddy	National Air Carrier Association <i>ARAC Chair</i>
Craig Bolt	Pratt & Whitney, <i>ARAC Vice Chair</i>
John Swihart	Helicopter Association International <i>Rotorcraft Issues, Assistant Chair</i>
Bill Edmunds	Air Line Pilots Association <i>Air Carrier Operations Issues, Assistant Chair</i>
James Hurd	National Air Disaster Alliance/Foundation <i>Public Interest Representative</i>
Ward Keech	Federal Aviation Administration <i>Office of Aviation Policy and Plans—for Nan Shallenbarger</i>
Tony Fazio	Federal Aviation Administration <i>ARAC, Executive Director</i>
Web Heath	General Aviation Manufacturers Association <i>Aircraft Certification Procedures Issues, Assistant Chair (Alternate) - for Bill Schultz</i>
Rebecca MacPherson	Federal Aviation Administration <i>Office of the Chief Counsel</i>
John Tigue	Raytheon Aircraft Co. <i>General Aviation Certification and Operations Issues, Co-Assistant Chair</i>

### **Attendees**

Gerri Robinson	Federal Aviation Administration, Office of Rulemaking
Brenda Courtney	Federal Aviation Administration, Office of Rulemaking
Ida Klepper	Federal Aviation Administration, Office of Rulemaking
Nancy Trembley	Federal Aviation Administration, Office of Rulemaking
Paul Larson	Federal Aviation Administration, Office of Aviation Policy and Plans
Joe White	Air Transport Association
Basil Barimo	Air Transport Association

### **Telephone participants**

Bill Glover	Boeing <i>Occupant Safety Issues, Assistant Chair</i>
Sarah MacLeod	Aeronautical Repair Stations Association <i>Air Carrier/General Aviation Maintenance Issues, Assistant Chair</i>

### **COMMITTEE ADMINISTRATION**

Committee Chair, Ron Priddy, called the meeting to order at 10:10 a.m., and welcomed everyone to the meeting. The Executive Director, Tony Fazio, read the required Federal Advisory Committee Act (FACA) statement.

The Executive Committee members and those attending the meeting introduced themselves. Mr. Billy Glover, and Ms. MacLeod joined the meeting by phone.

### **REVIEW OF MINUTES**

Mr. Priddy summarized the approved Executive Committee meeting minutes from November 12, 2003, and then entertained a motion to accept the minutes. There was a motion and a second. The committee voted to accept the minutes of the November meeting as written. (Attachment 1)

### **FAA RULEMAKINGS ON THE UNIFIED REGULATORY AGENDA**

Mr. Fazio explained every Federal agency has a requirement to identify to the public those rulemakings it expects to issue within the next year—the Unified Regulatory Agenda (attachment 2). Mr. Fazio showed how to access the Unified Regulatory Agenda on the Department of Transportation’s web site. [www.dot.gov](http://www.dot.gov)

The agenda is published every 6 months—twice yearly. The estimated date for the next publication is 11/23. As directed by the Secretary of Transportation, the FAA is cleaning up its agenda, by reviewing the agenda and officially withdrawing those projects it thinks to be unnecessary to proceed with. Mr. Priddy stated he understood the RIN numbering identification, but asked if there is a way within that system to recognize the FAA Administrator’s priorities. Mr. Fazio responded that all projects on the agenda are agency priority projects. Mr. Priddy noted the activities of ARC’s and ARAC working groups are not

reflected on the agenda. It was explained the committees provide recommendations on particular areas. The agency then decides whether the recommendation goes on to rulemaking. Web Heath began a discussion about time limits for final rules and NPRMs as mandated by Congress. Mr. Fazio clarified the legislation for the EXCOM members.

### **TRACKING THE STATUS OF RULEMAKING DOCUMENTS AT OST AND OMB**

Because of an IG audit of DOT rulemakings, the FAA addressed its regulatory agenda--either issuing the rules or removing them from the agenda, and identifying for the public the status of significant rules. Mr. Fazio then demonstrated another DOT web site at [www.dot.gov](http://www.dot.gov) that provides a report on significant rulemakings. Each month the latest schedule associated with any of the DOT Modes significant rulemaking programs is posted. Thirty of the FAA significant rulemakings, with schedules, can be found on this site. Mr. Fazio showed how the EXCOM members and the public can view the information on the site, and mentioned the FAA meets quarterly with the Deputy Secretary about these rulemakings. A short discussion began about what prompts regulatory actions, plus how you can access the docket not only with a docket number, but with a RIN number.

### **ARAC ACCOMPLISHMENTS**

Placed in the briefing folders for information only. (attachment 3) Report Card

### **DISCUSSION ON THE FUTURE OF ARAC AND ARCS**

Mr. Priddy stated that the Committee began this discussion at its last meeting in Nov. 2003. Mr. Sabatini, Associate Administrator for Regulations and Certification, prefers to use the ARC structure for more focused activities and projects, and using ARAC when there are larger, long-term issues, or when harmonization products are required. Mr. Priddy stated he is comfortable with whatever the Administrator needs in the way of help, but feels there is a structure within ARAC that is largely unused. Only 3 or 4 of the issue areas have active working groups. Thus, asking if there is so little going on, does the Administrator still need an ARAC Executive Committee (EXCOM), are the issues groups necessary, or is the entire process necessary? He also asked if the current structure of ARAC lends itself to being helpful to the Administrator. The floor was then open for comments.

Web Heath (for Bill Schultz) addressed the group stating that prior to the ARAC, the FAA would write rules and not consult industry. In 1991, ARAC brought industry into the process. Web went on to say, he feels this has worked over the years, but is slow, time-consuming, and industry resources now feel that ARCs can be more focused. He stated there is good sense involving industry in ARAC, but tasks need to be carried out faster. Sarah Macleod echoed Mr. Heath's comments, but she also pointed out when ARAC was organized the FAA Administrator didn't have the authority to organize ARC's. John Swihart added that within the Rotorcraft area, ARAC has been successful, and he would hate to see this vehicle closed. He feels there is a place for issues areas, and we must give plenty of thought before changing anything. Mr. Tighe commented although he has had limited experience in ARAC, he has had the same feeling that industry resources are too scarce to devote to long-term ARAC projects.

Bill Edmunds reiterated the sentiments around the table, stating that it was essential that the FAA and industry work together. Whether it is ARAC or ARCs, the FAA and industry need to continue to work together. Sarah MacLeod reminded the group, that all this activity is preliminary to the rulemaking process, and during this phase, the agency has always had the opportunity to come out and seek industry's input. But, this was not done efficiently before ARAC. Rebecca MacPherson, AGC-200, responded to Ms. MacLeod's comments, by reviewing the APA limits and Ex Parte Communications. A short discussion followed about how ARAC and the working groups have been effective by including industry in the rulemaking process before the NPRM stage of rulemaking. Mr. Hurd stressed that whatever the decision is about ARAC, the public, as well as industry, must be involved.

Craig Bolt added that his Issues Area (Transport Airplane and Engine) had discussed this matter, and wanted to see ARAC continue, but also recognized the place for ARC's in rulemaking. His issue area participants are uneasy about the lack of structure in the ARC program, plus the European members of the Issues Group indicated they have no knowledge of the ARC, but are knowledgeable about ARAC. He added, if ARAC didn't exist, how would harmonization take place. Mr. Fazio summarized the discussion

on ARC's and ARAC. He expressed the view there is a role for ARAC, and there has been much success in ARAC. He also gave his views on the reason tasks have been scaled back and the FAA must do a better job in tasking ARAC. Craig Bolt suggested the Executive Committee should be updated on ARC activity at least twice a year. By agreement, the minutes will reflect the Executive Committee had this discussion and recommends no change to ARAC.

#### **DISCUSSION ON HOW EASA AND FAA SHOULD COORDINATE REGULATORY INITIATIVES**

Mr. Fazio spoke to the Committee about the future of FAA and European Aviation Safety Agency, EASA, on international coordination activities. He stated EASA is now the recognized governmental body, and there has been much discussion between the FAA and EASA during the last 6 months. A Regulatory Cooperation Paper was produced at the November annual meeting in Philadelphia (Attachment 4). EASA is clearly committed to cooperating with the FAA. There has been a commitment to share information, and both parties have agreed to meet once or twice a year. Mr. Fazio stated the Office of Rulemaking, ARM, has been added to the committee, which consists of AVR, AFS, AIR, and Claude Probst from EASA. The next meeting will be 12/15 in Cologne, Germany.

EASA agreed to take part in advisory committees. The FAA will be invited to EASA working groups. Harmonization will now be referred to as Regulatory Cooperation. One idea now being considered is using ARAC as the vehicle of communication for the regulated community.

There was then a short discussion about why it takes the FAA so long to act on, or produce a regulatory document once a recommendation has been submitted. This was followed by a short discussion about priorities. John Swihart asked about the EASA charter/legislation and if we were all committed to the same requirements.

#### **ISSUE AREA STATUS REPORTS FROM ASSISTANT CHAIRS**

- **Web Heath (for William Schultz), Aircraft Certification Procedures:** Nothing to report
- **John Tighe, General Aviation Certification and Operations:** Nothing to report
- **John Swihart, Rotorcraft Issues:** Two active tasks, Composite Rotorcraft Structure and Metallic Rotorcraft Structure –preliminary legal and economic. John also mentioned the next meeting of the Rotorcraft Issues Area will be in February at the Helicopter Association Expo, Anaheim, CA.
- **Bill Edmunds, Air Carrier Operations Issues:** The All weather Operations Working Group is continuing with its most recent task, and the Extended Range Operations of Airplanes (ETOPS) recommendation was submitted to the FAA and placed on the Web Site.
- **Sarah MacLeod, Air Carrier/General Aviation Maintenance Issues:** Ms. MacLeod had nothing to report.
- **Billy Glover, Occupant Safety Issues:** Mr. Glover had nothing to report.
- **Craig Bolt, Transport Airplane and Engine Issues:** Craig noted there were several open tasks within 6 working groups. Their next meeting will be in February.

