AVIATION RULEMAKING ADVISORY COMMITTEE
EXECUTIVE COMMITTEE
RECORD OF MEETING

MEETING DATE: December 10, 2008

MEETING TIME: 10:00 a.m.

LOCATION: Federal Aviation Administration
800 Independence Avenue, SW.
10th Floor
MacCracken Room
Washington, DC 20519

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, 2008 (73 FR 64394).

ATTENDEES: **Executive Committee Members**

Craig Bolt	Pratt & Whitney, *ARAC Chair*
Norman Joseph	Airline Dispatchers Federation, *ARAC Vice Chair*
Walter Derosier	General Aviation Manufacturers Association (GAMA), *Aircraft Certification Aeronautical Technical Subject Area, Assistant Chair*
Gail Dunham	National Air Disaster Alliance Foundation (NADA/F) *Public Interest Representative*
William Edmunds	Air Line Pilots Association, *Air Carrier Operations Aeronautical Technical Subject Area, Assistant Chair*
Pam Hamilton	Federal Aviation Administration, Office of Rulemaking, *Executive Director*

Ric Peri	Aircraft Electronics Association, *General Aviation Certification and Operations Aeronautical Technical Subject Area, Assistant Chair*
Ty Prettyman	National Air Carrier Association, *Training and Qualifications Aeronautical Technical Subject Area, Assistant Chair*
David York	Helicopter Association International, *Rotorcraft Issues Aeronautical Technical Subject Area, Assistant Chair*
Daniel Zuspan	Boeing Commercial Airplanes *Occupant Safety Aeronautical Technical Subject Area, Assistant Chair*

Attendees

Brenda Courtney	Federal Aviation Administration, *Office of Rulemaking, ARM–200*
Jim Crotty	Federal Aviation Administration, *Office of Rulemaking, ARM–200*
Tim Guererro	Redstone College, *Part 147 ARAC Working Group*
Katie Haley	Federal Aviation Administration, *Office of Rulemaking, ARM–200*
Edward Hall	Federal Aviation Administration, *Aircraft Maintenance Division, AFS–350*
Lorna John	Federal Aviation Administration, *Office of the Chief Counsel, AGC–200*
Ida Klepper	Federal Aviation Administration, *Office of Rulemaking, ARM–100*
Mark Lopez	Air Transport Association of America

Stan Mackiewicz	Part 147 ARAC Working Group
Sol Maroof	Federal Aviation Administration, *Aircraft Certification Service, AIR–110*
Ferrin Moore	Federal Aviation Administration, *Aircraft Maintenance Division, AFS–300*
Gerri Robinson	Federal Aviation Administration, *Office of Rulemaking, ARM–20*
Andrew Smith	Kansas State University, *Part 147 Working Group*
Dr. Raymond Thompson	Dubai Aerospace Enterprise (DAE) University, Abu Dhabi, United Arab Emirates *Part 147 ARAC Working Group Chair*
Mona Tindall	Federal Aviation Administration, *Aircraft Maintenance Division, AFS–300*
Christa Brolley	PAI Consulting

COMMITTEE ADMINISTRATION

The Executive Committee Chair, Craig Bolt, called the meeting to order at 10:02 a.m. The Executive Director, Pam Hamilton, read the required Federal Advisory Committee Act (FACA) statement.

Mr. Bolt welcomed two new Executive Committee Members: Walter Derosier, GAMA, and Daniel Zuspan, from Boeing Commercial Airplanes. Mr. Derosier is the Assistant Chair for Aircraft Certification and Mr. Zuspan is the Assistant Chair for Occupant Safety. Each introduced himself and briefly mentioned their work experience. Mr. Bolt then introduced Gail Dunham from NADA/F, who attended the meeting as an alternate for Rosemary Dillard. 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 April 8, 2008, meeting. Hearing no comments or corrections, the minutes were ratified as approved on May 1, 2008.

ISO FEEDBACK FORM

Mr. Bolt asked meeting attendees to complete the ISO–9001 customer feedback forms before leaving the meeting and return them to Gerri Robinson.

AVIATION MAINTENANCE TECHNICIAN SCHOOLS (AMTS) CURRICULUM AND OPERATING REQUIREMENTS WORKING GROUP—FINAL REPORT

Introduction

The Aviation Maintenance Technician Schools Curriculum and Operating Requirements Working Group (Part 147 Working Group) submitted a copy of their final report and a presentation to the Executive Committee for review. Mr. Bolt noted the report is about 100 pages long. He suggested the Part 147 Working Group present their final report to the Executive Committee, then allow the Executive Committee members to have 10 to 14 days to review the report. Mr. Bolt asked members to indicate acceptance of the report or provide comments to him by e-mail before December 25, 2008.

Ty Prettyman then asked for an overview of the review process; his impression is the document would be sent to the FAA and considered for future rulemaking. Mr. Bolt explained that if the Executive Committee accepts the report, he will send a letter to Ms. Hamilton with the final report as an ARAC recommendation for the FAA to take further action.

Ric Peri asked for clarification on whether member acceptance of the report meant a "yes" or "no" response to the entire report. He further noted the report contained several recommendations. Mr. Bolt stated the Executive Committee members could make suggestions or clarifying comments and if issues arose he would schedule a teleconference. He added the Executive Committee members must accept the report as a whole.

Part 147 Working Group Final Report

Dr. Raymond Thompson, Part 147 Working Group Chair, and Stan Mackiewicz presented the working group's final report. (Dr. Thompson, Mr. Guererro, and Mr. Smith participated by teleconference.) Dr. Thompson thanked the Executive Committee for its time and noted that it has taken the Part 147 Working Group 18 months to develop its final report. He believes the working group developed excellent recommendations, met its tasking, and addressed the issues brought up in (1) the Government Accounting Office (GAO) report and associated documents and (2) the future of aviation maintenance technicians symposia.

Dr. Thompson recognized that Jim Ballough, AFS–1, organized the aviation maintenance technician symposia and the effort to revise part 147 of Title 14, Code of Federal Regulations (14 CFR). Dr. Thompson asked the committee members to address any questions or identify issues that need clarification in the final report to the working group. He noted that some of the recommendations in the report are items the FAA would normally address. In addition, he noted the recommendations include timelines to ensure speedy acceptance and eventually a rule change. He then turned the presentation over to Mr. Mackiewicz.

Mr. Mackiewicz introduced key members of the working group: Tim Guererro from Redstone College, Andrew Smith from Kansas State University, Ferrin Moore from AFS–300,

and Ed Hall from AFS–350. Mr. Mackiewicz provided some background on his involvement in part 147. He noted that he had exposure to part 147 in 1970 as a student at Parks College at St. Louis University. He stated that part 147 had not changed since 1970 and that it needed revision to meet today's standards and future needs. He added that it was a pleasure to work with ARAC. He was pleased with how the working group reached a consensus position and acknowledged how well the working group, FAA, industry, and academia worked together. Mr. Mackiewicz led the working group's discussion of the final report.

Part 147 Working Group Recommendations

The part 147 working group's final report contains 11 recommendations. Five of the recommendations include specific changes to the existing rule; the creation of a training specification (also known as an operations specification) for part 147 and a periodic curriculum review process. The remaining six recommendations address the modification and/or creation of courses and documents.

Mr. Mackiewicz reviewed each recommendation for the Executive Committee as follows:

- Recommendation 1 — Creation of a part 147 Training Specification and resulting rule change to § 147.5 (b). Mr. Mackiewicz explained the final report contains extensive reasons the working group chose this path. He noted that this is a key aspect of the final report. The change allows significant flexibility and response time to the needs of students and industry.

- Recommendation 2 — Modify appendices A through D to part 147. This recommendation includes an update of curriculum subjects and a new method of dual teaching levels using knowledge and skill.

- Recommendation 3 — Creation of the Maintenance Training Review Board (MTRB). The MTRB would perform a biennial review of the AMTS curriculum. The MTRB would recommend any changes to the curriculum because curriculum changes would not be part of the rulemaking process. The MTRB would be led by the Aviation Technician Education Council (ATEC) [1] and would recommend curriculum changes.

- Recommendation 4 — Changes to §§ 147.21(b) and 147.21(c). The minimum training hours mentioned in § 147.21(b) would remain at 1,900 combined airframe and powerplant hours. The working group recommends the hours be redistributed as follows: 450 hours general, 800 hours airframe, and 650 hours powerplant. This redistribution was based on current technology and the industry's evolution. Part 147.21(c) would reference a training specification.

- Recommendation 5 — Include part 147 in the draft advisory circular (AC) "Alternatives to Classroom Training" dated September 27, 2005, and finalize the AC. Improvements in technology require AMTSs be allowed to use alternative delivery methods where appropriate. Mr. Mackiewicz noted that this recommendation addresses the change in how young adults today use computers as a learning tool. This benefit of alternative

[1] ATEC played a key role in the development of the working group recommendations and the final report.

training should be offered to mechanics. The alternatives to classroom training include distance learning, computer-based training, and simulation versus hands on training in a laboratory.

- Recommendation 6 — Changes to § 147.31. This recommendation would clarify terms, definitions, and processes to improve consistency in interpretation.

- Recommendation 7 — Formalizing the exemption process. The FAA routinely grants exemptions to allow students who have completed the general curriculum to take the written examination before completion of the airframe and/or powerplant curricula. This is driven in part by how the school is structured; a high school environment for example. Therefore, the timing for these students to complete sections of the part 147 training is more limited than if they were attending a part 147 school. Mr. Hall explained there are three tests: a general test, an airframe test, and a powerplant test. This change gives a student the opportunity to take the general exam when he or she completes the general portion of their training.

- Recommendation 8 — Creation of a specific school surveillance training course for FAA principal inspectors. Mr. Mackiewicz noted that currently there is no course available for inspectors with AMTS surveillance responsibilities. A dedicated course will improve consistency of interpretation and enforcement of the rule.

- Recommendation 9 — Review and update of AC 147.3A, Certification and Operation of Aviation Maintenance Technician Schools.

- Recommendation 10 — Review and update of the Practical Test Standards and Knowledge Tests.
- Recommendation 11 — Review and update of FAA Order 8900.1, Flight Standards Information Management System (FSIMS).

Mr. Mackiewicz then fielded questions from the attendees on the recommendations.
Mr. Derosier noted that he is an airframe and powerplant mechanic and asked Mr. Mackiewicz to explain what the working group was tasked to address. Mr. Derosier noted that he strongly supports the recommendations to maintain the currency of the curriculum.

Dr. Thompson replied that the main issue is the curriculum subjects and associated topic areas. They are the minimum requirements to be eligible to test for the knowledge and practical examinations. The working group found that in reality some part 147 schools only teach the minimum and that does not meet industry needs. He noted that schools have the liberty to go beyond what part 147 mandates as a minimum. Some FAA inspectors will not allow the schools to teach subjects that are not specifically on the list.

Dr. Thompson also noted the curriculum needs to be updated because it is 48 years old.
The working group wanted to update the baseline curriculum to include new areas such as human factors and more electronics. This is one reason the working group redistributed the curriculum hours, and clearly stated that schools can exceed the curriculum. Because of this lack of consistent training for FAA inspectors, part 147 schools were forced down multiple paths

based on the different levels of FAA inspector experience. So improving the curriculum, the inspector training course, and the redistribution of hours will help address this issue.

Dr. Thompson noted the working group wants to provide a more modern view of the curriculum for industry. He stated that one way of doing this is by removing topics, not subjects. Dr. Thompson explained that every 2 years the MTRB will review topics and suggest which ones should be revised based on technology changes. In addition, the schools want to be more responsive to incoming students and the industry hiring those students. Dr. Thompson stated that "wild" interpretations exist among schools on how to make up time, to what color the walls of the school can be painted. He noted that when compared, you can see how schools are treated differently with the current baseline of rules. He hopes to improve that situation.

Dr. Thompson noted the curriculum is one area in particular that can be improved. There is much variance in what schools want to do or are allowed to do. Mr. Mackiewicz added the FAA's job task analysis from 10 years ago, the Goldsby report, and the GAO report on maintenance technician training noted the gap between the current curriculum and technology and the inability of educators to adapt to new technologies quickly. The working group tried to address these issues in the background of the final report and the proposed rule change.

Mr. Moore asked the attendees review the notice of tasking. He noted the working group was directed to accomplish its task in 1 year. Mr. Moore added the tasking statement is specific and the working group followed the tasking exactly. The goal was to standardize the curriculum for schools. The FAA held several meetings around the United States called the "Future of the Aviation Maintenance Technician". As a result of these meetings, a committee submitted a report to the FAA that led the FAA to form the ARAC working group to focus on the curriculum and §§ 147.21 and 147.31. Mr. Moore mentioned the working group stayed on task and filed its report to the Executive Committee within 8 months of the April 2008 Executive Committee meeting--asking for only one extension. Mr. Mackiewicz added the FAA closely monitored and directed the working group's activities. Mr. Moore noted the working group received industry support for its activities from FAA field offices, ATEC, and part 147 schools.

Dr. Thompson added that 90 percent of the 130 to 140 certificated part 147 schools are proprietary or 2-year institutions. He noted that 4-year institutions have not had the problems the other schools have had because a 4-year institution can distribute the curriculum content as part of a bachelor's degree. The 2-year institution and the proprietary school are forced to certificate students in the minimum amount of time for commercial purposes. Mr. Guererro added that a proprietary school's goal is to enroll, educate, and graduate students. Dr. Thompson stated the variances in the allowable curriculum have adversely affected the 2-year and proprietary schools as those schools train the most airframe and powerplant mechanics.

Mr. Derosier expressed support for the proposed changes and requested clarification on the difference between an operations specification and a training specification. Mr. Hall responded that these specifications are one and the same. He explained that § 147.5 refers to issuing the air agency certificate and operations specification. However, in part 142, which is a parallel training rule for pilots, the rule refers to a training specification. A training specification is an operations specification. The training specification is key to enabling a curriculum to evolve versus limiting changes in curriculum to the rulemaking process.

Mr. Derosier asked if each part 147 school would receive its own operations specification. Mr. Hall explained there would be a single training specification. He noted the change is taking the elements in the current curriculum out of the rule and placing them in the training specification. In this scenario, the MTRB can review the curriculum periodically and, in cooperation with industry, revise the training specification accordingly.

Mr. Derosier recognized the benefit of a training specification for the industry when it wants to make changes. He asked if the working group evaluated what it might mean if the industry were forced to make changes. Mr. Hall responded the working group discussed this issue at length. He stated a typical operations specification for an air carrier under 14 CFR part 119, for example, could require a change to the specification based on safety concerns without industry input. However, this would be difficult to apply to a part 147 school. Changes to the curriculum for part 147 schools would be under the MTRB's purview.

Dr. Thompson clarified there are two levels to the curriculum: subjects and topics. The MTRB can change topics but not subjects. The subject areas are retained in the recommended rule changes to ensure consistency in required subjects. The topics are placed in the training specification. All agreed that significant changes in subject matter would still require rulemaking.

Gail Dunham asked if the working group addressed the training for mechanics where English is the mechanic's second language. Mr. Hall noted that 14 CFR part 65 requires the mechanic be proficient in English. Ms. Dunham noted that TIMCO, a repair station in Greensboro, North Carolina, employs people performing maintenance who do not speak English. She then asked if the working group included the military in its discussions. Mr. Hall confirmed the military was represented in the working group. He clarified that with repair stations such as TIMCO, individuals who are not proficient in English may perform maintenance. These people are supervised by someone who is proficient in English.

Mr. Peri asked, with the proposed changes relating to the operations specification, how does the FAA ensure due process for schools not participating in ATEC or the MTRB. He also noted that a training specification does not address paperwork reduction, the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), or the other items considered during rulemaking to protect the public from the Government. Mr. Moore responded that ATEC has 115 schools. There are 144 schools in total. ATEC represents 80 percent of the schools and solicited extensive information from those schools. In addition, the FAA must issue a notice of proposed rulemaking (NPRM).

Mr. Derosier asked when the MTRB considers a change, would it be appropriate to issue a notice of availability of the change, much like an AC, to make sure a well-meaning change does not have devastating administrative cost.

Mr. Peri stated that he is concerned that with the Paperwork Reduction Act, a minor change in an operations specification can force a major change in the curriculum and in the manuals. Mr. Peri noted that administratively, without the protection and oversight of rulemaking, a minor change can have a devastating effect. Mr. Derosier replied the FAA can solicit the schools directly on the cost of the proposed change.

Mr. Moore added the MTRB will be composed of various groups throughout the part 147 community. He stated that any change to the curriculum will have an impact on the Paperwork Reduction Act. He surmised the FAA and MTRB will keep this issue in mind but the positives of a training specification outweigh any negatives.

Ms. Hamilton noted that an economist and FAA legal counsel will be on the rulemaking team. Mr. Hall added the working group discussed implementation periods, and the group established a 3-year implementation period for the curriculum to avoid burdening the part 147 schools. Mr. Smith noted that a change to an operations specification would be easier than a rule change.

Mr. Mackiewicz then continued the presentation and directed the attendees to the slide on ATEC. He asked if there are any questions about ATEC's role in the MTRB. He noted that ATEC will play a significant role and that its role is discussed in the final report.

Mr. Mackiewicz then provided a brief summary of the part 147 working group's work. The working group met six times. The 11 recommendations address the current issues expressed regarding part 147 to the extent possible given the group's tasking. He added the creation of the training specification, transfer of curriculum subject topics to the training specification, and the biennial review process allow part 147 to adapt and evolve with industry for the foreseeable future. He noted the working group is offering these recommendations as a significant improvement to part 147.

Mr. Mackiewicz closed his presentation. He stated ATEC should play a role and provide leadership during implementation and periodic reviews. This ensures the needs of the schools are addressed in balance with the industry. He asked the attendees if they had further questions.

Mr. Norm Joseph stated the final report references a master minimum equipment list (MMEL). He wanted to know what the relationship is between the MTRB and an MMEL. Mr. Mackiewicz stated there is no relationship with the MMEL. The working group included the MMEL and its review board in the report as an example of a process similar to one the MTRB would follow. The example of an MMEL review board serves as precedent for MTRB actions.

Mr. Joseph then asked if there is a provision in the recommendation to allow credit for experience. Mr. Hall responded that credit for experience remains as is provided in the current rule. He noted that an applicant can receive credit for experience through (1) acceptance of the accredited portion of the curriculum previously accomplished at a part 147 school or 4-year college or (2) a testing process at the school. Regardless whether experience is accepted, the FAA tests the applicant to receive a certificate. Mr. Joseph asked if credit for experience is a school process. Mr. Hall confirmed it is. He reiterated the FAA has a final testing process independent of the school.

Mr. Joseph expressed concern that some dispatch schools have accelerated courses giving credit for experience that may not be suitable. Mr. Hall stated the FAA has not had a problem with part 147 schools giving credit for experience. He credited this to part 147 schools having an established curriculum. Schools prefer a student to start at the beginning of the course and complete the entire curriculum. He added, however, there are some subjects like math and physics where a student with an engineering degree should not need to retake basic math.

Mr. Joseph applauded the working group's recommendation for FAA inspector training. He added that it should be applied to other school areas such as dispatch. He noted that FAA inspector course standardization would help everyone.

Mr. Prettyman asked whether the working group was under a constraint to retain 1,900 minimum training hours. He wanted to know why the working group did not increase the number of hours as well as rearrange the curriculum as a part of the solution. Dr. Thompson responded that most part 147 schools would like a reduction in the specified hours and greater control of the curriculum. He added there are issues with surveillance and convincing all parties that the schools are providing enough training time. He stated the working group viewed 1,900 hours as a minimum and added that most schools offer a curriculum with a higher number of hours

Mr. Prettyman suggested that if more hours are needed, then the hours should have been increased. Mr. Mackiewicz noted the Goldsby report recommended 1,900 hours as the minimum number of training hours for an airframe and powerplant mechanic. Mr. Moore stated that a minimum of 1,900 hours would produce a safe mechanic. Ms. Dunham stated that it would be a challenge to increase the hours with the different aircraft types. Mr. Moore stated the group stressed avionics in the curriculum within the 1,900 hours to address changing aircraft types.

Mr. Hall stated the part 147 curriculum is still a basic learning process to teach fundamentals, which takes a given amount of time. The flexibility in the curriculum allows schools to reduce the level of instruction in areas that are obsolete and focus on emerging technology. He noted that an 18-month training program averages $35,000. Starting wages for AMTs currently do not match that investment. The schools teach individuals the fundamentals so industry can train that individual to its specific needs. The FAA cannot economically train an individual that would meet all of industry's needs.

Mr. Lopez stated the training specification did not specify whether the part 147 training programs would be FAA-approved or FAA-accepted. Mr. Hall stated the part 147 training curriculum will continue to be FAA-approved.

Ms. Hamilton noted that this is the first ARAC activity that has been conducted under the new business model of the working group reporting directly to the Executive Committee. This reflects the FAA's commitment to continuous improvement as well as reinvigorating ARAC. Ms. Hamilton is interested in feedback from the Executive Committee members, the part 147 working group members, and the FAA sponsoring office on (1) how well this process worked and (2) any lessons learned. She asked to be contacted by e-mail or telephone.

Mr. Moore noted that he asked for feedback from the part 147 working group members at the last meeting and would send that information to Ms. Hamilton. He stated the process went well. He noted the part 147 working group received a lot of support from ARM and the Executive Committee and he was pleased with the process. Ms. Hamilton stated the working group's ability to provide interim briefings to the ARAC a couple of times during the 18 months and status reports helped ensure that no one on the Executive Committee was surprised during today's briefing. Mr. Mackiewicz noted that he has had the opportunity to support aviation rulemaking committees (ARC) and the ARAC and that he was pleased with how the working group functioned. He added that being held to time constraints and having someone monitor and direct the task were key elements to the working group's success. Mr. Bolt noted that staying on task also was important.

Mr. Prettyman asked to whom he should direct any questions on the final report. Mr. Moore offered to be the focal point for questions. He stated that he can be contacted by e-mail or telephone. Mr. Bolt asked the members of the Executive Committee to review the report before the holiday and contact Mr. Moore with any specific questions or clarification. Mr. Bolt stated that he would like an e-mail by December 23, 2008, with approval or disapproval, including an explanation. He noted there is a third choice; an approval with comments. In those cases, Mr. Bolt will request (in the ARAC transmittal letter to Ms. Hamilton) the FAA consider these ARAC comments in drafting its rulemaking and advisory material. Mr. Moore suggested that comments be addressed by Mr. Hall or him before they are submitted, to resolve any issues before the ARAC submits its final report.

Mr. Peri asked if ARAC needs to harmonize the part 147 efforts with the European system. Ms. Hamilton stated the FAA currently is working with the European Aviation Safety Agency (EASA). She added the FAA now has a 3-year look ahead plan for rulemaking projects and noted that EASA has scaled back to a 3-year look ahead plan. She noted the 3-year look ahead is aligned with Transport Canada. She added that these authorities will work together to identify areas of joint interest for harmonization.

Mr. Peri stated that he was more concerned with International Civil Aviation Organization (ICAO) compliance with Annex 10, Aeronautical Telecommunications, and if the recommendation is moving closer to or away from Annex 10. If ICAO is moving closer to Annex 10, he stated that ARAC should take credit, but if ICAO is moving away, ARAC should scale back its effort.

Mr. York asked where the part 147 project stands with regard to legal review. Ms. Hamilton explained the rulemaking process to the attendees. She stated that if the Executive Committee is satisfied with the report, Mr. Bolt will add a cover letter and send the document to her. Ms. Hamilton stated that she would then send the report to the Director of Flight Standards, who would forward it to the program office (AFS–300). She stated that AFS–300 would draft a Phase I Rulemaking Project Record (RPR), which states the problem, what has been accomplished, and how to move forward; submit it to ARM; and attend an FAA Rulemaking Management Council meeting for RPR approval.

When the Phase I RPR is approved by the Council, a rulemaking team would be assigned that includes an analyst from ARM, an economist, and an attorney. This team would work on the

Phase II RPR. She noted that conversations with industry can continue between the development of the Phase I and Phase II RPRs. However, she stated the rulemaking process begins when the Council approves the Phase II RPR. Any contacts with industry must then be filed in the Docket in accordance with the Administrative Procedure Act.

Ms. Hamilton continued, the rulemaking team would then develop an NPRM. If the NPRM is a significant rule, it would go through FAA, Department of Transportation (DOT), and Office of Management and Budget (OMB) clearance before it could be published for public comment. She noted that one of the criticisms of ARAC has been that it would file recommendations to the FAA that would be shelved for 10 years. When action was finally taken on these recommendations, the business model would have changed and the industry would not agree with the recommendations. Ms. Hamilton stated the FAA is trying to task ARAC with those issues it intends to move forward.

Mr. Bolt ended the Part 147 working group discussion and thanked the part 147 working group members. On request of the Executive Committee members for a due date reminder, Ms. Hamilton noted that Ms. Robinson would send out a reminder e-mail to the Executive Committee members.

AERONAUTICAL TECHNICAL SUBJECT AREA STATUS REPORTS

Transport Airplane and Engines

Mr. Bolt stated the Transport Airplane and Engine Aeronautical Technical Subject Area (TAE) held its last meeting October 1, 2008, in Seattle, Washington. He noted there are four main activities occurring in the areas of icing, aging aircraft, propeller critical parts, and airplane systems safety assessment. He noted the Propeller Harmonization Working Group will submit a recommendation that will be voted on at the March 2009 meeting. The Airplane-Level Safety Analysis Working Group, also known as specific risk, is addressing how to handle risk on an airplane at a system level, and reconcile the concept of risk with the regulations. He noted that risk is often defined in various ways. Mr. Bolt stated the group is making good progress on one of the most difficult subjects it has faced. He added the working group is on track to have a recommendation ready in June 2009.

At the October meeting, Mr. Bolt noted that a member representing the European industry asked to make a presentation on halon. Although there is no halon tasking within ARAC, the TAE agreed to hear the presentation. The presentation focused on an ICAO timetable transitioning from halon to other extinguishing agents. Mr. Bolt noted there were industry concerns on whether the existing regulatory material and advisory material are adequate for this ICAO transition. The members believed the regulatory material was satisfactory but the advisory material focused on halon and did not cover alternate types of extinguishing agents.

Mr. Bolt stressed that ARAC has not been tasked to work on halon. However, the TAE took action to send a letter to the FAA highlighting its concern the advisory material lacks alternate approaches to halon. The letter also addressed ICAO's timing for the transition. He noted the letter will be sent to ARM and to the Office of Environment and Energy. Mr. Bolt added the letter will suggest the halon advisory material needs to be updated and would volunteer its help.

Mr. Bolt stated this issue highlights ARAC's potential role discussed at the April 2008 Executive Committee meeting of (1) listening to industry, (2) learning if the problem is common across the membership, and (3) raising the issue to the FAA.

Mr. Bolt noted there is a special public meeting in Seattle, Washington, on December 11, 2008, about a 2006 ARAC recommendation on widespread fatigue damage. Mr. Bolt noted the FAA issued an NPRM and, based on comments to the NPRM and updated information from the ARAC working group, there are proposed changes to the notice and associated economic analysis. Mr. Bolt stated that he expects a large attendance at the meeting, which will be an open discussion with all the stakeholders. Mr. Zuspan asked whether the working group is formally involved. Mr. Bolt explained the preparation of the final rule is still within the ARAC process so the working group could be involved. Ms. Hamilton described the meeting as a sanity check for the FAA so it can ensure it understands the public's comments.

Mr. Zuspan asked if the specific risk recommendation scheduled to be submitted in June 2009 would be reviewed before that time. Mr. Bolt noted there will be a meeting on March 11, 2009, in Washington, D.C. He clarified the specific risk working group will submit its recommendation to the TAE Aeronautical Technical Subject Area, not the Executive Committee. He highlighted the working group spends a significant amount of time at its meetings making sure its members are aligned.

Air Carrier Operations

Mr. William Edmunds stated the Air Carrier Operations Aeronautical Technical Subject Area meets twice a year, once in the United States and once in Europe, to pursue harmonization issues in all-weather operations. The All-Weather Operations Working Group met last in Denver, Colorado, and identified a need to revisit the terms of reference (TOR). The TOR is over 5 years old and there have been changes in business and systems. The working group is working with AFS–400 on a new TOR for the air carrier operations harmonization working group. Mr. Edmunds requested clarification on whom at the FAA should the working group coordinate with on the TORs.

Ms. Hamilton explained that all ARAC issues go through Ms. Robinson and Julie Lynch, ARM-20. She noted Ms. Lynch has replaced Eve Adams, who retired. Ms. Hamilton asked Mr. Edmunds if the subject area has any open tasks. Mr. Edmunds stated they continue to work on harmonization issues but do not have any open tasks.

Ms. Dunham asked how many people are in the working group. Mr. Edmunds stated there are 15 to 20 members. Ms. Dunham then requested clarification on the working groups reporting to the subject area. Mr. Edmunds noted the All-Weather Operations Working Group is the only working group currently under the Air Carrier Operations Aeronautical Technical Subject Area.

Ms. Hamilton asked Ms. Robinson to provide a list of the subject areas, their associated tasks and working groups, with a list of open tasks, for the next Executive Committee Meeting. Ms. Robinson noted the subject areas, working groups, and taskings are up-to-date on the FAA's Web site.

Air Carrier/General Aviation Maintenance

No activities to report.

Airport Certification

No activities to report.

Aircraft Certification Procedures

There are no activities to report. However, Mr. Derosier asked Ms. Hamilton to provide an update on one of the recommendations the issue area submitted on 14 CFR part 21, which is in the rulemaking process. He stated the final part 21 rule was expected to be issued in 2008. However, the rulemaking is designated as significant. He asked how the FAA determined the rule was significant. Ms. Hamilton stated that OMB determined the rulemaking was significant. She clarified that she cannot discuss the timing of the rulemaking other than reviewing the schedule.

Ms. Hamilton noted that a number of rules the FAA and DOT normally would have determined nonsignificant are now significant. She credited this change to a new OMB desk officer. Ms. Hamilton stated that in reviewing the DOT significant rulemakings Web site, EXCOM members will find the FAA's significant rules have increased from 12 to 16. She added there is continuing discussion among the FAA, DOT, and OMB on the effect of a rule and if it should be significant. She noted that, meanwhile, the FAA complied with OMB's decision and moved rules to the significant category on the DOT internet report.

Mr. Derosier asked if rules would continue to be reevaluated to determine if they maintain significant status. Ms. Hamilton stated that, if OMB reevaluates a rulemaking and downgrades it from significant to nonsignificant, then the FAA, to maintain transparency, would note OMB's decision to downgrade the rulemaking on the DOT internet report for the next month. The rulemaking then would be removed from the DOT significant rulemaking report.

Rotorcraft

No activities to report. In response to a question on a recommendation that ARAC submitted, Ms. Hamilton stated that she will follow up with the program office to make sure the recommendation is routed properly through the FAA.

CONTINUOUS IMPROVEMENT OF THE FAA RULEMAKING PROCESS

Ms. Hamilton discussed continuous improvement and reinvigorating ARAC. She noted the Executive Committee stalled in its effort to review the FAA Committee Manual when the July 2008 meeting was canceled. She noted the meeting was canceled because there was a problem with the filing of ARAC's charter. She stated that ARAC was renewed timely in March 2008; however, DOT and the General Services Administration (GSA) did not receive the appropriate paperwork and take the necessary steps to renew the ARAC Charter. She explained the FAA had to go through a painful process to renew ARAC's charter and reappoint all the member organizations.

Ms. Hamilton stated the FAA Committee Manual, which covers ARAC and ARCs, is available to the public and Executive Committee members. She added it was never her intent to have the Executive Committee rewrite the manual. Ms. Hamilton stated the manual is undergoing an internal FAA review and changes will be made. Ms. Hamilton stated that she would like suggestions and/or ideas from Executive Committee members on how ARAC can be more effective and a more integral part of the rulemaking process.

Ms. Hamilton then discussed transparency in rulemaking and noted that she would like to ensure that FAA personnel know when they can talk to industry about a rulemaking. She noted that sometimes it is easier for personnel to hide behind the ex parté rules instead of documenting the conversation and placing it in the Docket. She does not want this to happen.

Ms. Hamilton also encouraged the Executive Committee members to consider how to streamline the ARAC process. She indicated there are areas where working groups should report directly to the Executive Committee. ARAC should be evaluated before an ARC is formed.

Mr. Zuspan stated the Executive Committee has broad rulemaking improvement ideas. He asked whether the suggestions and/or ideas sent to Ms. Hamilton should focus on ARAC or general rulemaking. Ms. Hamilton responded that she is seeking improvement ideas on rulemaking in general and will consider any suggested improvements. In response to a question, Ms. Hamilton stated that any suggestions and/or ideas should be e-mailed to her if they only involve rulemaking. She stated that she and Mr. Bolt should be e-mailed if they apply to ARAC.

Mr. Peri stated that the part 147 working group creates an opportunity for the Executive Committee and the working group to discuss what worked and didn't work.

REGULATORY AGENDA DISCUSSION

Ms. Hamilton noted that ARAC members would like a better sense of what the FAA does in rulemaking. She stated that the FAA is working toward making sure the regulatory agenda shows what the FAA currently is working on. She added that ARM works hard to release an accurate regulatory agenda. Ms. Hamilton noted that Ms. Robinson will send all Executive Committee members a link to the agenda and if anyone has any problems with the link they should contact ARM.

In response to a comment from Mr. Prettyman, Ms. Hamilton noted that the entire regulatory agenda is at www.reginfo.gov and that only pages 3 through 10 were published in the Federal Register. She stated that industry can use the regulatory agenda to interact with the FAA.

Ms. Dunham asked if the Executive Committee was concerned about icing. She stated that she would like to see more input on icing and flight data and voice recorders. Mr. Joseph asked how ARAC can push those issues within ARAC's purview. Ms. Dunham noted that the Boeing 737 flight data recorder rule is moving slowly and that perhaps ARAC could help move it along. She added that icing is very serious and it seems that rulemaking takes a long time. Ms. Hamilton agreed and noted that because of current meeting time constraints, she will discuss these issues at another meeting.

RULEMAKING HARMONIZATION DISCUSSION

Mr. Derosier stated that GAMA supports 3-year rulemaking planning, which is beneficial to everyone. He noted that EASA's rulemaking process is completely open and transparent. Ms. Hamilton stated that the FAA needs industry to help it with its 3-year planning. She noted that she has spent time with EASA and Transport Canada discussing different systems, as well as what to share and when to share it. She noted however that open sharing has restrictions. She added that DOT must approve any rulemaking before the FAA can discuss it openly.

Mr. Derosier noted that with the 3-year plan, he can see discussions between industry and the FAA for projects that are further out than 1 year. Ms. Hamilton noted, however, that everyone has to understand the FAA's legal restrictions.

In response to a comment by Ms. Dunham about harmonization, Ms. Hamilton stated that Europe and Canada want to work with the FAA on harmonization. She added that if the FAA takes the lead on a project and EASA harmonizes, it takes fewer EASA resources. Ms. Hamilton stated there have been several meetings at the executive and working levels to determine how to make the harmonization work in all legal frameworks.

Mr. Derosier noted there are many different ways to harmonize and apply safety standards globally.

Mr. Peri commented the FAA has a legal obligation to harmonize under ICAO. He asked if the United States filed differences, and noted those areas may be the place for FAA focus.

Ms. Hamilton stated that EASA is not a member of ARAC. She asked if the Executive Committee wants to extend an invitation to the EASA Washington, DC liaison as a nonvoting member to ARAC. Mr. Lopez stated that he sees no drawbacks and believes it is a good idea.

Ms. Hamilton noted the ARAC charter states the Executive Committee meets twice a year. She asked if the members would like the Executive Committee to be more involved and meet three times a year. Mr. Bolt stated that if ARAC believes this as necessary, the Executive Committee should consider more meetings but should not amend the charter. He added the TAE was scheduled to meet twice a year but has met four times this year.

Ms. Dunham asked if there are any new working groups for 2009. Ms. Hamilton noted that no one at the FAA has asked for an ARAC working group to be formed. Working groups are formed only if the FAA asks or the Executive Committee recommends.

Ms. Robinson confirmed the Aging Transport Systems Rulemaking Advisory Committee is closed.

Mr. Derosier asked for a list of ARC and ARAC issue areas and working groups. Ms. Hamilton noted that ARM does not control ARCs. ARCs are controlled by the FAA program office but ARM provides input. She noted the ARCs are chartered, and ARM is trying to update the ARC Web site. She stated that ARM can send everyone a link to the ARC Web site. She noted there will be a safety management systems ARC chartered soon and the Small Unmanned Aircraft

System ARC currently is working. She added that an ARC on overflight user fees may be chartered because of upcoming legislation.

OFF AGENDA REMARKS FROM EXECUTIVE COMMITTEE MEMBERS

Mr. Peri confirmed the Executive Committee will evaluate the part 147 working group process before the next meeting.

NEXT MEETING

The next meeting will be held on June 10, 2009.

ADJOURNMENT

Mr. Bolt adjourned the meeting 12:10 p.m.

Approved by: Craig R. Bolt
Craig Bolt, Chair

Dated: February 5, 2009

(Minor edits by P. Hamilton – 3/2/09)

Ratified on: June 10, 2009