



## Aviation Rulemaking Advisory Committee Task Notice

June 20, 2019<sup>1</sup>

**ACTION:** Notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC) and solicitation of members.

**SUMMARY:** The FAA assigned ARAC a new task to provide recommendations regarding implementation of section 336 of the FAA Reauthorization Act of 2018 (P.L. 115-254). This section requires that the FAA issue an order requiring the installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating in 14 CFR 121. This notice informs the public of the new ARAC activity and solicits membership for the new Flightdeck Secondary Barrier Working Group.

**BACKGROUND:** ARAC is governed by the Federal Advisory Committee Act (5 U.S.C., Appendix 2). The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety.

On October 5, 2018, Congress enacted P.L. 115-254. Section 336 of P.L. 115-254 requires *the FAA to issue an order requiring installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations*. The FAA is seeking advice on effective means to address this mandate. Because P.L. 115-254 requires issuance of this order by October 5, 2019, this tasking has a very short deadline for completion.

On June 20, 2019, the FAA assigned this task to ARAC, which ARAC designated to the Transport Airplane and Engine (TAE) Subcommittee Flightdeck Secondary Barrier Working Group. Participants of the newly established Flightdeck Secondary Barrier Working Group will serve as members of the work group only, reporting to ARAC through the TAE Subcommittee. The working group will provide advice and recommendations on the assigned task. The TAE Subcommittee will review and approve submission of the recommendation report to ARAC for consideration. ARAC must deliberate and discuss the report prior to voting on whether to submit the recommendation report to the FAA.

**THE TASK:** The Flightdeck Secondary Barrier Working Group will provide advice and recommendations to the ARAC on the most effective ways to implement section 336 of P.L. 115-254. The Group should review any relevant materials to assist in achieving their objective.

The Working Group is tasked with making recommendations on the following:

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<sup>1</sup> Updated on June 21, 2019, to reflect the correct statutory language under the Background section.

1. Identifying a full range of options to achieve the objectives of section 336 of P.L. 115-254 with key considerations to implement each option. This activity should include but not be limited to a review of existing secondary barrier methods.
2. Determining if the FAA's order should apply to airplanes produced for operations under parts in addition to 14 CFR part 121 (for example 14 CFR 129).
3. Providing initial qualitative and quantitative costs and benefits for recommended actions and alternative actions.
4. Providing implementation steps for the recommended options.
5. Developing a report containing recommendations on the findings and results of the tasks explained above.
  - a. The recommendation report should document both majority and, if applicable, any dissenting positions on the findings and the rationale for each position.
  - b. The recommendation report should document any disagreements, including the rationale for each position and the reasons for the disagreement.

**SCHEDULE:** The recommendation report should be submitted for ARAC's consideration no later than September 19, 2019.

**WORKING GROUP ACTIVITY:** The Flightdeck Secondary Barrier Working Group must comply with the procedures adopted by the ARAC and as follows:

Review and analyze the assigned tasks and any related materials or documents.

1. Draft and submit a work plan for completion of the tasks, including the rationale supporting such a plan, for consideration by the Transport Airplane and Engine Subcommittee.
2. Provide a status report at each Transport Airplane and Engine Subcommittee meeting.
3. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.
4. Present the recommendation report at the Transport Airplane and Engine Subcommittee meeting.

**PARTICIPATION IN THE WORKING GROUP:** The Flightdeck Secondary Barrier Working Group will be comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC TAE Subcommittee. The FAA would like a wide range of stakeholders to ensure all aspects of the tasks are considered in development of the recommendations.

The provisions of the August 13, 2014, Office of Management and Budget guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government." (For

further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

**NOMINATION PROCESS:** Candidates are required to submit, in full, the following materials to be considered for membership. Failure to submit the required information may disqualify a candidate from the review process.

1. A résumé or curriculum vitae.
2. A statement describing the candidate's interest in the task and the expertise the candidate would bring to the working group.

Nominations must be submitted electronically (by E-mail) to Jeff Gardlin at [jeff.gardlin@faa.gov](mailto:jeff.gardlin@faa.gov). The subject line should state "Flightdeck Secondary Barrier Working Group Nomination." The FAA must receive all requests by **Friday, July 5, 2019 at 5:00 PM Eastern Standard Time**. The ARAC, through the TAE Subcommittee, and the FAA will review the requests and advise you whether or not your request is approved.

#### Roles and Responsibilities

If you are chosen for membership on the working group, you must actively participate in the working group, attend all meetings, and provide written comments when requested. You must devote the resources necessary to support the working group in meeting any assigned deadlines. You must keep your management and those you may represent advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those you represent. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair and the Transport Airplane and Engine Subcommittee Chair, the FAA, including the Designated Federal Officer, and the Working Group Chair.

#### Confidential Information

All final work products submitted to the ARAC are public documents. Therefore, it should not contain any nonpublic proprietary, privileged, business, commercial, and other sensitive information (collectively, Confidential Information) that the working group members would not want to be publicly available. With respect to working groups, there may be instances where members will share Commercial Information within the working group for purposes of completing an assigned task. Members must not disclose to any third party, or use for any purposes other than the assigned task, any and all Confidential Information disclosed to one party by the other party, without the prior written consent of the party whose Confidential information is being disclosed. All parties must treat the Confidential Information of the disclosing party as it would treat its own Confidential Information, but in no event shall it use less than a reasonable degree of care. If any Confidential Information is shared with the FAA representative on a working and/or task groups, it must be properly marked in accordance with the Office of Rulemaking Committee Manual, ARM-001-15.

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

The ARAC meetings are open to the public. However, meetings of the Flightdeck Secondary Barrier Working Group are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

**FOR FURTHER INFORMATION CONTACT:** Jeff Gardlin, Federal Aviation Administration, 2200 South 216th Street, Des Moines WA, 98198. Telephone 206-231-3146.