



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, DC 20591

June 30, 2022

The Honorable Maria Cantwell
Chair
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20510

Dear Chair Cantwell:

Enclosed is the Federal Aviation Administration's (FAA) report to Congress pursuant to Section 513 of the FAA Reauthorization Act of 2018 (Public Law 115-254).

Section 513 requires the FAA Administrator to establish a task force to assess the FAA oversight and authorization processes and requirements for aircraft operating under Part 91. The Flight Standards Transparency, Performance, Accountability, and Efficiency Aviation Rulemaking Committee (FST PAcE ARC) was tasked with conducting the review and developing recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to Part 91. This report summarizes the results of the FST PAcE ARC's assessment and FAA's responses to their recommendations.

A similar response has been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation, and the Chair and Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,

A handwritten signature in black ink, reading "Billy Nolen", with a stylized flourish at the end.

Billy Nolen
Acting Administrator

Enclosure



U.S. Department
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800 Independence Ave., S.W.
Washington, DC 20591

June 30, 2022

The Honorable Roger F. Wicker
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20510

Dear Ranking Member Wicker:

Enclosed is the Federal Aviation Administration's (FAA) report to Congress pursuant to Section 513 of the FAA Reauthorization Act of 2018 (Public Law 115-254).

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A similar response has been sent to the Chair of the Senate Committee on Commerce, Science, and Transportation, and the Chair and Ranking Member of the House Committee on Transportation and Infrastructure.

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Acting Administrator

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800 Independence Ave., S.W.
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June 30, 2022

The Honorable Peter A. DeFazio
Chair
Committee on Transportation
and Infrastructure
House of Representatives
Washington, DC 20515

Dear Chair DeFazio:

Enclosed is the Federal Aviation Administration's (FAA) report to Congress pursuant to Section 513 of the FAA Reauthorization Act of 2018 (Public Law 115-254).

Section 513 requires the FAA Administrator to establish a task force to assess the FAA oversight and authorization processes and requirements for aircraft operating under Part 91. The Flight Standards Transparency, Performance, Accountability, and Efficiency Aviation Rulemaking Committee (FST PAcE ARC) was tasked with conducting the review and developing recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to Part 91. This report summarizes the results of the FST PAcE ARC's assessment and FAA's responses to their recommendations.

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Billy Nolen
Acting Administrator

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U.S. Department
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**Federal Aviation
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Office of the Administrator

800 Independence Ave., S.W.
Washington, DC 20591

June 30, 2022

The Honorable Sam Graves
Ranking Member
Committee on Transportation
and Infrastructure
House of Representatives
Washington, DC 20515

Dear Ranking Member Graves:

Enclosed is the Federal Aviation Administration's (FAA) report to Congress pursuant to Section 513 of the FAA Reauthorization Act of 2018 (Public Law 115-254).

Section 513 requires the FAA Administrator to establish a task force to assess the FAA oversight and authorization processes and requirements for aircraft operating under Part 91. The Flight Standards Transparency, Performance, Accountability, and Efficiency Aviation Rulemaking Committee (FST PAcE ARC) was tasked with conducting the review and developing recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to Part 91. This report summarizes the results of the FST PAcE ARC's assessment and FAA's responses to their recommendations.

A similar letter has been sent to the Chair of the House Committee on Transportation and Infrastructure, and the Chair and Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

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Billy Nolen
Acting Administrator

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FAA
Aviation Safety

REPORT TO CONGRESS:

PART 91 REVIEW, REFORM, AND STREAMLINING

FAA Reauthorization Act of 2018 (Public Law 115-254) – Section 513

Executive Summary

This report responds to Section 513 of the Federal Aviation Administration (FAA) Reauthorization Act of 2018 (the Act).¹ Section 513 requires that the FAA Administrator establish a task force to assess the FAA oversight and authorization processes and requirements for aircraft operating under Title 14 of the Code of Federal Regulations Part 91. The Flight Standards Transparency, Performance, Accountability, and Efficiency Aviation Rulemaking Committee (FST PAcE ARC) was tasked with conducting the review and developing recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to Part 91.

This report summarizes the results of the FST PAcE ARC's assessment and the FAA's responses to the ARC's recommendations.

In addition, where applicable, this report includes an explanation of how the FAA will:

- (A) Implement the recommendations of the task force,
- (B) Measure progress in implementing the recommendations, and
- (C) Measure the effectiveness of the implemented recommendations.

The six recommendations outlined by the ARC suggest changes for how the FAA and industry can work together to improve the process for issuing Letters of Authorization (LOA) for Part 91 operators. These changes do not replace the existing Part 91 LOA process; rather, they reorganize the current process to use FAA and industry resources more effectively, while maintaining safety.

¹ Pub. L. 115-254 (Oct. 5, 2018).

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Legislative Mandate

Section 513 of the Act states, in pertinent part:

SEC. 513. PART 91 REVIEW, REFORM, AND STREAMLINING.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a task force comprised of representatives of the general aviation industry who regularly perform part 91 operations, labor unions (including those representing FAA aviation safety inspectors and FAA aviation safety engineers), manufacturers, and the Government to—

(1) conduct an assessment of the FAA oversight and authorization processes and requirements for aircraft under part 91; and (2) make recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to part 91.

(b) CONTENTS.—In conducting the assessment and making recommendations under subsection (a), the task force shall consider—

(1) process reforms and improvements to allow the FAA to review and approve applications in a fair and timely fashion; (2) the appropriateness of requiring an authorization for each experimental aircraft rather than using a broader all makes-and-models approach; (3) ways to improve the timely response to letters of authorization applications for aircraft owners and operators who operate pursuant to part 91, including setting deadlines and granting temporary or automatic authorizations if deadlines are missed by the FAA;

(4) methods for enhancing the effective use of delegation systems;

(5) methods for training the FAA's field office employees in risk-based and safety management system oversight; and

(6) such other matters related to streamlining part 91 authorization and approval processes as the task force considers appropriate.

(c) REPORT TO CONGRESS.— (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the task force's assessment. (2) CONTENTS.—The report shall include an explanation of how the Administrator will— (A) implement the recommendations of the task force; (B) measure progress in implementing the recommendations; and (C) measure the effectiveness of the implemented recommendations.

(d) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall implement the recommendations made under this section.

(e) DEFINITION.—In this section, the term “part 91” means part 91 of title 14, Code of Federal Regulations.

Background

On August 1, 2019, the FAA established the FST PAcE ARC to address section 513 of the Act. The ARC is comprised of representatives of the general aviation industry who regularly perform Part 91 operations, labor unions (including those representing FAA aviation safety inspectors and FAA aviation safety engineers), manufacturers, and the Federal Government. The FAA tasked the ARC to assess the FAA's oversight and authorization processes and requirements for aircraft under Part 91 and provide recommendations.²

In its assessment, the FST PAcE ARC reviewed the LOA Process Improvement Working group's recommendation for modernizing the policies and information used by the FAA, aircraft manufacturers, training providers, and operators when applying for Part 91 authorizations for communications, navigation, and surveillance. In an attempt to simplify and streamline the application process, the ARC worked with the industry-led LOA Process Improvement Working group to develop a single application for multiple LOAs. The ARC determined that, due to the variations in risk presented from different aircraft, training, and procedural requirements of authorizations, and the operational and safety aspects included in those authorizations, it is not in the public interest for the FAA to grant temporary or automatic authorizations.

See LOA Process Improvement Working Group Final Report available at <https://nbaa.org/wp-content/uploads/2020/01/GAMA2020-LOA-Process-Improvement-Working-Group-Report.pdf>.

The FST PAcE ARC transmitted its assessment and recommendations to the FAA by letter on September 3, 2020.

The FST PAcE ARC's Section 513 Recommendations and the FAA's Responses

The FST PAcE ARC assessment resulted in six recommendations. See FST PAcE ARC Section 513 Subcommittee Report and Recommendations available at https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/Section%20513%20FST%20PAcE%20ARC%20Report2.pdf for the full report.

² See FST PAcE ARC Charter at https://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/document/information/documentID/4243

Below is a summary of the ARC recommendations and corresponding FAA responses.

FST PAcE ARC Recommendation #1

General Aviation Manufacturers Association (GAMA) will develop an industry-held Aircraft Statement of Capability template and make it available online for use by aircraft manufacturers free of charge.

FST PAcE ARC Recommendation #2

Aircraft manufacturers will develop Aircraft Statement of Capability documents using the industry template for aircraft models, as each manufacturer deems appropriate. The Aircraft Statement of Capability document will not require separate approval by the FAA, as all capabilities are sourced from previously approved documentation (e.g., Aircraft Flight Manual, Type Certificate Data Sheets).

FST PAcE ARC Recommendation #3

Each manufacturer that elects to provide the Aircraft Statement of Capability will also establish a process for how the Aircraft Statement of Capability document will be maintained (e.g., included in company Quality Management System (QMS)). Additionally, a notional process should be identified in the industry standard template to ensure that the Aircraft Statement of Capability is updated when appropriate (e.g., revision to FAA Advisory Circular, model production cut-ins, AFM changes, Amended Type Certificates (Air Traffic Control, and Supplemental Types Certificates)).

FAA Response to Recommendations #1, #2, and #3: The FAA concurs with these recommendations. As described in the FST PAcE ARC report, the Aircraft Statement of Capability template is expected to identify the aircraft's capabilities and any remarks relating all capability with associated LOA designations in an industry-wide standard format. Each FAA line of business will develop a process to measure the effectiveness of the templates and processes proposed in these recommendations.

FST PAcE ARC Recommendation #4

To realize administrative efficiencies while maintaining safety, the FAA should review the LOAs identified in Table 1 with the objective of shifting all aircraft

capability LOAs to using the aircraft make/model/series, serial number, or operator name instead of registration number.

Table 1: LOA, Title, and use of Serial or Registration Number

LOA	Title	LOA Designation
A056	Data Link Communications	Make/Model/Series
B036	Oceanic and Remote Continental Navigation Using Multiple Long-Range Navigation Systems (M-LRNS)	Make/Model/Series
B039	Operations in North Atlantic High Level Airspace (NAT HLA)	Operator
B046	Operations in Reduced Vertical Separation Minimums (RVSM) Airspace	Serial Number and Registration Number
B054	Oceanic and Remote Airspace Navigation Using a Single Long-Range Navigation System	Make/Model/Series
C048	Enhanced Flight Vision System (EFVS) Operations	Make/Model/Series
C052	Straight-in Non-Precision Approach Procedures with Vertical Guidance (APV) and Category I Precision Approach and Landing Minima – All Airports	Operator
C063	Area Navigation (RNAV) and Required Navigation Performance (RNP) Terminal Operations	Make/Model/Series
C073	Vertical Navigation (VNAV) Instrument Approach Procedures (IAP) Using Minimum Descent Altitude (MDA) as a Decision Altitude (DA)/Decision Height (DH)	Make/Model/Series
D095	MMEL use as an MEL	Serial Number and Registration Number

FST PAcE ARC Recommendation #5

The FAA should create and/or revise all guidance material necessary to create a new LOA Training Statement of Compliance form. The completed form should be approved at the national level, and then subsequently accepted by Principal Operations Inspectors as proof that various training center courses do comply with all FAA training requirements of a particular LOA.

FST PAcE ARC Recommendation #6

The LOA Process Improvement Working Group recommends developing an additional process to provide a statement of compliance for International Operations Manuals developed and sold by vendors at the source. If a specialist in the Flight Operations Group of the Flight Technologies and Procedures

Division evaluates and accepts a manual being sold by a vendor, inspectors will not have to reevaluate it every time an operator applies for LOA A056, B036, or B046 using the same product. The vendor's statement of compliance could be issued for a set period, requiring reevaluation of the manual every 24 months or as required based on changing regulatory or procedural requirements and written notification by the FAA. Such an expiration date only should apply to the vendor's statement of compliance, not to operators who already have submitted and been authorized to use the vendor's manual, as FAA does not have capacity to ensure that all Part 91 operators have complied with every update. The process for receiving a statement of compliance should be available and open to all vendors, as to avoid displaying preference by inspectors.

FAA Response to Recommendations #4, #5, and #6:

Implementation of the Task Force Recommendations

The FAA will assemble an implementation team comprised of the appropriate FAA subject matter experts to evaluate the viability of developing processes and guidance to review and accept statements of compliance for aircraft, training, and manuals at a national level. In addition, the team will assess the viability of developing processes and guidance to evaluate applications that include a statement of compliance for aircraft, training, and manuals at a local level. The effectiveness of any processes developed will be examined during a beta test where the FAA subject matter experts will work closely with industry and the inspectors to see where the processes work and what aspects, if any, need modification.

Measure the Progress of the Implementation

The implementation team lead will develop a timeline with detailed milestones for implementation of the FST PAcE ARC's recommendations and report the progress to management under the Flight Technologies and Procedures Division in the FAA's Flight Standards Service. The milestones may include draft guidance development, beta test completion, and final guidance publication. The FAA will maintain an internal tracking system to monitor progress.

Measure the Effectiveness of the Implemented Recommendations

The implementation team will use LOA application processing time as a metric to determine the effectiveness of the recommendations that the agency has implemented. Industry and FAA data suggest the current application processing time for a single LOA is approximately four to six weeks from submission to issuance of the LOA. After full implementation

of the recommendations, the implementation team will compare the new application processing time against the current new application processing time to evaluate the efficacy of the recommendations. The FAA also expects to see a reduction in the number of errors during the application process which should help reduce time and improve safety. The reduction in time and errors should allow more time for FAA inspectors to focus their oversight on areas of greater risk.

Conclusion

This report addresses Section 513 of the FAA Reauthorization Act of 2018 by reporting to Congress the results of a task force assessment of FAA oversight and authorization processes and requirements for aircraft under Part 91 and, where applicable, FAA implementation of the task force's recommendations for streamlining the part 91 LOA application process.