



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Aviation Rulemaking Committee Charter

Effective Date:
7/19/2023

SUBJECT: Transport Category Airplane Continued Operational Safety Agreements
Aviation Rulemaking Committee

- 1. PURPOSE.** This charter establishes the Transport Category Airplane Continued Operational Safety (COS) Agreements Aviation Rulemaking Committee (ARC), according to the Administrator's authority under Title 49 of the United States Code § 106(p)(5). The sponsor of the ARC is the Associate Administrator for Aviation Safety. This charter outlines the ARC's organization, responsibilities, and tasks.
- 2. BACKGROUND.** Section 130 of the Aircraft Certification, Safety, and Accountability Act of 2020¹ (ACSAA) requires the Federal Aviation Administration (FAA) to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (NASEM) to develop a report regarding the methodology and effectiveness of the Transport Airplane Risk Assessment Methodology (TARAM) process used by the FAA. In accordance with the ACSAA section 130 requirement, the NASEM conducted a review of the TARAM and prepared a report² that provides 13 recommendations for improving the TARAM process used by the FAA. The FAA has established work groups to address the recommendations. As part of its report, NASEM recommended that the FAA establish a committee to develop regulatory guidance material for establishing detailed COS agreements. In response, the FAA committed to chartering an ARC to assess and develop improvements to current FAA requirements and guidance material for establishing detailed COS agreements.
- 3. OBJECTIVES OF THE ARC.** The objectives of the ARC are to assess and develop improvements to current FAA requirements and guidance material for establishing detailed COS agreements between the FAA and design approval holders (DAHs) of transport category airplane type certificates. The ARC will focus primarily on recommendation 3 of the NASEM report but also will help address recommendations 6, 9, and 11.
- 4. TASKS OF THE ARC.** The tasks of the ARC are:
 - a. By February 29, 2024, regarding the TARAM Handbook, address recommendation 9 (risk importance ranking methods) of the NASEM report. Draft guidance to clarify and reinforce existing policies as well as develop any appropriate new guidance on quantitative ranking of alternative corrective actions and risk-informed inspections.
 - b. By September 30, 2024, regarding COS agreements between the FAA and DAHs of transport category airplane type certificates, the ARC should:
 - i. Assess current FAA requirements and guidance material for establishing detailed COS agreements. Develop new guidance material as needed.

¹ Division V, Title 1 of Consolidated Appropriations Act, 2021. Public Law 116-260 (Dec. 27, 2020)

² National Academies of Sciences, Engineering, and Medicine. 2022. Evaluation of the Transport Airplane Risk Assessment Methodology. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26519>.

- ii. Review and provide feedback on the proposal the FAA NASEM Recommendation 6 Work Group will develop for improving the TARAM process, including its risk calculations, decision-making procedures, and the usage of current certification data. As part of its review, the ARC should consider how to incorporate these improvements into the COS agreements.
 - iii. Review the study the FAA NASEM Recommendation 11 Work Group will prepare and recommend how to document the independent peer review and quality assurance process in COS agreements between manufacturers and the FAA. The ARC should ensure that COS agreements address monitoring and analysis of operational safety performance that meets recommendation 3 of the NASEM report.
 - iv. Include DAHs Safety Review Board Assessments and trade studies in COS agreements for inclusion in the TARAM analyses.
 - v. Provide recommendations for making transferring safety data (such as data related to Title 14 of the Code of Federal Regulation §§ 21.3 and 183.63) more efficient.
 - vi. Draft guidance regarding how the risk analysis and data from COS agreements will be used to influence the TARAM analysis.
- c. Submit the TARAM Handbook and COS Agreement recommendations by the stated deadlines in paragraphs 4a and 4b to the Industry Co-Chair, who sends the recommendation reports to the FAA Co-Chair and the Director of the Office of Rulemaking.
 - i. The FAA Co-Chair determines when the recommendation reports and records, pursuant to paragraph (8), will be made available for public release.

5. ARC PROCEDURES.

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided the charter is still in effect.

- 6. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** The FAA will establish a committee of members representing a diverse set of aviation stakeholders, including DAHs of transport category airplane type certificates, manufacturers, their suppliers, and aircraft operators, as well as members of the COS community. Subject matter experts from the FAA, other federal agencies, and foreign civil aviation authorities may be requested to participate as observers and to provide technical support to the ARC members.

The provisions of the August 13, 2014, Office of Management and Budget (OMB) guidance, “Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions” (79 FR 47482), continue the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their “individual capacity.” The revised guidance 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, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the ARC may set up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

- a. At the request of the Sponsor, the Director of Policy and Standards Division will function as the FAA Co-Chair and will:
 - 1) Select and appoint industry members based on their familiarity and experience with transport category airplane COS,
 - 2) Ensure that membership is balanced in viewpoints, interests, and knowledge of the committee’s objectives and scope,
 - 3) Select the Industry Co-Chair from the membership of the ARC,
 - 4) Select the FAA participants and ensure FAA participation and support from all affected lines-of-business,
 - 5) Provide notification to the members of the time and place for each meeting, and
 - 6) Receive any status report(s) and the recommendations report.
- b. As stated in paragraph 6(a)(3), the FAA Co-Chair will select and appoint the Industry Co-Chair from the membership of the ARC. Once appointed, the Industry Co-Chair will:
 - 1) Coordinate required ARC meetings in order to meet the objectives and timelines,
 - 2) Establish and distribute meeting agendas in a timely manner,
 - 3) Keep meeting notes, if deemed necessary,
 - 4) Perform other responsibilities as required to ensure the objectives are met and tasks achieved,
 - 5) Provide status reports, as requested, in writing to the FAA Co-Chair, and
 - 6) Submit the recommendation report to the FAA Co-Chair and the Director of the Office of Rulemaking.
7. **PUBLIC PARTICIPATION.** Meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must secure approval in advance of the meeting from the Industry Co-Chair and the FAA Co-Chair.
8. **AVAILABILITY OF RECORDS.** Subject to applicable Freedom of Information Act (FOIA) Exemptions pursuant to Title 5, U.S.C., § 552, the FAA will make records provided by the ARC to the FAA available for public inspection and copying. Available records will be located at the Office of Aircraft Certification Service, FAA Headquarters, 800 Independence Ave. SW,

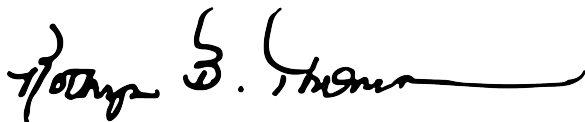
Washington, D.C. 20591. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations, part 7.

You can find this charter on the FAA Committee Database website at:

http://www.faa.gov/regulations_policies/rulemaking/committees/documents/.

- 9. DISTRIBUTION.** This charter is distributed to: Office of the Associate Administrator for Aviation Safety, the Office of the Chief Counsel, the Office of Assistant Administrator for Policy, International Affairs, and Environment, and the Office of Rulemaking.
- 10. EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence until June 30, 2025, unless the charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on July 19, 2023.

A handwritten signature in black ink, appearing to read 'Kathryn B. Thomson', with a long, sweeping horizontal line extending to the right.

Kathryn B. Thomson
Acting Deputy Administrator