[Federal Register Volume 76, Number 107 (Friday, June 3, 2011)]
[Notices]
[Page 32265]
From the Federal Register Online via the Government Printing Office [www.gpo.gov]
[FR Doc No: 2011-13826]

-----------------------------------------------------------------------

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration


Executive Committee of the Aviation Rulemaking Advisory
Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

-----------------------------------------------------------------------

SUMMARY: The FAA is issuing this notice to advise the public of a
meeting of the Executive Committee of the Aviation Rulemaking Advisory
Committee.

DATES: The meeting will be held on June 29, 2011, at 10 a.m.

ADDRESSES: The meeting will take place at the Federal Aviation
Administration, 800 Independence Avenue, SW., Washington, DC, 20591,
10th floor, MacCracken Room.

FOR FURTHER INFORMATION CONTACT: Renee Butner, Federal Aviation
Administration, 800 Independence Avenue, SW., Washington, DC, 20591,
telephone (202) 267-5093; fax (202) 267-5075; e-mail
Renee.Butner@faa.gov.

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal
Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a
meeting of the Executive Committee of the Aviation Rulemaking Advisory
Committee taking place on June 29, 2011, at the Federal Aviation
Administration, 800 Independence Avenue, SW., Washington, DC 20591. The
Agenda includes:

1. Discussion of Potential Restructuring of ARAC
2. Discussion of ARAC EXCOM Role in Implementing Future of Aviation
Advisory Committee (FAAC) Recommendation 22
3. Update on FAA Response to Process Improvement Working Group (PIWG)
Recommendations
4. Review of the Retrospective Regulatory Review Report
5. Issue Area Status Reports From Assistant Chairs
6. Remarks From Other EXCOM Members

Attendance is open to the interested public but limited to the space
available. The FAA will arrange teleconference service for individuals
wishing to join in by teleconference if we receive notice by June 22.
Arrangements to participate by teleconference can be made by contacting
the person listed in the FOR FURTHER INFORMATION CONTACT section.
Callers outside the Washington metropolitan area are responsible for

paying long-distance charges.
    The public must arrange by June 22 to present oral statements at
the meeting. The public may present written statements to the executive
committee by providing 25 copies to the Executive Director, or by
bringing the copies to the meeting.
    If you are in need of assistance or require a reasonable
accommodation for this meeting, please contact the person listed under
the heading FOR FURTHER INFORMATION CONTACT.

    Issued in Washington, DC, on May 31, 2011.
Dennis Pratte,
Acting Director, Office of Rulemaking.
[FR Doc. 2011-13826 Filed 6-2-11; 8:45 am]
BILLING CODE 4910-13-P

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

**MEETING DATE:** June 29, 2011

**MEETING TIME:** 10:00 a.m.

**LOCATION:**
Federal Aviation Administration
800 Independence Avenue, SW.
10th Floor
MacCracken 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 June 3, 2011 (76 FR 32265).

**ATTENDEES:**

**Executive Committee Members**

| | |
|---|---|
| Norman Joseph | Airline Dispatchers Federation, *ARAC Chair* |
| Dan Elwell | Aerospace Industries Association, *ARAC Vice Chair* |
| Brenda Courtney | Federal Aviation Administration, *Office of Rulemaking, Alternate Designated Federal Official (DFO)* |
| Craig Bolt | Pratt & Whitney, *Transport Airplane and Engine Aeronautical Technical Subject Area, Assistant Chair* |
| Oakley Brooks | National Air Carrier Association (NACA), *Training and Qualifications Aeronautical Technical Subject Area, Alternate Assistant Chair* |
| Walter Desrosier | General Aviation Manufacturers Association (GAMA), *Aircraft Certification Procedures Aeronautical Technical Subject Area, Assistant Chair* |

| | |
|---|---|
| Rosemary Dillard | National Air Disaster Alliance/Foundation |
| Julian Hall | European Aviation Safety Agency (EASA) |
| Paul Hudson | Aviation Consumer Action Project |
| Dennis McGrann | National Organization to Insure a Sound-controlled Environment (NOISE), *Noise Certification Aeronautical Technical Subject Area, Assistant Chair* |
| Rebecca MacPherson | Federal Aviation Administration, *Office of the Chief Counsel, AGC–200* |
| Christopher Oswald | Airports Council International – North America (ACI–NA), *Airport Certification Aeronautical Technical Subject Area* |
| Ric Peri | Aircraft Electronics Association, *General Aviation Certification and Operations Aeronautical Technical Subject Area, Assistant Chair* |
| Bob Robeson | Federal Aviation Administration, *Office of Aviation Policy and Plans, APO–300* |
| David York | Helicopter Association International (HAI), *Rotorcraft Aeronautical Technical Subject Area, Assistant Chair* |
| Daniel Zuspan | Boeing Commercial Airplanes (Boeing), *Occupant Safety Aeronautical Technical Subject Area, Assistant Chair* |

**Attendees**

| | |
|---|---|
| Renee Butner | Federal Aviation Administration, *Office of Rulemaking, ARM–24* |

| | |
|---|---|
| Sherry Borener | Federal Aviation Administration, *Office of Accident Investigation and Prevention, AVP–220* |
| John Conley | Transport Workers Union |
| Emily Dziedzic | PAI Consulting |
| Katie Haley | Federal Aviation Administration, *Office of Rulemaking, ARM–200* |
| Tom Howard | Chromalloy |
| Ida Klepper | Federal Aviation Administration, *Office of Rulemaking, ARM–100* |
| Katie Knoll | Federal Aviation Administration, *Office of Accident Investigation and Prevention, AVP–220* |
| Mel Lewis | SAIC Contractor, *Office of Accident Investigation and Prevention, AVP–220* |
| Bob Mattern | Pratt & Whitney |
| Suzette Matthews | Metron Aviation *Subcontractor* |
| Paul McGraw | Air Transport Association (ATA) |
| Cindy Nordlie | Federal Aviation Administration, *Office of Rulemaking, Acting ARM–20* |
| Deborah Polasek | Federal Aviation Administration, *Joint Planning and Development Office* |
| Dennis Pratte | Federal Aviation Administration, *Office of Rulemaking, Acting ARM–1* |
| Dan Rauscher | Flight Safety International |

## WELCOME AND INTRODUCTION

The ARAC Chair, Mr. Norm Joseph, called the meeting to order at 10:03 a.m. Mr. Joseph noted that Ms. Pamela Hamilton, Executive Director, is not able to attend the meeting, and Ms. Brenda Courtney, as her alternate, would be sitting in for her as the Designated Federal Official (DFO). Ms. Courtney read the required Federal Advisory Committee Act statement.

## CERTIFICATION OF MINUTES

Mr. Joseph asked for any corrections or comments to the draft minutes of the March 30, 2011 meeting. Mr. Craig Bolt suggested one editorial change. Mr. Joseph acknowledged the change, and noting no objections, certified the minutes.

## DISCUSSION OF RESTRUCTURING THE ARAC

Mr. Joseph invited Ms. Courtney to begin the presentation on restructuring the ARAC (see Handout #1).

<u>Slide 2</u>

Ms. Courtney explained she would recap details from the last Executive Committee (EXCOM) meeting held in March 2011, and discuss the new ARAC structure. She added she would review Committee members, and the roles and responsibilities of Committee members and working groups. Finally, she noted she would review the next actions.

<u>Slide 3</u>

Ms. Courtney noted that at the last meeting, the EXCOM agreed that there is a need to limit the ARAC's size, reduce unnecessary layers, increase committee responsibilities, and convert "issue areas" to "working groups." She stated there would be no change in the functions of the issue areas with the name change to working groups.

<u>Slide 4</u>

Ms. Courtney stated there is no change in the chair and vice-chair's roles and membership will be limited to 23–25 organizations, leading to a 50 percent decrease in the membership size. There will be a continued need for the Executive Director role with support from the Office of the Chief Counsel and the Office of Aviation Policy and Plans. Ms. Courtney explained the public interest representatives, EASA, and Transport Canada will still be a part of ARAC. She stated the ARAC will keep Air Carrier Ops and Transport Airplane and Engine (TAE) issue areas and associated task groups; the names will simply be changed. She added there will still be task groups tasked directly by the ARAC, similar to the Future of Aviation Advisory Council (FAAC) working group. This structure was discussed at length at the last meeting.

<u>Slide 5</u>

Ms. Courtney noted that at the last meeting, the EXCOM members talked about representation of the aviation community. She stated they discussed cutting the interest areas to six or seven categories. Ms. Courtney explained the FAA reviewed the recommendation and decided that to ensure balanced representation, it is necessary to include all organizations on the right side of the chart in the ARAC. She noted the left side of the chart contains the sectors of the community represented by ARAC members. Ms. Courtney stated the organizations in bold type are current EXCOM members. Organizations represented on the current ARAC are noted in italics. She noted that most of the organizations listed are already represented on the Committee.

Mr. Ric Peri noted the Title 14 Code of Federal Regulations (14 CFR) part 135 community is not represented. Mr. Dennis Pratte stated the National Business Aviation Association (NBAA) and HAI represent part 135. Mr. Dan Elwell, ARAC Vice Chair, asked if NACA represents the part 135 community, and Mr. Peri stated the National Air Transportation Association (NATA), which is missing from the list of organizations, represents that community.

Mr. Oakley Brooks noted there is no representation for fixed-based operator charter organizations. Mr. Peri stated NBAA chiefly represents 14 CFR part 91 operations and HAI focuses on the helicopter industry, but with the absence of NATA, the charter industry is still missing representation. Mr. Joseph asked if NATA is the charter industry's primary representative. Mr. Peri and Mr. Brooks indicated it is.

Ms. Courtney asked if any other organizations are notably missing from the list. Mr. Brooks stated only one organization represents pilots. Mr. Elwell noted the list does not include alternate organizations or working group participation. Mr. Joseph stated the Air Line Pilots Association, International (ALPA) historically has been the only pilot organization that has taken part in the ARAC EXCOM. However, other pilot organizations have participated in ARAC work groups. He noted 14 CFR part 142 training centers and aviation schools are not represented, although those groups loosely fit under the academia category.

Mr. Tom Howard noted parts manufacturers are also missing from the list. Mr. Pratte stated alternates and working groups are not represented in the list. He added the FAA discussed whether alternates would be representatives from the member organization or from another organization within the same industry category. Mr. Paul Hudson noted the Flyers' Rights Organization is also missing from the list.

Slide 6

Ms. Courtney cited discussion about areas the new charter would cover. She stated appointments would be based on the FAA's specific needs. Ms. Courtney noted the FAA seeks balanced viewpoints to address the issues. She explained FAA is considering term limits and reappointments, which are changes from the existing charter. Ms. Courtney added the FAA is considering terms between 3 and 4 years, with the opportunity to reappoint. She added the FAA has also been working on the issues of alternate and associate members. Ms. Courtney stated the alternates are usually members of organizations that belong to EXCOM. She explained the FAA is trying to look for alternates outside of the member organization, which would be a way to stretch the representation of the overall Committee. Ms. Courtney invited feedback from the EXCOM members to help decide if an alternate member from another organization can effectively participate and still be representative of the overall subject area.

Mr. Joseph stated that Committee members historically recommended their alternates and the FAA reviewed the requests and granted approval. Ms. Courtney agreed and added those alternate members tended to belong to the same organization.

Mr. Brooks asked if the alternate member for an association could be a member of the association. For example, could an airline member of NACA act as the alternate for NACA? Ms. Courtney stated the FAA is considering that idea. Mr. Elwell stressed the importance of

preserving the representative spread and added the alternate, whether temporary or permanent, needs to represent the same sector.

Mr. Bolt noted there is a precedent about alternates in other working groups . For example, he explained if Pratt & Whitney represents engine manufacturers, then the alternate would be a representative from another engine manufacturer, such General Electric or Rolls Royce. He stated that this concept can work as long as the member has a clear understanding of what segment of the industry he or she represents and the alternate from another organization also represents that same segment.

Mr. Dan Zuspan asked whether, in the new ARAC, Mr. Bolt would represent engine manufacturers and chair the TAE or vice versa. Mr. Bolt indicated that the new structure does raise that question but based on the membership list, it appears that the main focus of representation would be for engine manufacturers.

Mr. Peri stated it is important to look at smaller organizations to measure the depth of small-business representation. He noted smaller businesses have fewer permanent staff members, increasing the chance that an alternate will be a volunteer who will support the interests of the member organization.

Ms. Rosemary Dillard inquired about how alternates will be kept informed. She noted she is a volunteer, and asked if she is responsible for briefing her alternate and ensuring he or she represents the same views. Ms. Courtney stated the members do have a role in ensuring their alternates are kept informed. She added members and their alternates need to communicate. Mr. Joseph agreed and added that meeting minutes are sent to both the members and their alternates.

Mr. Christopher Oswald noted the American Association of Airport Executives is the alternate for ACI–NA, and he feels the arrangement is workable.

Ms. Courtney stated associate members could be used if the FAA receives a task and not all affected parties are effectively represented. She noted associate members could come to the Committee to ensure balance. Ms. Courtney explained the FAA is looking for feedback to see if associate members would be feasible. She stated the intent is to prevent tasks from being turned down due to a lack of representative parties. Ms. Courtney stated Committee membership is flexible and can be adjusted.

Mr. Joseph stated the associate member proposal sounds like it should be part of the working group structure for a specific task, but there may not be a need to have an associate member on the ARAC. Mr. Walter Desrosier stressed that even the ARAC has the flexibility to bring in subject matter experts (SME). Mr. Joseph added the SMEs do not need to be formal members in order to participate.

Mr. Joseph stated it is important to restrict the ARAC to a manageable size, which is possible without bringing in associate members. Mr. Zuspan asserted if the FAA tries to anticipate every issue that comes up in the committee, ARAC will have 55 members. He suggested the membership should be representative of the aviation sectors and supplemented by SMEs.

Mr. Peri noted that the last EXCOM working group, part 147, worked well despite not having a chair from ARAC.

Ms. Courtney returned to slide 6 and stated the FAA wants to ensure there is active attendance and participation in all meetings by members. Mr. Hudson noted the organization he represents consists solely of volunteers, and he is not located in the Washington, DC area. He stressed attendance is an issue because resources for in-person and electronic participation are inadequate. Mr. Hudson urged the FAA to consider adopting a modern system to support members who must attend electronically.

Slide 7

Ms. Courtney discussed the responsibilities of the ARAC. She stated the FAA envisions the Committee's responsibilities to include—

- Overseeing operations.

- Reviewing and approving new tasks.

- Providing input into selection of task group members.

- Assisting task groups in reaching consensus and resolution of issues, as appropriate.

- Ensuring dissenting opinions are discussed and documented in recommendations.

- Vetting and approving all recommendations.

- Increasing participation in task group activities, similar to the FAAC working group.

Mr. Desrosier asked if the relationship between the working groups and the ARAC would need to change because of reporting issues regarding consensus among the groups. The group would need to report to ARAC as issues arise rather than waiting until the end of the task. Ms. Courtney agreed a change would be needed.

Slide 8

Ms. Courtney stated the working group is responsible for—

- Overseeing assigned task groups.

- Providing input into selection of task group members.

- Reviewing work plans.

- Assisting task groups in reaching consensus.

- Ensuring dissenting opinions are discussed and documented.

- Informing the ARAC of task group work (more so than currently takes place).

- Reviewing and approving task group recommendations.

- Briefing the ARAC on proposed task group recommendations.

Slide 9

Ms. Courtney stated the next actions include finalizing the ARAC composition, selecting additional members, re-chartering the ARAC no later than September 2012, and revising the Committee Manual to reflect the restructured organization.

Ms. Courtney stated she will pose four questions to the EXCOM for feedback. Ms. Courtney added the topics will include the 4-year term limit; the option for reappointment; alternate members representing organizations; and ensuring attendance at the ARAC meetings. She stated Ms. Renee Butner will send the questions electronically.

Mr. Zuspan stated he had a question about slide 5. He asked if the Committee chair and vice chair will always come from the group of 25 ARAC members. Ms. Courtney stated with term limits and alternating members, there should be enough availability in ARAC, but there is still an option to reach out to the aviation industry. Ms. Rebecca MacPherson suggested this situation should be included in the list of questions because the answer must be explicitly stated in the charter.

Mr. Zuspan also had a question about whether there is an intent to have a member at large who would be called in for a specified amount of time. Ms. Courtney indicated that this is what she had in mind when suggesting associate members.

Mr. Peri noted the only corporation listed in the ARAC representation list on slide 5 is under academia. He suggested Aviation Technician Education Council (ATEC) or the Aviation Accreditation Board may be more appropriate academia representatives for the flight training industry than a company.

Mr. Elwell stated the purpose of academia is to bring a research viewpoint to a committee. He noted the academic representative is almost never an association; rather it is an institution such as the Georgia Institute of Technology. Mr. Elwell stated the training industry is a different category. Mr. Desrosier noted this category focuses more on flight training than academia.

Ms. MacPherson agreed and stated the listed organizations represent regulated entities rather than academia; Embry Riddle is not academia, it is a regulated party. Mr. Peri asked if that applies chiefly to 14 CFR parts 141, 142, and 147. He noted ATEC, which represents part 147, is absent from the list. Mr. Peri stated the research representatives would act as technical experts, but certificated academia is not represented.

Mr. Julian Hall stated the representation in ARAC is by U.S. organizations for the U.S. rulemaking processes, but the European rulemaking system has a U.S. presence. He asked if anything is stopping European industries from taking part in ARAC. Ms. MacPherson stated that nothing legally prohibits European participation. She noted this group needs to focus on what role ARAC plays. Ms. MacPherson stated this group seems to be growing, and a determination must be made on its size.

Ms. MacPherson stated the European industry is under regulation in the respect that European organizations operate in U.S. airspace. She suggested that rather than naming a corporation like Boeing, a position could be created to allow for broader participation on a rotating basis. Mr. Bob Robeson noted that there is international participation at the issue area and working group level. Mr. Hall agreed the European presence is in working groups, but with issues such as equipment for the Next Generation Air Transportation System (NextGen), all parties need to be involved so companies are not required to equip twice.

Mr. Peri stated that GAMA represents 14 manufacturers in Europe. He asserted cross representation is present. For example, he added that the Aerospace Industries Association (AIA) represents Boeing and Airbus. Mr. Peri acknowledged the challenges regarding the ARAC charter and the need to address the globalization of the aviation industry. Mr. Hall stated there is a need to ensure representation and perception of representation of foreign entities. At present, the perception is that membership is not inclusive. Mr. Desrosier agreed and added the ARAC should be representative of the bodies to be regulated. Regarding the charter, he stated there should not be any limitation or exclusivity to U.S. entities. Ms. MacPherson agreed the charter is the correct place to specify that international interests are represented by the membership. Mr. Desrosier added there is a need to ensure those entities are active participants.

Mr. Elwell stated the dissemination of information between ATA and the International Air Transport Association (IATA) differs from that between the AIA and the International Coordinating Council of Aerospace Industries Association (ICCAIA).

Mr. Joseph returned to slide 5 and stated he first understood that members would be invited from the categories on the left side. He reasoned that these individuals would represent the organizations on the right side. Mr. Joseph noted this scenario would limit ARAC membership to 12. He explained it now sounds as if the organizations on the right side would be members and would represent the segment of the industry on the left side. Mr. Joseph asserted this method will make the group larger, and when alternates and SMEs/associate members are included, membership approaches 55 again. He stated the FAA will need to review this because it no longer meets the goal of downsizing the group. Mr. Joseph stated his perception was that whoever sat at the aircraft owners seat would represent all the aircraft owners. He noted with the pilot groups, one individual would represent all pilot groups such as Air Line Pilots Association (ALPA), American Airlines, independent pilots, and Southwest pilots, etc. Mr. Joseph stated there is a need to decide who will manage this group (currently EXCOM manages the larger group). He added the decision needs to be made about whether representation will be by organizations or by industry sectors.

Mr. Desrosier stated a combination of both methods will probably be needed to represent the diverse sectors of the aviation industry. He explained that if the responsibilities and requirements for participation increase, the number of committed organizations may be lower, allowing for a balanced number of participants.

Mr. Elwell stated that at the last meeting, EXCOM discussed the four main categories within the aviation industry: manufacturers, operators, airports, and maintenance. He affirmed that if representation is kept to these groups, the membership number will remain steady. Ms. MacPherson added public interest needs to be included.

Mr. Oswald stated he would like the charter to describe the process for organizations to reach consensus or submit dissenting opinions. He suggested this issue is particularly important when prioritizing regulatory projects. Mr. Oswald stated there is a need to discuss if each organization or each sector would be allowed to vote, because this may sway a decision toward a particular sector. Mr. Joseph explained that the vote, for the most part, would be at the working group level. He stated the issues are already identified at the ARAC level. Mr. Desrosier affirmed the process is to recognize minority opinions rather than out-vote them.

Mr. Peri stated the idea of a sector of the industry being represented is not a far stretch, but the aviation industry is so diverse that the Airplane Owners and Operators Association may object to being represented by NBAA. He asserted if the intent is for the left side of slide 5 to be included, then the list needs to be expanded to represent the minorities in the industry, which leads to the list on the right. Mr. Joseph agreed with Mr. Peri's statement.

Mr. Joseph asked if the EXCOM members had opinions about the 4-year term limit proposal or the opportunity to reappointment members for another 4 years. Mr. David York asked whether it will be the member organization or the member at the table that is subject to the term limit. Mr. Joseph stated it would be the member at the table. Mr. Zuspan stated another way to address segment representation is with shorter terms of service and rotation of membership within segments. Mr. Joseph agreed there is value to that suggestion, but many members are new to rulemaking and the time needed to understand the processes could conflict with shorter terms.

Mr. Joseph asked if there is any feedback about the requirement for participation. He stated there needs to be an expectation for participation. Mr. Joseph added the sector should be represented 100 percent of the time, and the primary member should be present 80 percent of the time.

Mr. Peri stated the ARAC is composed of roughly 55 people, but there are only 20 people at this meeting. He stated electronic media is not used appropriately. He stated electronic participation should be encouraged over sending an alternate to the meeting. With regard to term limits, he noted some sectors do not have sufficient depth to create a queue of members. Mr. Joseph stated the option to reappoint members is available for that reason.

Mr. Joseph encouraged the EXCOM members to submit their responses to the questions posed by the FAA via email.

## DISCUSSION OF THE ARAC EXECUTIVE COMMITTEE ROLE IN IMPLEMENTING FAAC RECOMMENDATION #22

Mr. Joseph moved the discussion to the presentation on the working group for the implementation of FAAC recommendation #22 (see Handout #2). He invited Mr. Bolt to present information about this working group.

Slide 2

Mr. Bolt stated Dr. Sherry Borener gave a presentation at the EXCOM meeting in March 2011 about the task that resulted from FAAC recommendation #22. He stated the working group was

tasked on April 19, 2011, to provide advice and recommendations to the FAA on prioritizing rulemaking projects. Mr. Bolt cited December 2011 as the deadline for the ARAC to complete this task, with the potential of further work in 2012. He stated there are no results to report because the first meeting will take place June 29 and 30, 2011.

Slide 3

Mr. Bolt reviewed the seven items that must be addressed while completing this task:

1. Review FAAC Recommendation #22.

2. Develop a model and define a process to evaluate rulemaking projects.

3. Evaluate and consider the parameters and criteria of the risk-assessment methodology, ensuring the most effective project receives the highest priority. This includes considering all drivers of rulemaking: safety, capacity, cost, environmental impacts, harmonization, operations, and other needs.

4. Explore models and/or methodologies that would be helpful in developing the risk-assessment methodology. This includes reviewing the CAST methodology, found at http://www/cast-safety.org/index.cfm.

5. Develop a classification system to rank rulemaking projects.

6. Develop a model to use as a prototype and test it with a subset of issues provided by the FAA.

7. Consider the ARAC's future role after the FAA implements the rulemaking prioritization methodology.

Slide 4

Mr. Bolt presented the diverse list of team members and noted there was a notice in the Federal Register soliciting volunteers. He stated seven EXCOM members have joined the working group, which he and Ms. Sarah McLeod will co-chair.

Mr. Joseph thanked Mr. Bolt for his presentation and stated he is looking forward to the update at the next EXCOM meeting.

**UPDATE ON FAA RESPONSE TO PROCESS IMPROVEMENT WORKING GROUP (PIWG) RECOMMENDATIONS**

Mr. Joseph opened discussion of the PIWG presentation on the Committee Manual (see Handout #3).

Ms. Katie Haley stated the PIWG submitted recommendations on November 15, 2010 and the FAA accepted the recommendations on February 1, 2011. She explained the PIWG has seven steps and each step has recommendations.

Slide 3

Ms. Haley reviewed the seven steps:

1. The FAA assigns a tasking to the ARAC.

2. The ARAC forms a team and determines how it can be effective

3. The ARAC addresses its tasks and submits recommendations.

4. The FAA considers and addresses the ARAC's recommendations.

5. The ARAC responds to the FAA's request for additional information (optional).

6. The FAA addresses the ARAC's recommendations in a notice of proposed rulemaking (NPRM).

7. The FAA requests support from the ARAC to address comments to the NPRM (optional).

Slide 4

Ms. Haley stated the FAA is updating the Committee Manual based on the accepted recommendations, including removing the out-of-date processes and addressing the easily attainable goals (steps 1-3 of the PIWG recommendations).

Slide 5

Ms. Haley reviewed step 1 and stated the FAA discussed adding detailed questions to the tasking notice. She stated the FAA will create specific questions for inclusion in the tasking notice, which is not yet complete. Ms. Haley noted the FAA suggested a time limit of 1 year for working groups, with the option of extending them. She explained the FAA is recommending that reports produced by working groups include both majority and minority positions, and eliminating the concept paper.

Slide 6

Ms. Haley reviewed step 2 and stated there will be more description in the Committee Manual about the following roles and responsibilities: working group chair, working group members, and the FAA role. Working groups will be encouraged to limit membership to a manageable size of 10 or 12 members and there will be a harmonization role if necessary.

<u>Slide 7</u>

Ms. Haley reviewed step 3 and stated the Committee Manual will be updated to contain details for the first meeting, including conducting meetings face-to-face; briefings from FAA representatives, and legal experts and economists as necessary, depending on the tasking; discussions regarding harmonization, if necessary; establishment of the work plan; agreements to keep management involved; and a requirement for members to reconfirm their commitment to the task at the end of the first meeting.

<u>Slide 8</u>

Ms. Haley stated the Committee Manual will include details for step 3 about subsequent meetings. She explained they include following the work plan and schedule; and documenting both majority and minority positions, leading to the recommendation report. She noted step 3 does not require consensus.

<u>Slide 9</u>

Ms. Haley reviewed the requirements for the final meeting: ensuring all questions from the tasking are answered; including both majority and minority positions in the report; and reviewing the report with the manager/constituent of each working group member.

<u>Slide 10</u>

Ms. Haley explained the Committee Manual was distributed for comments, and the comment period closed on June 20, 2011. She stated the FAA is reviewing the 70 comments received. She added the Committee Manual will be updated appropriately.

Ms. Haley stated the next steps include addressing PIWG steps 4–7 and developing the new ARAC structure and process. She noted this is the first phase of updating the Committee Manual and addresses the easily attainable goals.

Mr. Oswald asked how the FAA made the decision to provide the ARAC with this tasking. Mr. Joseph noted the tasking came strictly from the FAA. Ms. MacPherson stated the FAA engages in activities that do not go through the ARAC. Mr. Oswald noted there has been little outreach to see how the rulemaking process works—how ARAC and individual rulemaking committees could be more effective—especially in the airport sector of the industry.

Mr. Joseph thanked Ms. Haley for her presentation and asked about the 70 comments. Ms. Haley stated some comments are substantial and others are editorial. She noted there will be a report at the next EXCOM meeting.

**STATUS OF RETROSPECTIVE REGULATORY REVIEW**

Mr. Joseph moved to the status of retrospective regulatory review and invited Ms. MacPherson to present on the topic.

Ms. MacPherson stated President Obama signed Executive Order 13563 in January 2011. She explained the Executive Order supplements requirements that exist in Executive Order 12866.

Ms. MacPherson stated there are areas within the Executive Order with direct interest to the ARAC. She noted the Executive Order contains direction for every department that falls within the Executive Branch to conduct a retrospective review and analysis of existing rules. Ms. MacPherson explained the FAA submitted the initial report to Office of Management and Budget (OMB) in May 2011, and the OMB is reviewing it and providing feedback. She stated the final report is expected in August 2011.

Ms. MacPherson stated the FAA conducted its review by publishing a notice in the Federal Register requesting comments from interested parties and holding a public meeting where individuals could provide input. She explained the notice asked that commenters review existing regulations rather than identify new ones. Ms. MacPherson noted most of the comments the FAA received identified new areas for regulations. She stated these comments may have value for long-term planning, but were deemed out of the scope of this tasking.

Ms. MacPherson stated the Federal Register notice requested that commenters focus on regulations that have been in effect long enough to realistically measure cost. She noted the FAA received comments on regulations that are not fully implemented, so they were deemed out of the scope of this tasking.

Ms. MacPherson explained the FAA completed an internal review of regulations that could relieve costs or drive technology if amended. She noted the FAA looked at its history of enforcement. Ms. MacPherson stated regulations were reviewed if the FAA had taken enforcement action on a regular basis and were unsuccessful in prevailing before the NTSB, which would indicate the regulation was flawed in terms of drafting and burden. She reported the FAA did not find any rules that met this criterion.

Ms. MacPherson stated the FAA examined emerging technologies and reviewed rules that may need amending in order to address technologies. She explained rules pertaining to air traffic and equipage were identified because of a possible negative impact on the development of NextGen.

Ms. MacPherson stated the third area the FAA examined was instances in which regulations were effectively amended through letters of legal interpretation. She explained this indicates the existing regulations do not match existing environments. Ms. MacPherson noted the FAA did identify some areas in this category, but it is already engaged in corrective rulemaking. One example is the pilot flight time, duty time, and rest requirements rule, but the FAA is actively involved in rulemaking, which moves this topic out of scope for this tasking.

Ms. MacPherson stated that as with legal interpretations, rules may no longer meet the intended need if the FAA has regularly issued exemptions. She noted exemptions often indicate the FAA is comfortable that alternative levels of safety are easily reached. Ms. MacPherson explained the FAA found the greatest number of topics in this category. She added the FAA will initiate four new rulemaking projects in response to the Executive Order, including autopilot minimum use height operating rules; removal of the Category III A, B, and C definitions; airport minimums under part 135; and changes to 14 CFR part 120, drug and alcohol testing rules.

Ms. MacPherson explained these rulemaking efforts are not huge cost savers for the aviation industry, but some savings will be recognized. She stated most cost savings have already been realized through FAA-granted exemptions, which is the primary driver for identifying regulations in need of amendment. Ms. MacPherson explained the Executive Order was issued in the hope agencies would find expensive rules that no longer had any value. She reported the FAA did not identify any rules that meet this criterion.

Ms. MacPherson noted rules in the aggregate impose cost but in general, FAA's rules are not grossly expensive. She explained some recent rules that have high cost drivers are not fully implemented and were determined to be out of the scope of this task. Ms. MacPherson stated the ARAC effectively addresses concerns raised by the Obama Administration. She noted in the initial report to the OMB, the FAA expressed its standing commitment to use Federal Advisory Committees (FAC) to help the agency identify priorities in rulemaking. She stated the ARAC is well situated in terms of existence and current taskings in implementing the FAC suggestions.

Mr. Hudson stated that several years ago he asked for the number of outstanding exemptions and waivers to FAA safety rules, and he was verbally notified the FAA grants roughly 300 exemptions each year and there are several thousand that are outstanding. Ms. Courtney agreed to take an action item to look at those numbers. Ms. Ida Klepper noted there is an automated exemption tracking system available to the public. She explained this database includes a copy of every exemption issued including denials and grants. Ms. Klepper stated there are 300 to 400 exemption requests that are responded to each year; this number includes grants and denials. She agreed to send the link to Mr. Hudson.

Mr. Peri stated he is surprised the issue of continued airworthiness is not on the list affected by technology. He noted, in the computerization of aircraft, there is a need to conduct maintenance on those computers. Mr. Peri explained the definition of maintenance and who is authorized to perform computer maintenance is a hot topic. However, he added there is no rulemaking activity and no efforts to modernize rules for modern technology. Mr. Peri noted the implementation of NextGen will compound that issue. He stated he is surprised there was no crossover with 14 CFR parts 43, 65, and 145.

Ms. MacPherson explained part 145 rulemaking is being conducted that encompasses Mr. Peri's concerns. She stated the FAA is examining the issues surrounding who is qualified to perform software upgrades. Ms. MacPherson noted the FAA is examining the definition of maintenance on a broader level. She stated due to safety concerns, there is no clear line to delineate the answers. Ms. MacPherson added these issues fall into the category of rules with heavy legal interpretation, but the FAA was already engaged in these activities before the Executive Order was issued.

Mr. Peri stated part 145 deals with the management system of a maintenance organization, while part 43 contains regulations for the performance of maintenance. He noted rulemaking activity for part 145 does not solve maintenance issues. Mr. Peri suggested the FAA engage in activities to deal with the modernization of technologies because this topic cannot be ignored. Ms. MacPherson agreed and explained there are some ideas being discussed to get this issue moving that were not included in the review.

Mr. Joseph asked if there were any questions. With no response, he thanked Ms. MacPherson for the update.

## STATUS REPORTS FROM ASSISTANT CHAIRS

Mr. Joseph moved the discussion to the reports from assistant chairs.

### *Air Carrier Operations*

Mr. Joseph noted Mr. Bill Edmunds, Air Carrier Operations assistant chair, is not present. Mr. Joseph stated he is not aware of any updates from this working group.

### *TAE*

Mr. Bolt, TAE assistant chair, stated there are four active working groups; material flammability, avionics, airworthiness assessment, and rudder reversal. He stated the avionics group just sent a report to the FAA on the issue of low speed alerting, which was the completion of its phase 1 task. Mr. Bolt noted the avionics group is now working on phase 2 of its task and the group will meet again in October 2011.

### *Training and Qualifications*

Mr. Brooks stated Mr. George Paul, Training and Qualifications assistant chair, is normally present at EXCOM. Mr. Brooks stated he does not have any specific details on the progress of this working group, but he does know Mr. Paul has been very busy with aviation rulemaking committees (ARCs).

## OFF-AGENDA REMARKS FROM EXECUTIVE COMMITTEE MEMBERS

Mr. Joseph asked if there were any questions, public comments, or off-agenda items to discuss.

Mr. Hudson stated there is inadequate attention by the FAA to foreign air carrier safety. He noted many Americans are flying on foreign air carriers, often through codeshare arrangements. Mr. Hudson stated the problem is consumers are unaware of this because there is no transparency. He stated the European Union has a robust program that placed over 200 air carriers on a no-fly list. Mr. Hudson stated the FAA program does not examine airlines but rather the regulatory authorities of nations. He noted the air carrier must at least meet the standards of the International Civil Aviation Organization (ICAO), but the FAA should consider changing its program and upgrading it to be more in line with European standards. Mr. Joseph acknowledged the comment.

Mr. Joseph encouraged the EXCOM members to fill out the Quality Management System (QMS) form found in the packet of information. He stated the completed forms can be turned in to Ms. Butner.

Mr. Joseph stated the date for the next EXCOM meeting needs to be determined and he proposed September 2011. He noted the issue of restructuring the ARAC needs to be concluded and the

EXCOM needs an update from the TAE working group. Mr. Joseph noted EXCOM is meeting more frequently and the new ARAC may meet more frequently than the old ARAC. The EXCOM members agreed to the September 2011 timeframe, acknowledging the need to be mindful of 9/11.

Mr. Peri suggested the Committee Manual include a definition of the tasking. He stated there is a difference between reviewing a rule and correcting deficiencies in a rule. Mr. Peri noted the ARAC is most effective when its tasking is specific.

Mr. Desrosier noted there are rulemaking activities that take place through ARCs, some through the FAA and some through the ARAC. Ms. MacPherson stated the FAA makes the determination of who can best handle the task. She noted the advantage of ARCs is timely formation. Ms. MacPherson stated the FAA does have legal obligations not to delegate its statutory authority to regulate, so the ARAC or an ARC is not always appropriate.

## ADJOURNMENT

Mr. Joseph asked if there were any additional concerns or comments. With no comments or objections, Mr. Joseph adjourned the meeting at 11:40 a.m.

Approved by: _Norman Joseph_
Norman Joseph, Chair

Dated: _17 AUG 2011_

Ratified on: _9/29/11_

# Briefing Outline

- **Recap of Agreements From Last EXCOM Meeting**
- **New ARAC Structure**
- **Committee Members**
- **Roles and Responsibilities**
- **Next Actions**

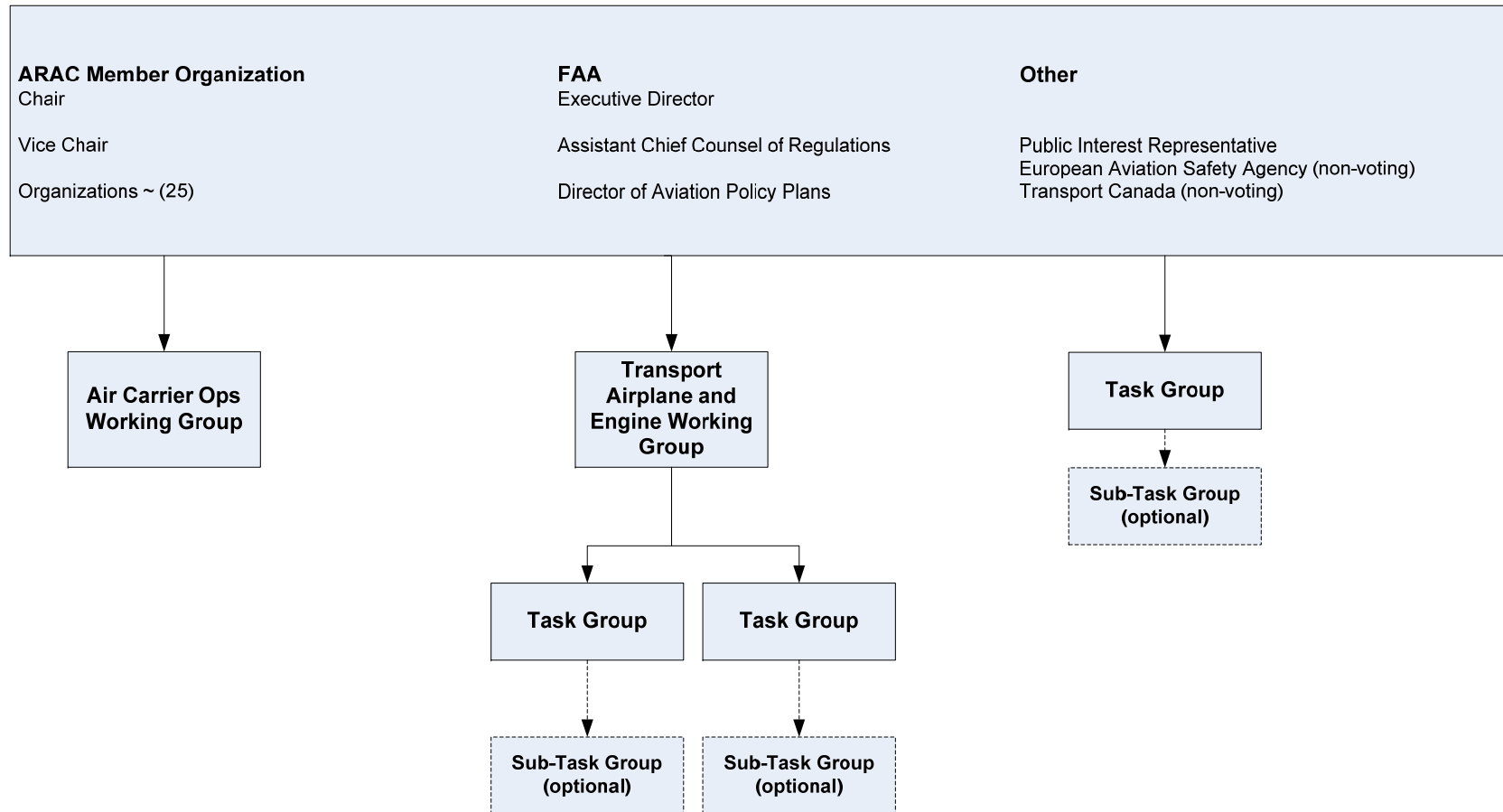# Recap From Last EXCOM Meeting

**Agreements reached on need to—**

- Restructure ARAC

- Limit Size of Committee

- Reduce Unnecessary Layers

- Increase Committee Responsibilities

- Convert Issue Areas to Working Groups with no change in functions

# New ARAC Organization

**ARAC Member Organization**
Chair

Vice Chair

Organizations ~ (25)

**FAA**
Executive Director

Assistant Chief Counsel of Regulations

Director of Aviation Policy Plans

**Other**

Public Interest Representative
European Aviation Safety Agency (non-voting)
Transport Canada (non-voting)

**Air Carrier Ops Working Group**

**Transport Airplane and Engine Working Group**

**Task Group**

**Sub-Task Group (optional)**

**Task Group**

**Task Group**

**Sub-Task Group (optional)**

**Sub-Task Group (optional)**

# ARAC Representation

| | |
|---|---|
| Aircraft Owners | AOPA, EAA, NBAA |
| Operators | ATA, Cargo Airline Association, NACA, RAA, *HAI* |
| Manufacturers | *GAMA*, *AIA*, *BOEING*, *Pratt and Whitney* |
| Airports | *Airport Council International* |
| Passengers | *Aviation Consumer Action Project*, *National Air Disaster Alliance/Foundation* |
| Maintenance | *Aeronautical Repair Station Association* |
| Pilots | *ALPA* |
| Other Crew | Association of Flight Attendants, *Airline Dispatchers Federation* |
| Equipment and Avionics Providers | *Aircraft Electronics Association* |
| Academia | National Association of Flight Instructors, Embry Riddle |
| Government | National Association of State Aviation Officials |
| Environmentalist | *N.O.I.S.E.* |
| EASA | |
| FAA (3) | |

# Committee Members

- **Appointments based on specific needs of the FAA**

- **Balanced viewpoints required to address issues under consideration**

- **Term limits and reappointments**

- **Associate members**

- **Attendance and participation**

# Committee Responsibilities

**Include—**

Committee oversight of operations

Review and approval of new tasks

Input into selection of task group members

Assists task groups in reaching consensus and
resolution of issues, as appropriate

Ensures dissenting opinions are discussed and fully
documented in recommendations

Vetting and approval of all Recommendations

More participation in task group activities

# Working Group Responsibilities

- **Include—**
  - Oversight of assigned task groups
  - Input into selection of task group members
  - Review of Work Plans
  - Assists task groups in reaching consensus
  - Ensures dissenting opinions are discussed and fully documented
  - Informs ARAC of task group activities
  - Reviews and approves task group recommendations
  - Briefs ARAC on proposed task group recommendations

# Next Actions

- **Finalize ARAC Composition; Select Additional Members**

- **Re-charter ARAC (NLT September 2012)**

- **Revise Committee Manual to reflect restructured organization**

# Rulemaking Prioritization Working Group (RPWG)

## Update to EXCOM

June 29, 2011

# Introduction

- April 19, 2011—Working Group tasked to provide advice and recommendations to the FAA about how to prioritize rulemaking projects.

- Task driven by DOT Future of Aviation Advisory Committee Recommendation #22.

- December 2011—ARAC deadline for completion of task

- June 29 and 30—Initial Working Group Meeting

# "The Task"

1. Review FAAC Recommendation 22

2. Define a process to evaluate rulemaking projects

3. Evaluate and consider the parameters and criteria of the risk assessment methodology, ensuring the most effective project receives the highest priority. This includes considering all drivers of rulemaking; e.g., safety, capacity, cost, environmental impacts, harmonization, operations, and other needs.

4. Explore models and/or methodologies that would be helpful in developing the risk assessment methodology. This includes reviewing the CAST methodology, which can be found at http://www.cast-safety.org/index.cfm

5. Develop a classification system to rank rulemaking projects.

6. Develop a model to use as a prototype and test it with the subset of issues the FAA provides.

7. Consider ARAC's role after the FAA implements the rulemaking prioritization methodology

# Team Membership

- Sarah MacLeod – Co-chair – ARSA and EXCOM
- Craig Bolt – Co-chair – Pratt & Whitney and EXCOM
- Katie Haley – FAA Office of Rulemaking
- Sherry Borener – FAA Office of Accident Investigation and Prevention
- Capt. Rudy Canto, Jr - Airbus
- Douglas Carr – NBAA
- John Conley – Transport Workers Union
- Walter Desrosier – GAMA and EXCOM
- Rosemary Dillard – National Air Disaster Alliance Foundation and EXCOM
- Bill Edmunds – ALPA and EXCOM
- Charlie Holley – Continental Airlines
- Sarah Knife – GE Aviation
- Bob Mattern – Pratt and Whitney (non-voting)
- Paul McGraw – ATA
- Tom Peters – Embraer
- Dan Rauscher – Lear 45 PM, Flight Safety International
- Melissa Rudinger – AOPA
- David York – HAI and EXCOM
- Dan Zuspan — Boeing and EXCOM

# Update on PIWG Recommendations:

## The Committee Manual

Presented to: EXCOM

By: Katie Haley

Date: June 29, 2011

**Federal Aviation Administration**

# PIWG Recommendations

- **The PIWG submitted recommendations on November 15, 2010.**

- **The FAA accepted the recommendations on February 1, 2011.**

- **PIWG Recommendations:**
  - 7 Steps
  - Each step has recommendations.

# PIWG Recommendations

Step 1: FAA tasking the ARAC.

Step 2: ARAC team formation and effectiveness.

Step 3: ARAC address tasks and submit recommendations.

Step 4: FAA consider and address ARAC recommendations.

Step 5: ARAC responds to FAA request for additional information (optional).

Step 6: FAA address ARAC recommendations in NPRM.

Step 7: FAA request ARAC support to address comments to NPRM (optional).

# FAA Action

- **Updating the Committee Manual based on the accepted recommendations.**

- **Current update:**
  - Remove processes that are out-of-date.
  - Address the low-hanging fruit.
    - PIWG Recommendations, Steps 1- 3.

# Accepted Updates: Step 1

- Detailed questions for the tasking notice.

- Suggested time limit for a working group, 1 year, with the option of extending.

- Recommendation report to include both majority and minority positions.

- Eliminate the concept paper.

# Accepted Updates: Step 2

- **More description about the following roles and responsibilities:**
  - Working group chair.
  - Working group members.
  - FAA role.

- **Manageable working group size: 10-12 members.**

- **Harmonization role.**

# Accepted Updates: Step 3

**First Meeting**

- Conduct face-to-face.

- Briefings from ARM, FAA rep, legal and econ, if necessary.

- Discuss harmonization, if necessary.

- Establish the work plan.

- Agree to keep management involved.

- Reconfirm commitment to the task.

# Accepted Updates: Step 3 (con't)

## Subsequent Meetings

- Follow work plan and schedule.

- Consensus is not required.

- Document both majority and minority positions.

# Accepted Updates: Step 3 (con't)

## Final Meeting

- Ensure all questions from the tasking are answered.

- Include both majority and minority positions in the report.

- Review the report with the manager/constituent of each working group member.

# Next Steps

- **Dispose of comments and update the Committee Manual.**
  - The comment period closed on June 20th.

- **Address PIWG Steps 4-7.**

- **Develop the new ARAC structure and process.**