

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

MEETING DATE: April 11, 2007

MEETING TIME: 10:00 a.m.

LOCATION: Federal Aviation Administration
700 Independence Avenue, SW.
10th Floor
McCracken 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 on March 6, 2007 (72 FR 9995).

ATTENDEES: Executive Committee Members

Craig Bolt	Pratt & Whitney, <i>ARAC Chair</i>
Norman Joseph	Airline Dispatchers Federation, <i>ARAC Vice Chair</i>
Pam Hamilton	Federal Aviation Administration, Office of Rulemaking, <i>Executive Director</i>
Rebecca MacPherson	Federal Aviation Administration, Office of the Chief Counsel
Nan Shellabarger	Federal Aviation Administration, Office of Aviation Policy and Plans
Rosemary Dillard	National Air Disaster Alliance/Foundation, <i>Public Interest Representative</i>
Sarah MacLeod	Aeronautical Repair Station Association, <i>Air Carrier/General Aviation Maintenance Issues, Assistant Chair</i>
Richard Marchi	Airports Council International - North America, <i>Airport Certification Issues</i>
John Swihart	Helicopter Association International, <i>Rotorcraft Issues, Assistant Chair</i>

Attendees

Eve Adams	Federal Aviation Administration, Office of Rulemaking
Gerri Robinson	Federal Aviation Administration, Office of Rulemaking
Ida Klepper	Federal Aviation Administration, Office of Rulemaking
Brenda Courtney	Federal Aviation Administration, Office of Rulemaking
Ferrin Moore	Federal Aviation Administration Aircraft Maintenance Division, AFS-300
Mona Tindall	Federal Aviation Administration Aircraft Maintenance Division, AFS-300
Ron Priddy	National Air Carrier Association
Neil Modzelewski	Phaneuf Associates Incorporated

COMMITTEE ADMINISTRATION

The Executive Committee Chair, Mr. Craig Bolt, called the meeting to order at 10:08 a.m. Mr. Bolt welcomed two new members to the Executive Committee: Executive Director, Ms. Pam Hamilton, and Airport Certification Issues Chair, Mr. Richard Marchi. The Executive Committee members and those attending the meeting introduced themselves.

The Executive Director, Ms. Hamilton, read the required Federal Advisory Committee Act (FACA) statement.

Mr. Bolt noted that Ms. Hamilton had a conflicting meeting scheduled at 11:15 a.m., and that she would have to leave the meeting then. Mr. Bolt expressed the hope the Committee could work through most of the meeting agenda by that time.

REVIEW OF MINUTES

Mr. Bolt asked for any corrections or additions to the draft minutes from the November 11, 2006, meeting. Hearing no corrections or objections, Mr. Bolt accepted the minutes as drafted.

ISO FEEDBACK FORM

Mr. Bolt asked everyone attending the meeting to complete the ISO-9001 customer feedback forms provided to all attendees before leaving the meeting.

DISCUSSION OF ARAC

Mr. Bolt stated this discussion of the ARAC would be, in part, a continuation of the discussion from the prior meeting about a statement/document approved by Mr. Nicholas Sabatini, Associate Administrator for Aviation Safety.

Mr. Bolt stated there were several issues areas that no longer have any tasks before them. Although it does not appear worthwhile to maintain these areas' existence, under the current ARAC Charter eliminating an issues area would remove its chair from the Executive Committee. Several people with expertise valuable to the Executive Committee are on these dormant issues areas.

Mr. Bolt offered a proposed ARAC Charter/Order that would change how membership of the Executive Committee is handled. A copy was included in each meeting folder.

Paragraph 6.d. of the proposed Order provides for the Executive Committee to consist of a Committee Chair, a Committee Vice-Chair, an Executive Director, two public interest representatives, representatives for the Office of Aviation Policy and Plans and the Office of the Chief Counsel, and assistant chairpersons representing aeronautical technical subject areas (air carrier operations, maintenance, occupant safety, general aviation certification and operations, noise, aircraft certification, airport certification, transport airplane and engine, rotorcraft, and training and qualifications).

Paragraph 7.c. of the proposed Order provides that an issue area with no active tasks be dissolved. The same paragraph states future tasks will be assigned to the Executive Committee.

Mr. Bolt stated the proposed Order is intended to allow the ARAC to work more efficiently by eliminating unnecessary issues areas while keeping representatives with expertise in all relevant areas on the Executive Committee.

Mr. Marchi questioned whether an issues area would be reactivated if a task arose after the area had been dissolved. Mr. Bolt stated future tasks would most likely be handled by the Executive Committee, but if the number or complexity of tasks warranted it, it is possible an area could be reactivated.

Ms. Sarah MacLeod sought clarification about how the draft Order would affect the hierarchical structure of the ARAC. Ms. MacLeod also raised the issue of how tasks for which there is no existing issues area would be handled, from a procedural standpoint. Ms. Rebecca MacPherson pointed out the Executive Committee membership might not have expertise relevant to specific issues raised by a task. Mr. Bolt noted working groups could be set up by the Executive Committee to address tasks raising complex issues or issues for which the Executive Committee does not have enough expertise. Suitable subject matter experts could be designated as the chairs of working groups.

Ms. MacLeod asked what purpose Executive Committee members not associated with an issues group would serve, other than to take responsibility for future tasks in their area. Ms. MacLeod asked whether, for example, such Committee members would have authority to assemble working groups falling within their subject matter area. Ms. MacPherson suggested adding language to the draft Order that would formalize this authority.

Mr. John Swihart sought clarification on what output the working groups would produce.

Mr. Swihart expressed concern that working groups could not offer expert opinions and formal

records that issues area could. Other members of the Committee stated working group chairs could publish meeting notices, keep minutes, and produce formal recommendations, just as issues areas.

Ms. MacPherson questioned the value of dissolving the issue areas, noting setting up working groups would require added work. Ms. MacLeod responded that eliminating the issues areas would simplify the ARAC hierarchy by removing a layer. The Executive Committee would be more directly involved with tasks.

The Executive Committee members discussed that an assistant chair representing a particular subject area could be the chair of any working group formed in that area. Mr. Swihart questioned whether this would be wise if a particular task needed expertise not held by the Committee member. Mr. Marchi suggested in that situation, the Committee member could name a person outside the Executive Committee as chair or co-chair, who would report directly to the Executive Committee.

Ms. Hamilton, until recently, was employed by the Transportation Security Administration (TSA), and noted that TSA's Aviation Security Advisory Committee is supported by both permanent standing working groups and short-term ad hoc groups.

Ms. MacLeod suggested if the draft Order is to be adopted, paragraph 6.d be changed to remove aircraft certification as a separate subject. Ms. MacLeod expressed the opinion that aircraft certification could be addressed with other issues, and treating it as a separate subject could result in, for example, disparate treatment of rotorcraft and fixed wing issues.

Mr. Ronald Priddy, National Air Carrier Association, inquired how the overall membership of ARAC, under the proposed Order, would remain informed of the outcome of tasks. He also asked what role member organizations would have. Mr. Priddy questioned whether the Airline Pilots Association would continue to represent the air carrier operations and training and qualifications subject areas on the Executive Committee.

Mr. Bolt responded to the first question by stating all tasks will be published in the Federal Register, and ARAC members will be asked to participate in working groups formed to address specific tasks. Mr. Bolt also noted meetings of the Executive Committee are open to the public and are announced in the Federal Register. About the second question, he stated if the Executive Committee adopts the proposed Order, the subject areas referenced by Mr. Priddy would continue to require representation on the Executive Committee.

Ms. Nan Shellabarger asked if the Executive Committee has a point of contact with each of the 66 member organizations listed in the proposed Order. Ms. Gerri Robinson noted when the ARAC Charter is updated every two years, member organization contacts are confirmed.

Mr. Priddy expressed concern the ARAC at large might not be kept informed of or have any opportunity to comment on proceedings before the working groups.

Ms. MacLeod noted the ARAC was created before the Administrator had the authority to create Advisory Rulemaking Committees (ARCs).

Mr. Priddy noted if the agenda for each Executive Committee meeting were published in the Federal Register, the member organizations would know whether they had an interest in attending.

Mr. Ferrin Moore noted in the past AFS-300 has preferred to use ARC's rather than ARAC for rulemaking initiatives. He stated using the ARAC takes time and doesn't offer the agency much input. Mr. Moore expressed the hope that any changes to the ARAC would make it more efficient and attractive to AFS-300. Ms. MacPherson noted ideally the agency should be able to use ARAC just as efficiently as pursuing rulemaking without ARAC involvement.

Ms. MacPherson stated the problem was the FACA requirements which are complicated and confusing. Ms. MacLeod agreed, and favored tasking ARC's rather than ARAC. She added that besides the issues raised by FACA, the membership makeup of ARAC causes problems. Because ARAC is made up of so many diverse organizations, for any given task, most of the membership may have little or no interest. Also, there is redundancy among the membership interests represented. Ms. MacLeod expressed the opinion the number of member organizations should be reduced from 66 to around 20 or 15.

Ms. MacPherson reiterated the ARAC, as it now works, presents a substantial amount of bureaucracy, some of which may be unnecessary to rulemaking parties. Ms. MacPherson stated if ARAC is not going to be used, it should be disbanded. Alternatively, if ARAC is to continue, it should be used, it may require simplifying its operation. Ms. MacLeod expressed the opinion that tasks stay before ARAC too long because of FACA issues. She asked if it was possible the Chair, Vice-Chair, Executive Director, and representative of the Office of the Chief Counsel confer to determine which measures are necessary to satisfy FACA--including the required membership diversity. Ms. Hamilton stated that was possible. She also noted that AVS continues to support ARAC's valuable role and perhaps thought should be given to determining when ARAC should be used and when ARC's should be created.

Mr. Norman Joseph stated the original purpose of ARAC was to involve multiple interested parties and organizations when pursuing rulemaking projects. This is why many organizations make up its membership. Mr. Joseph questioned whether the number of organizations in ARAC has impeded the progress of tasks under it, pointing out organizations with no interest in a given task simply do not participate in any proceedings about it.

Ms. MacPherson pointed out the Executive Committee and issues areas were formed because of the inability of the larger ARAC body to efficiently handled tasks. She also pointed out that because ARAC must comply with FACA, it requires broad-based representation by interested parties, while ARC's do not. Mr. Joseph stated in his experience, ARC's work well for certain issues, but noted that ARC's typically involve a focused, intensive effort for a short time. The costs involved with dedicating personnel to an ARC may make them unattractive for some tasks. Mr. Swihart noted the need for a way to put pressure on all concerned so tasks do not remain with them for too long. Mr. Bolt noted more recent tasks specify a time frame for completion.

Mr. Marchi stated that he is active in the Radio Technical Commission for Aeronautics (RTCA), and noted it operates an Air Traffic Management Advisory Committee (ATMAC) which fills a role similar to the ARAC within RTCA's scope. The output of ATMAC working groups is circulated to its membership to keep the members involved in projects. He stated work products are presented in a timely fashion so they can be discussed at ATMAC meetings. He raised the question of how often ARAC working groups present output to ARAC at large. Mr. Bolt responded that the ARAC Committee meets two to four times each year, while working groups typically meet four to six times each year.

Mr. Bolt closed the area of discussion by noting the number of members of ARAC would be revisited. He further noted the Executive Committee finds the proposed Order acceptable, with the exceptions of Ms. MacLeod's and Ms. MacPherson's suggestion about working group chairs and co-chairs and Mr. Swihart's suggestion that ARAC compel timely action by all concerned. Mr. Bolt suggested the FAA amend the draft Order to reflect these comments.

NEW TASK—AVIATION MAINTENANCE TECHNICIAN SCHOOLS CURRICULUM AND OPERATING REQUIREMENTS

Mr. Bolt then directed discussion to a new task before the Executive Committee, on curriculums and operating requirements for aviation maintenance technician schools.

A question was raised about handling the task. After some discussion it was clarified the Executive Committee would take responsibility for the task, but it would be delegated to a working group referenced in the task notice. The working group is not yet in existence, but the Executive Committee will create it. Mr. Bolt asked for comments on the task by April 20, 2007.

Ms. Eve Adams questioned whether any idle issues areas have been closed already. The only issues area that has been closed is the Air Traffic Issues Area.

Ms. Rosemary Dillard sought clarification on giving comments on the task and the delegation of the task to the working group. It was clarified that Executive Committee members would send comments on the tasking to Ms. Robinson by April 20, 2007, and the Executive Committee would create the working group and delegate the task to it. Ms. MacPherson noted no existing issues area or working group seem proper to handle the task, but that normally, the preference would be to assign tasks to existing working groups rather than creating new ones.

Mr. Moore suggested the Aviation Technician Education Council (ATEC) as a good candidate for the working group for the task. Ms. MacLeod pointed out that ATEC is an ARAC member, and would likely be a good candidate for chair or co-chair of the working group for the task.

Ms. Brenda Courtney asked whether it will be necessary for the Executive Committee to meet again to review the comments on the task notice, or whether the notice can be published without an extra meeting. Mr. Bolt responded this would depend on the nature of comments. Mr. Bolt noted the Executive Committee would have to review requests for inclusion sent by prospective members of the working group.

Mr. Marchi asked whether the Executive Committee would formally accept the task at the meeting, or at some later point. Mr. Bolt clarified that once the comments are submitted by the EXCOM members, and if there are no negative comments; the task would be considered accepted.

It was noted that if the draft Order takes effect, the Executive Committee will probably have to have more frequent meetings (possibly teleconferences) to discuss acceptance of tasks and delegation to or formation of working groups. The need for the Executive Committee to have more frequent meetings may also be affected by time restrictions included in task orders.

Ms. MacLeod moved that her issues area, Air Carrier/General Aviation Maintenance Issues, be closed. There was some discussion of what criteria should be used when the Executive Committee decides whether to close an issues group. It was suggested that it would be fitting to close an issues area if the area had no tasks, and the FAA didn't expect to assign any tasks in the immediate future.

Mr. Priddy expressed the opinion the Training and Qualifications issues area should be closed. It was confirmed there are no tasks currently before this Issues Area. It was suggested when closing an issues area is considered, the FAA should be consulted on whether future tasks suitable to that group are expected.

Ms. Hamilton left the meeting at 11:14 a.m. to attend another meeting. Ms. Hamilton designated Ms. Courtney as the Federal Officer for FACA purposes for the balance of the meeting. Ms. MacPherson also left the meeting concurrent with Ms. Hamilton's departure.

Action Items

No.	Action	Responsible Individual
1	Submit comments on the aviation maintenance technician schools curriculum and operating requirements tasking by April 20, 2007	All Executive Committee members
2	Confer to determine the minimum diversity of membership and other measures necessary to satisfy FACA.	Craig Bolt, Norman Joseph, Pam Hamilton, Rebecca MacPherson

ISSUE AREA STATUS REPORTS

Transport Airplane and Engine Issues Area

Mr. Bolt stated there was a meeting of the group in March, and that a teleconference is scheduled for the week of April 15, 2007. There are five active working groups: Avionics, Icing, Airworthiness Assurance, Systems Safety Assessment, and Propeller Critical Parts. The Propeller Critical Parts group has selected members, a chair, and is developing a working plan. Mr. Bolt stated the Avionics and Icing groups are wrapping up activities, and the Systems Safety Assessment group is about a third of the way through their current task of defining specific risk and risk management, and making good progress.

Airport Certification Issues Area

Mr. Marchi stated he had had an opportunity to interact with the Office of Airports. A cost-benefit study is underway for the task before it, but it is questionable whether the output will be of any great value. It is expected that a task to incorporate ICAO safety management concepts into part 139 airport operations will be brought before the ARAC.

Rotorcraft Issues Area

Mr. Swihart stated the issues area met March 1, 2007, in Orlando, FL, during the Helicopter Association International Expo. Mr. Swihart prefers to hold meetings at this event because it is generally well attended. The only task before the issues area is damage tolerance of composite rotorcraft structure. The proposed rulemaking package was approved. However, the proposed Advisory Circular (AC) has not yet received a preliminary legal review. Once the AC has received a favorable review, the entire rulemaking package will be submitted to the FAA. At that point, there will be no tasks before the issues area.

Air Carrier Operations Issues Area

Mr. Joseph, as the alternate chair for the Air Carrier Operations Issues Area, noted there is one current task on all-weather operations. The issues area is working with the performance aviation rulemaking committee (PARC). Mr. Joseph did not have information on the status of the task.

REMARKS FROM OTHER EXCOM MEMBERS

Ms. Dillard stated that, while she is not tasked with anything, she has been in contact with a working group at JetBlue studying lengthy ground delays.

Mr. Bolt stated the Committee had completed the formal agenda, and reminded everyone to complete their feedback forms before leaving the meeting.

Mr. Bolt asked Ms. Courtney if the Office of Rulemaking has any other tasks ready for the ARAC. Ms. Courtney stated nothing has come to the Rulemaking Management Council. She was not aware of the status of the Airport SMS rulemaking mentioned by Mr. Marchi, and stated she will see if that can be moved before the ARAC.

ADJOURNMENT

Mr. Bolt accepted a motion to adjourn. The motion was seconded. All were in favor and none opposed. The meeting was adjourned at 11:22 a.m.

Approved by: _____/s/_____
Craig Bolt, Chair

Dated: _5/4/07_____

Ratified on: ___12/5/07_____