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ARM 001-015


ARM COMMITTEE MANUAL

Purpose & Scope:


This procedure describes the two types of FAA Committees that the Office of Rulemaking oversees. The Office of Rulemaking provides guidance to interested offices, staff, and committee members.

Approval:


Acting Director, Office of Rulemaking: /s/ Dennis Pratte_____

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REVISION HISTORY		
Rev	Description of Change	Effective Date
1	Original	01/26/05
2-20	Revisions prior to instituting ISO 9000	01/28/05
21	Fixed pagination	04/26/05
22	Revised header to reflect FAA logo	5/04/05
23	Revision to the Preface of Part II (ARAC) to reflect Stakeholder/Customer Feedback Process	11/07/05
24	Revisions to the Preface & Table of Contents of Part II (ARAC) and Chapter 7 (Feedback paragraph) to reflect changes to the feedback form/process	12/05/05
25	Revisions to guidance on Customer Feedback Form for advisory committees	12/12/05
26	Product definitions added to both the ARC section and the ARAC section. Also, references to AVR were changed to AVS; the website citations were updated; and other minor, editorial changes were made.	02/22/06
27	Revised 2 ARAC Performance Measures on page 99 to adjust ARM requirement for meeting notices to be forwarded to the <i>Federal Register</i> 20 working days prior to the meeting date rather than 15-calendar days.	03/11/06
28	Due to a reorganization in APF, revised ARC coordination on page 14 from ABU to ABU-1/20 and APF to AFM-410.	05/22/06
29	The 06/14/06 internal audit revealed Revision # and effective date in the header was not updated since Revision 26. This nonconformance was captured in CAR-06-1408. This Revision updates the header and is available in appropriate points of use.	06/16/06
30	As a result of feedback from the Northwest Mountain Region, the Committee Manual was updated to reflect the ARAC Tasking Template [DOCS Number 21323] on pages 84, 85, and 86.	01/09/07
31- 32	FOIA link reference updated on pages 14, 70, 71, and 85. Reference to Air Traffic Issue Area removed from pages 28, 39, 44, 46, 47, 49, and 55. Reference to Joint Aviation Authorities (JAA) and harmonization (where appropriate) removed from pages 10, 18, 19, 29, 30, 31, 32, 33, 47, 53, 57, 72, 77, 81, 82, 84, 88, 98, 104 113, Chapter 6, and Appendices E and F.	08/14/07
33	Minor change: Acknowledgement letters will now reflect ARM-1 signature.	06/09/08
34	Minor changes: ARC section updated to reflect Administrative Procedure Act	02/03/09

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	(APA) requirement and ARM Analyst Responsibilities. Additional Appendix added to include guidance for contractor support.	
35	Minor Change: Remove note on page 91. Requirement to report ARAC Expenditures to ABU-200 is no longer necessary. This information is being rolled up under AVS.	March 23, 2009
36	Link review and updated	July 27, 2009
37	Minor change: Update ARAC measures and move to page 91	April 14, 2010
38	Extensive edits to update the document to be consistent with new systems (e.g., DOCS) and new rulemaking lifecycle document. Additional clarification on the distinction between ARCs and ARAC added. Added Appendix B – Anti-Trust Guidelines. P-11-99.	September 12, 2011


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PART I: COMMITTEE PROCESS

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PREFACE

PURPOSE

This guidance explains how to initiate and execute the Aviation Rulemaking Advisory Committee (ARAC) and Aviation Rulemaking Committee (ARC) process.

DISTRIBUTION

This guidance is available to all interested individuals (including Federal Aviation Administration (FAA) personnel and committee members) on the FAA website at <http://www.faa.gov/about/committees/rulemaking/>.


PROPRIETARY INFORMATION

The Office of Rulemaking (ARM) often solicits information prior to rulemaking and receives information during rulemaking that may contain proprietary or personal information. Generally, all information used in rulemaking must be available to the public and thus placed in the docket. However, if information furnished contains proprietary or personal information, and if the ARC or ARAC participant requests that certain information be withheld or reasonably separated, the FAA will do everything reasonable to accommodate the request of the member, in accordance with 14 CFR 11.35(b). If proprietary information is received in ARM, it is usually passed on to either the Office of Policy and Plans (APO) or the Office of Primary Responsibility (OPR). Any remaining information will be stamped "Proprietary Information" and placed in the project folder.

REVISIONS AND UPDATES TO THIS MANUAL

The FAA's Office of Rulemaking periodically revises these procedures to ensure the information is accurate. Forward comments or recommended revisions to:


Office of Rulemaking
 Federal Aviation Administration
 Attn: ARM-20
 800 Independence Avenue, SW.
 Washington, DC 20591
 202-267-9677

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ACRONYMS


While we have minimized the use of acronyms to make it easier to read, we do use the following acronyms throughout the document.

AGC	Office of the Chief Counsel
APA	Administrative Procedure Act
APO	Office of Aviation Policy and Plans
ARAC	Aviation Rulemaking Advisory Committee
ARC	Aviation Rulemaking Committee
ARM	Office of Rulemaking
CRD	Committee Request Document
DFO	Designated Federal Official
EASA	European Aviation Safety Agency
EXCOM	Executive Committee
FAA	Federal Aviation Administration
FACA	Federal Advisory Committee Act
FOIA	Freedom of Information Act
NPRM	Notice of Proposed Rulemaking
OPR	Office of Primary Responsibility

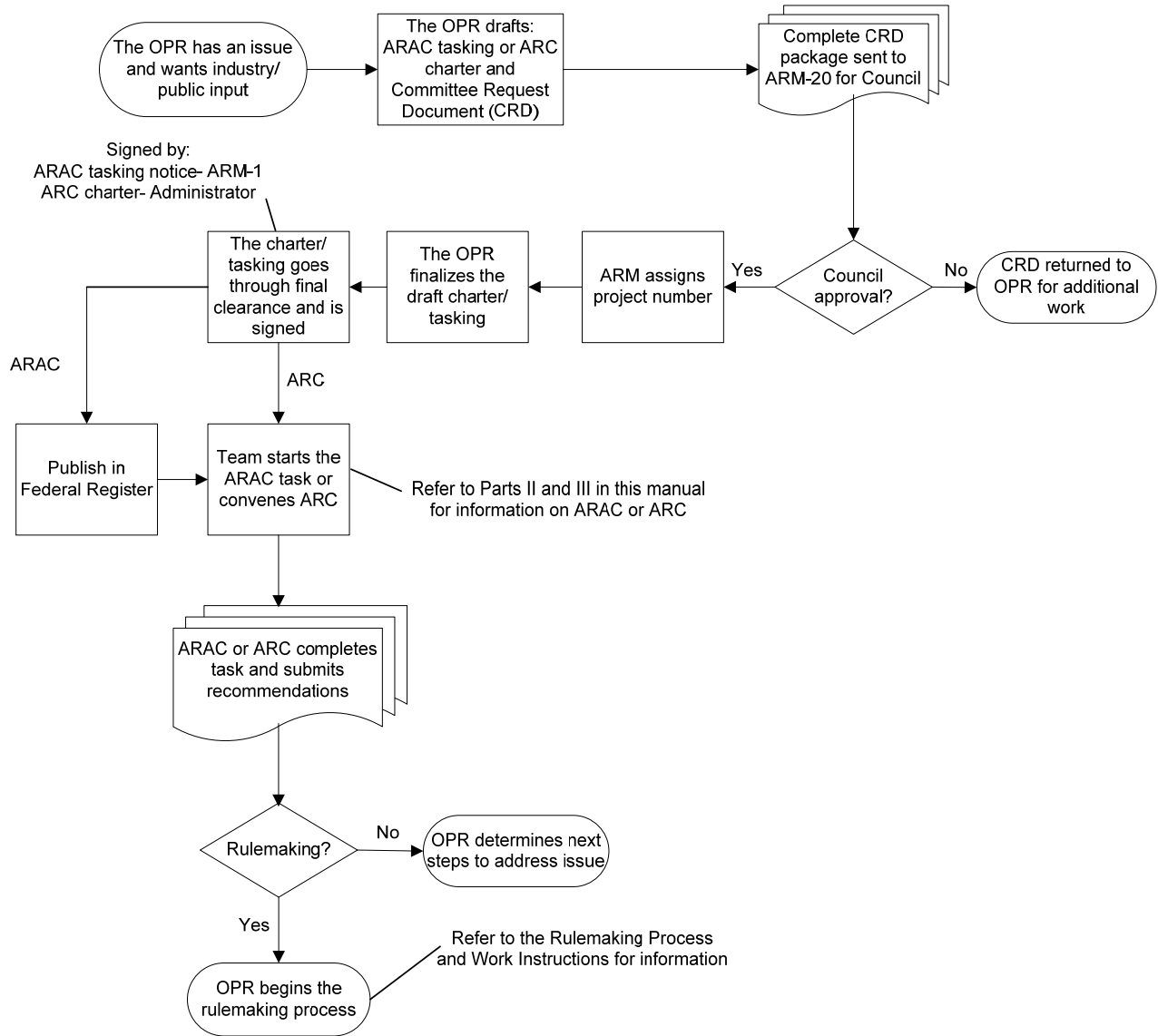
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COMMITTEE FLOWCHART



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CHAPTER 1: THE PROCESS

GENERAL INFORMATION

The office of primary responsibility (OPR) identifies an issue where it would be helpful to obtain advice from industry. The OPR then decides whether to request the standing Aviation Rulemaking Advisory Committee (ARAC) to accept the task or to charter an Aviation Rulemaking Committee (ARC). Use the following descriptions to determine which approach may be most appropriate:

ARAC is a formal standing advisory committee that provides the FAA with information, advice, and recommendations. ARAC is generally selected when full public participation is the goal. It is subject to Federal Advisory Committee Act (FACA)¹ rules, and the products and recommendations are reviewed in a public forum. (Refer to Part III in this manual for more information.)

ARC provides information, advice and recommendations to the FAA. However, they are not subject to FACA requirements and are therefore somewhat more flexible. ARCs are formed on an ad hoc basis, for a specific purpose, and are typically of limited duration. (Refer to Part II in this manual for more information.)


Process

The OPR selects the appropriate committee and completes the following steps:

- Step 1:** Draft the ARAC tasking notice (DOCS #21323) or the ARC charter (DOCS #32760).
- Step 2:** Develop the Committee Request Document (CRD) (DOCS #30279) and attach the draft ARAC tasking notice or ARC charter to the CRD. The OPR reviews and concurs with the draft ARAC tasking notice or ARC charter prior to submitting the CRD.
- Step 3:** Submit the CRD and the draft tasking notice or charter to ARM-20 for the next meeting of the Rulemaking Management Council in accordance with the Rulemaking Calendar (DOCS#30706).

Once the OPR submits the CRD to the Rulemaking Management Council (Council), the following steps occur:

¹ FACA governs most advisory committees. For additional information on FACA, see Title 5 of the United States Code, Appendix 2 (<http://www.access.gpo.gov/uscode/uscmmain.html>), and Part III of this manual. (http://www.faa.gov/regulations_policies/rulemaking/committees/arac).

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Step 4: The Council makes a decision to accept, reject, or modify the tasking. The Rulemaking Management Council assigns an Office of Rulemaking (ARM) analyst to the project. After the Rulemaking Management Council approves the CRD, ARM-20 assigns a Committee Tracking number to the new project.

Step 5: The OPR, working with the ARM analyst, finalizes the draft tasking notice or charter. This includes addressing any clarifications or modifications requested by the Rulemaking Management Council. The ARM analyst initiates the new project in IRMIS.


Step 6: For ARAC: The tasking notice goes through review and concurrence with the OPR and ARM. It is the responsibility of the ARM analyst assigned to the working group to coordinate the tasking notice.

For ARC: The charter goes through review and concurrence with ARM, AVS-1, AGC-200, AGC-2, ADA and issuance by AOA. It is the responsibility of the ARM analyst assigned to the ARC to coordinate the charter. There is a transmittal memo associated with the charter (DOCS #32570.) Since the OPR already reviewed and concurred with the charter, the OPR does not need to go through the process again. If Council requested significant changes to the charter, then the OPR would re-review and re-concur.


Step 7: For ARAC: ARM-1 signs the ARAC tasking notice, and it is published in the *Federal Register*. Prior to publishing the notice in the *Federal Register*, ARM-20 sends the tasking to the members of the ARAC Executive Committee (EXCOM) for approval. Once EXCOM approves the tasking, it is signed and published. ARM-20 uploads the published *Federal Register* tasking notice to the Committee webpage. From this point, refer to Part III in this manual for process information.

For ARC: The Administrator issues ARC charters. Once the Administrator signs the charter, ARM sends the issued charter to the OPR. ARM-20 also uploads the issued charter to the Committee webpage. The OPR begins establishing the ARC membership. From this point, refer to Part II in this manual for process information.

Part II and Part III of this manual provide guidance for conducting the ARC or managing the ARAC task. The ARAC and ARCs submit recommendations to the FAA in accordance with their tasking or Charter. If the FAA decides to proceed with rulemaking after the ARC/ARAC tasking is complete, the OPR will develop an Application for Rulemaking (DOCS # 30277). Please refer to the Office of Rulemaking Work Instructions (DOCS # 28272) for further guidance.


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PART II: AVIATION RULEMAKING COMMITTEES (ARC)

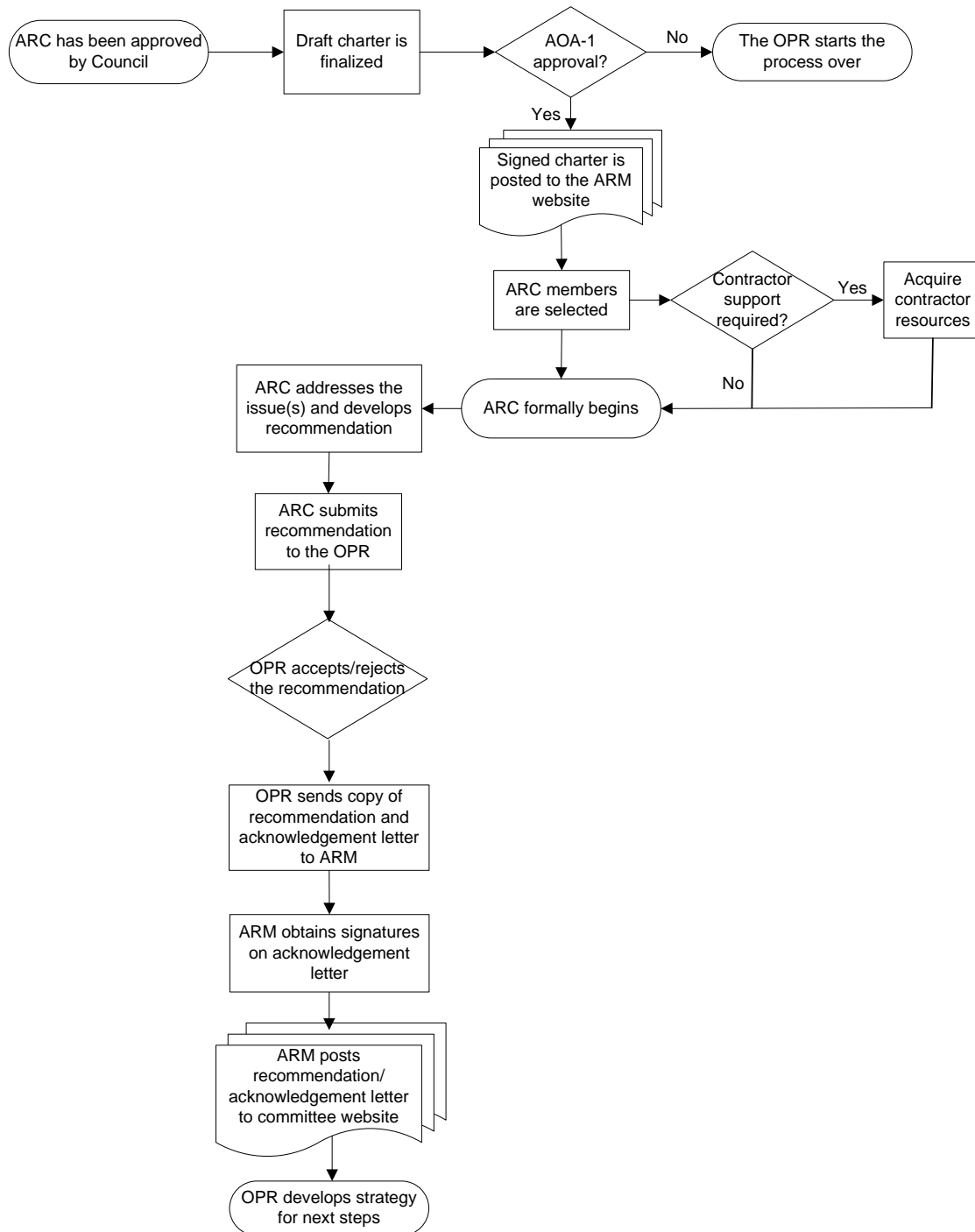
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ARC PROCESS FLOWCHART



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CHAPTER 1: GENERAL INFORMATION ABOUT ARCS

AUTHORITY FOR THE ADMINISTRATOR TO FORM AN ARC

Title 49 of the United States Code (49 U.S.C.) section 106(p)(5), authorizes the FAA Administrator to establish ARCs that are exempt from FACA requirements. ARCs function solely in an advisory capacity. Non-Government representatives serve without Government compensation and bear all costs related to their participation on the Committee. The FAA has the sole authority to establish and task ARCs. This allows the FAA to work with industry and the public to improve the development of the FAA's regulations. ARC members may include aviation associations, technical experts and public interest/advocacy groups. ARCs may establish formal operating procedures for their day-to-day operations.


ARC OBJECTIVES

The FAA establishes an ARC to:

- Improve development of the FAA's regulations by involving members of the regulated community and the public early in the development process. The ARC:
 - Includes both industry and public concerns and opinions in certain documents to enhance the probability of acceptance when a document is published.
 - Avoids placing unnecessary burdens on industry and the public because of a lack of information.
- Exchange ideas through the ARC process, which gives the FAA additional opportunities to obtain first-hand information and insight from those parties most affected by existing and proposed regulations and other regulatory information.

The FAA establishes an ARC instead of assigning a task to the ARAC for several reasons, including:

- No aeronautical technical subject area in ARAC is appropriate to support the issue.
- Several FAA offices need to be involved and it is appropriate to have more than one Designated Federal Official (DFO) represent the FAA.
- The FAA has a specific membership composition it wants based on the technical subject.

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CHAPTER 2: REQUIREMENTS TO ESTABLISH AN ARC

REQUIREMENT 1: APPROVAL OF CRD TO CREATE AN ARC

The CRD is the vehicle for the Rulemaking Management Council to approve a request for chartering an ARC. The Office of Primary Responsibility (OPR) drafts a CRD (DOCS # 30279) in accordance with the procedures found in Part I in this manual.

REQUIREMENT 2: APPROVAL OF CHARTER


Step 1: The OPR drafts the charter (DOCS #32760), which contains the following information:

- Purpose
- Background
- Objectives and Scope of the Committee
- Organization, Membership, and Administration
- Public Participation
- Availability of Records
- Public Interest
- Effective Date and Duration

The OPR reviews and concurs with the draft charter prior to submitting the CRD. The OPR attaches the draft charter to the CRD and submits it to ARM-20 to process for Council approval.


Step 2: If the Council approves the CRD, the OPR will finalize the draft charter, incorporating any comments from Council, and submit it to ARM.

Step 3: ARM will prepare a transmittal memo (DOCS #32570) to coordinate the completed ARC charter for review and concurrence with ARM, AVS-1, AGC-200, AGC-2, ADA, and for issuance by AOA.

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REQUIREMENT 3: ISSUANCE OF CHARTER

1. The Administrator has sole authority for issuing an ARC charter. Once the Administrator signs the charter, ARM will post the charter on the Committee website and file the charter with the FAA internal records for this ARC.
2. It is not necessary to publish ARC charters in the Federal Register. Copies of ARC charters are available from the Office of Rulemaking, Program Analysis Staff, ARM-20.
3. An ARC charter is typically issued for no more than 2 years but may be issued for a period of up to 4 years.
4. In the event an ARC needs more time to complete its assignment, and the OPR agrees, the FAA can extend or renew the existing charter. ARM will prepare a memo to the Administrator requesting an extension or renewal of the ARC charter. The memo must specify the reasons for the extension/renewal and the amount of additional time needed to complete the task. The memo also must be coordinated through AGC and the appropriate Associate/Assistant Administrator before going to AOA.

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CHAPTER 3: ARC GUIDELINES

1. The agency is not required to publish in the *Federal Register* announcements, meeting minutes, or operational and spending reports. Neither the Department of Transportation nor the General Services Administration is required to review ARC charters or file annual reports.

2. An FAA official² appoints the ARC's members and chair (or co-chairs) and transmits the membership list to the Office of Rulemaking, which maintains a list of the membership for each ARC. Membership may be limited to specific individuals, specific representatives of companies, or specific organizations that would provide the expertise needed.

The agency may, but is not required to, publish a *Federal Register* notice soliciting ARC members. If the decision is made to seek members through a public notice, the FAA should include membership criteria for the ARC in the notice. This step minimizes the possibility of receiving a large number of requests for membership with no basis for making objective selections.

The membership criteria should include at a minimum (1) relevant expertise; (2) position in the organization the candidate for membership represents; (3) sense of the candidate's ability to work constructively in a group environment; and (4) the ability or willingness of the candidate to commit to long term participation on the committee.


3. FAA personnel, including representatives from the OPR, AGC, ARM, and APO may participate at ARC meetings, but are not considered ARC members.

4. In addition to the Objectives and Scope listed in the ARC charter, the FAA gives direction to the ARC about its workload, specific deadlines, expected deliverables, etc. This direction may be written or verbal. The ARC may not work on issues without FAA direction. When the ARC is ready to forward a recommendation to the FAA, it sends it to the sponsoring FAA official. The FAA official who receives the recommendation sends a copy to ARM for recordkeeping purposes. ARC documents may be subject to the Freedom of Information Act (FOIA).³

5. ARC meetings may be held at any location that is reasonable and accessible to the ARC members, and agreed to by the FAA. Locations may include Federal Buildings, hotel conference rooms, or the conference rooms of ARC members.

² The FAA official can be appointed by the Administrator, Associate/Assistant Administrator, or Office Director depending on the ARC.

³ See Appendix A to Part II for additional information about FOIA.


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6. Meeting minutes are not required. However, it is important the ARC captures in an appropriate format:
 - Discussions,
 - Agreements,
 - Consensus⁴, and
 - Suggested language changes in draft documents.


7. When preparing recommendations, it is essential that each ARC member understands the recommendation and any supporting documents. The ARC should consider the following Quality Standards for Documents.
 - Consider whether all decisions contained in the document are reasonable, well supported, justified, and appropriate to the problem. Also consider whether the recommendation accurately fulfills the direction given by the FAA and whether the recommendation clearly states all opinions.
 - Consider whether or not the document is written in plain language. In a plain language document, readers can:
 - Find what they need,
 - Understand what they find, and
 - Use what they find to meet their needs.

8. ARCs are not subject to FACA, however the FAA must adhere to Administrative Procedure Act (APA) requirements if the ARC's activities affect a rulemaking project. Depending upon the stage of the rulemaking, the ARC recommendations may be subject to additional requirements in order for the FAA to satisfy the APA. If the ARC recommendations are the basis for an Advanced Notice of Proposed Rulemaking (ANPRM), Notice of Proposed Rulemaking (NPRM) or Supplemental Notice of Proposed Rulemaking (SNPRM), there are no additional public notice requirements. The ARC recommendations should, however, be explicitly discussed in the preamble of these documents. If the ARC is providing recommendations that respond to public comments submitted in response to an ANPRM/NPRM, the FAA must allow the public the opportunity to comment on those recommendations. Therefore, if the FAA receives the ARC recommendations while the comment period is open, the ARM analyst should post the recommendations in the docket. If

⁴ See Chapter 6 for additional information on consensus.

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the ARC submits its recommendations after the comment period is closed, the FAA should re-open the comment period to allow for public comment on the recommendations. This will avoid inappropriate ex-parte contacts. Comment periods on ARC recommendations should not be for less than 30 calendar days unless justified. The agency has the option of holding a public meeting on the recommendations in addition to the re-opening of the comment period. The OPR should consult with AGC and ARM early in the process to help determine the necessary steps.

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CHAPTER 4: ROLES AND RESPONSIBILITIES

OPR/Sponsoring Organization:

- Develops the ARC charter.
- Selects a DFO.
- Subsequent to the approval of the charter, selects members for the ARC in consultation with other agency offices that have a stake in the issues the ARC is expected to address. The OPR must allow senior management an opportunity to vet candidates for ARC membership before making final selections.
- Ensures that agency personnel assigned to the ARC are equipped sufficiently to participate effectively in the ARC.
- Provides relevant background material to the ARC, including unresolved petitions for rulemaking and exemption.
- Ensures that ARC recommendations are evaluated and a decision whether or not to accept them is rendered timely and with full justification.
- Manages meeting logistics (scheduling meetings, obtaining conference rooms, taking minutes, etc.).
- If contractor support is required, manages contracts put in place to support the ARC.

DFO(s):

- Serves as the focal point for all communications between the ARC and the FAA when an issue in his or her particular technical subject area is addressed.
- Serves as the FAA's spokesperson for all ARC activity in his or her particular subject or interest area.
- Shares the "rules of engagement" as well as any other appropriate guidance (i.e., the Anti-Trust Guidelines for Committees, found at Appendix B) with the ARC members at their initial meeting.
- Decides on a case-by-case basis whether petitions for rulemaking and exemptions submitted to the FAA after the ARC has begun its deliberations should be addressed in the final recommendation.
- Prepares a meeting report following each ARC meeting for FAA management and other FAA interested offices, as appropriate. The report should include committee progress and activities, a summary of the issues that were raised, how those issues were resolved, and what issues need further discussion. The report should be completed within 2 calendar weeks of the meeting.
- Participates fully in the discussions and deliberations of the ARC to the extent the FAA is allowed to be considered a part of any ARC consensus that leads to a recommendation to the FAA.
- Works through ARM to obtain economic and legal support, when required.


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The Office of Rulemaking:

- Maintains the official agency records for all ARCs.
- Works with OPR/sponsoring organization to secure senior management acceptance on candidates for ARC membership.
- Participates as an ARC member when warranted.
- Ensures that ARC charters and recommendations are posted on the Committee website timely and that postings are complete and properly maintained.
- Ensures that ARC progress is properly tracked and critical milestones are documented.

ARM Analysts:

- Ensure the Council has approved formation of the ARC.
- Assist the OPR finalizing the charter; and ensure there is a good balance of representation from industry and interested public, clearly defined deliverables, and a rational schedule. The ARM analyst should advise the OPR to keep the membership to a minimum number to adequately represent the interested parties involved and that it is not necessary to publish a notice in the *Federal Register* requesting membership.
- Ensure the OPR understands it cannot hold an ARC meeting without an approved charter by the Administrator.
- Ensure the OPR has planned appropriately for contractor support, if needed.
- Attend meetings whenever possible.
- Provide support and advice to the OPR, DFO, and chair/co-chairs, as requested. Fundamental support and advice that often leads to the success or failure of the ARC includes:
 - Ensuring the FAA agrees on the basic policy direction before chartering or tasking an ARC. For example, does the FAA want the ARC to recommend a regulatory solution, guidance documents, or something else?
 - Ensuring the ARC stays within its charter and any other specific taskings—beware of mission creep; do not try to solve world hunger.
 - Unless specifically tasked, ensuring that ARC recommendations are not in the form of rulemaking documents (such as an NPRM or final rule.) It is acceptable for the ARC to include specific rule language and supporting rationale, if appropriate.
 - Reminding the ARC and the OPR the ARC’s recommendations are just that—recommendations. The FAA may accept some, all, or none of the ARCs recommendations.
- Serve as a conduit to other support offices involved in rulemaking (e.g., APO and AGC) when their expertise is required to answer questions or resolve issues.
- Provide general guidance to the ARC members, as needed, regarding agency rulemaking processes (e.g., ex-parte discussions, disposition of comments, etc.). The ARM analyst should work with the AGC ARC contact as early as possible if specific ex-parte issues or questions come up in the ARC.

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- Arrange for public meetings or re-opening of comment period (as appropriate) in order to meet APA requirements when the ARC is developing recommendations in response to an FAA-issued ANPRM, NPRM or SNPRM. The ARM analyst should work closely with the AGC ARC contact as early as possible to ensure that APA requirements are met.
- Keep ARM management up to date on ARC developments, such as expected deliverables and any problems that have arisen, as needed.
- At the final ARC meeting, obtain feedback from ARC participants on the committee process using the ARC/ARAC Comment/Feedback form (ARM 001-015-F2) (ARM QMS website).

ARC Chairperson(s):

- Ensures all ARC members have a clear understanding of the FAA task assignment and schedule completion date.
- Ensures that ground rules are adopted and understood by all ARC members, and is the chief enforcer.
- Determines, in consultation with other members of the ARC, and jointly with the DFO, when a meeting is required.
- Calls ARC meetings and balances meeting locations in order to minimize members' costs and schedules tentative meeting dates in advance to reduce work conflicts and maximize participation.
- Ensures notification to all ARC members of the time and place for each meeting, drafts an agenda, and conducts the meeting.
- Considers all background material relevant to the task, including unresolved petitions for rulemaking and exemption.
- Ensures that notes are taken, motions voted and recorded, and all decisions/consensus documented at each meeting.
- Works with the DFO to maintain an optimum group size to provide expertise and industry interest necessary to achieve informed consensus.
- Promotes collaboration and considers all elements contributed by participants.
- Combines all constructive suggestions/ideas to reach a positive, useful outcome or decision.
- Resolves conflict.

ARC Members:

- Contribute their respective aviation knowledge and expertise to tasks assigned to the ARC.
- Ensure their availability to attend periodic ARC meetings.
- Advise the FAA on matters of importance to the aviation industry and traveling public.
- If an ARC member is representing an organization, he/she should coordinate positions within the organization—he/she should not just present his/her thoughts. However, it is not appropriate to post draft documents on an organization's website to get general input.


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The FAA Attorney:

- Attends ARC meetings when requested by the DFO or when clearly warranted.
- Informs the ARC, through the DFO, of any opinions, concerns, and objections he or she may have regarding the ARC's activities.
- Works with the ARC to achieve a resolution when invited to an ARC meeting to explain any concerns, including legal issues (but does not give legal advice.)
- Provides the DFO with a copy of all legal comments and concerns.
- Consults with AGC management, as appropriate, to ensure a unified FAA legal position is presented.


The FAA Economist:

- Attends ARC meetings when requested by the DFO or when clearly warranted.
- Keeps the DFO informed of any opinions, concerns, and objections he or she may have regarding the ARC's activities.
- Meets with the DFO to identify concerns that should be addressed in the ARC's recommendation document.
- Provides advice on the economic consequences of alternative actions considered by the ARC.
- Provides the DFO with a copy of all economic comments and concerns.
- Consults with APO management, as appropriate, to ensure a unified FAA economic position is presented.

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CHAPTER 5: COMMUNICATIONS AND GUIDELINES

- During the development of ARC recommendations, communication between the FAA staff and ARC members needs to be open and fluid. Communication should be for the purpose of obtaining a thorough understanding of the problem being addressed and gathering information and data in order to thoroughly evaluate the technical implications and cost impact of the action under consideration.
- FAA and DOT policy prohibit providing parties outside the government with the text of rulemaking documents under consideration. However, there may be exceptions if the ARC is tasked to assist the FAA in developing rulemaking documents. APA requirements would continue to apply.
- The FAA can communicate with the public when it is helpful in the resolution of questions of substance and justification. However, preamble text should not be shared before a rule is published.
- Communications during a comment period are strongly discouraged. Such communications would properly fall within the ex-parte communications guidelines set forth in DOT Order 2100.2—Policies for Public Contact in Rulemaking. Specifically, FAA staff should avoid contacting ARC members to discuss specifics of a rulemaking. Anyone, including ARC members, who contact the agency for the purpose of discussing a proposal during the comment period, should be advised to submit a written comment to the official docket. An exception arises if the FAA chooses to task the ARC to assist the agency in disposing of comments received during the comment period.
- Contacts made after the close of the comment period should be avoided. Minimizing such contact avoids the appearance of improper influence. An exception arises if the FAA chooses to task the ARC to assist the agency in disposing of comments received during the comment period.

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CHAPTER 6: CONSENSUS

PURPOSE

This chapter provides ARC participants with specific information on consensus and how participants apply the concept of consensus to ARC meetings.

DEFINITIONS RELATED TO CONSENSUS

Consensus:

- Is agreement by all parties that a specific course of action is acceptable.
- Requires debate and deliberation between divergent segments of the aviation industry, the flying public, and the Government.
- Does not mean that majority rules. Consensus can be unanimous or near unanimous.

Note: While consensus is desirable for every phase of the ARC process, it is more important to provide the FAA decision makers with the best information and analysis possible, including differing perspectives. If disagreement occurs in later phases of the rulemaking process, it becomes counterproductive to ARC's objectives and extremely costly to the FAA.

There are different levels of consensus. The levels of consensus are:


- Full consensus,
- General consensus, and
- No consensus.

Full consensus means all members agree fully in context and principle and fully support the specific course of action.

General consensus means that, although there may be disagreement, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptance of the group.

Note: Although not every member fully agrees in context and principle, all members support the overall position of the group and agree not to object to the proposed recommendation report.

No consensus means that the disagreement among the group members cannot be reconciled to the general acceptance of the group. The group cannot reach a position that all members will support.

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Note: Each ARC should establish a process by which it determines if the ARC has reached consensus. Voting is discouraged, but polling may be used to determine the level of consensus.

CONSENSUS PROCESS

When consensus cannot be reached

Because each member has the right and responsibility to have his or her objections considered, when consensus cannot be reached, dissenting members should present written objections to the group in a format that can be understood clearly by all members.

In addition, there may be additional participants at the meeting (e.g., representatives of other aviation authorities) who do not have decision-making privileges as official ARC members. These “observers” may offer positions differing from the ARC’s general consensus. In that case, the ARC should report consensus with a note describing the other views.


Request for a facilitator

It may be advantageous to bring in a group facilitator to ensure all avenues of the problem have been explored and investigated. If the ARC wishes to use a facilitator to help reach consensus, the ARC chair will ask the DFO to arrange for the services of a facilitator.

Objections


If a dissenting member presents a written objection, the ARC documents its position relative to the objection with the reason why the ARC chose and retains its position. This documentation of objections and positions offers additional opportunity for meaningful communication among all ARC members in the hopes of attaining consensus. With this exercise, disagreements can often be resolved through compromise. If consensus still cannot be reached, the ARC will document the remaining areas of disagreement in their final report .

If major opposition to the ARC’s position still exists...	
The person opposing:	The ARC:
<ul style="list-style-type: none"> • Documents his or her position. • Summarizes his or her understanding of the group’s position. • States why he or she believes the opposing position better addresses the issue. 	<ul style="list-style-type: none"> • Documents its position. • Summarizes its understanding of the opposition’s position. • States why the ARC believes its position better addresses the issue and why the opposing position should not be accepted. • Submits the documentation to the FAA as part of the ARC’s recommendation.

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CHAPTER 7: ARC RECOMMENDATIONS COORDINATION PROCESS

- Step 1.** OPR receives recommendations from the ARC and determines (after consultation with management and other affected lines of business) how they propose to proceed.
- Step 2.** The OPR forwards a copy of the recommendations to ARM for posting on the Committee website at an appropriate time. (In some cases, recommendations will not be made publicly available until after an NPRM has been published.)
- Step 3.** The OPR prepares an acknowledgement letter (DOCS#23874) thanking the ARC for their efforts and recommendations, and submits it to the Director of the Office of Rulemaking for signature.
- Step 4.** The Director of the Office of Rulemaking signs the acknowledgement letter and it is mailed to the ARC chair and posted to the Committee website.
- Step 5.** If the OPR decides to proceed with rulemaking, they will develop an Application for Rulemaking and proceed in accordance with the agency's rulemaking process.


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APPENDIX A TO PART II: FREEDOM OF INFORMATION ACT

Under the Freedom of Information Act (FOIA), the FAA must make available records upon a request that reasonably describes the records and is made in accordance with published rules, unless the records fall within one of the nine FOIA exemptions (http://www.usdoj.gov/oip/foia_guide07.htm). Therefore, any ARC information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions.

FAA personnel participating in ARCs must be aware of the type of information in their possession. For example, if manufacturers share sensitive data with the ARC members, FAA personnel may look at and discuss the data during the meeting without the information being subject to a FOIA request. If FAA personnel take possession of the information upon leaving the meeting and use the information in performance of their duties, then the ARC information is releasable under FOIA. If FAA personnel need data to complete an ARC assignment, they should make sure the data is in a form or format that would be releasable under FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA representative takes possession of the documents. (See FOIA, section 552 of Title 5 of the United States Code.)

However, at times the FAA may deem it appropriate to exercise its options under exemption 5 to withhold recommendations, opinion, and analyses under the deliberative process privilege. To allow release of these documents would discourage the open and frank discussions between agency employees and create confusion in those cases where the FAA does not adopt recommendations and opinions. Exemption 5 allows the agency to protect deliberative, pre-decisional materials, such as advisory opinions, and recommendations presented by agency staff while reaching a final determination or position on any particular matter under agency consideration. Typically, the requested ARC documents can be made available to the public after publication of the relevant rule.

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APPENDIX B TO PART II: ANTI-TRUST GUIDELINES FOR COMMITTEES

Participants should observe the following guidelines:

Meetings and Gatherings


- These guidelines apply to any meeting or gathering of competitors, so they apply at meetings with other trade associations or government representatives; and at gatherings, such as Committee dinners that may follow a meeting.
- Avoid any discussions or conduct that might violate the antitrust laws or even raise an appearance of impropriety.
- At meetings, limit discussions and materials to agenda topics (unless additional topics and materials have been approved by counsel).
- Discontinue the discussion and consult with counsel whenever questions regarding antitrust compliance arise.
- Do not stay at a meeting, or any other gathering, if discussions mentioned below are taking place.

Information


- No discussion or sharing of any company's confidential or proprietary information;
- No discussion or agreements, either explicit or implicit, regarding prices of particular products or services of a company;
- No forecasting of prices for goods or services;
- No discussion of any company's purchasing plans for particular products or services;
- No discussion of any company's specific merger/divestment plans, market allocation, development plans, inventories and costs (only publicly available information should be discussed or shared);
- No sharing or discussion of specific company compliance costs, unless information is publicly available;
- Do not share information that your company considers to be confidential or sensitive, even if that information does not fit in any other category above.
- Any discussion regarding potential economic scenarios that may arise must be limited to generalities. There should be no discussion of how individual companies intend to respond to potential economic scenarios or government action.

Vendors and Products

- There shall be no agreement or discussion regarding the purchase or sale of a product or service – purchasing and selling decisions are independent company decisions.
- There shall be no agreement by all companies to use a product/service or that one product/service is preferred.
- There shall be no agreement by all companies not to use a product/service or that one product/service is not preferred.
- Individual companies may share fact-based experiences but should not make explicit recommendations for or denunciations of a vendor at advisory committee meetings.
- All discussions related to vendor products and services must be grounded in facts.
- Do not make disparaging remarks about vendors.
- Do not make subjective comments if there is no factual basis.
- You may share information based on facts.


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PART III: AVIATION RULEMAKING ADVISORY COMMITTEE (ARAC)


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CHAPTER 1: ARAC GENERAL INFORMATION

PURPOSE

This chapter provides Aviation Rulemaking Advisory Committee (ARAC) members and FAA employees with:

- An overview of ARAC,
- Information on ARAC's composition, and
- A summary of the ARAC process.

OVERVIEW OF ARAC

Definition of ARAC

ARAC is a formal standing advisory committee made up of representatives from:


- Aviation associations,
- Aviation industry,
- Public interest groups,
- Advocacy groups, and
- Interested members of the aviation community.

ARAC provides the FAA, through the Associate Administrator for Aviation Safety, with information, advice, and recommendations related to aviation issues.

History of ARAC

In 1990, the Secretary of Transportation and the FAA Administrator created a Departmental Task Force on FAA Reform to recommend improvements in operations within the FAA and between the FAA and the Office of the Secretary. The Secretary directed a subgroup of the Task Force to recommend changes that would improve the process to develop safety-related rulemakings. That subgroup proposed the establishment of an advisory committee to serve as a forum for the FAA to obtain input from the aviation industry on major regulatory issues. The Administrator established ARAC for this purpose on February 15, 1991.

The FAA has the sole authority to task ARAC. This allows the FAA to work with industry and the public to improve the development of the FAA's regulations.

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ARAC Objectives

ARAC's objectives are to:

- Improve development of the FAA's regulations by involving interested members of the aviation community early in the development stage.
- Avoid placing unnecessary burdens on the public by providing the FAA with sufficient technical and economic information to develop well-reasoned notices of proposed rulemaking.
- Include the regulated industry's concerns and opinions in certain documents to reduce the probability of receiving non-supportive public comments when a document is published.
- Exchange ideas through the ARAC process, which gives the FAA additional opportunities to obtain firsthand information and insight from those parties most affected by existing and proposed regulations.

Federal Advisory Committee Act (FACA) and ARAC

The Federal Advisory Committee Act (FACA) governs ARAC's activities. (FACA, Title 5 of the United States Code, Appendix 2)

FACA states that:

- Unless specified by a law or presidential directive, advisory committees must be used solely for advisory functions;
- Standards and uniform procedures should govern the advisory committee's establishment, operation, administration, and duration; and
- Congress and the public must be kept informed of the advisory committee's purpose, membership, activities, and cost.


FACA also includes requirements on advisory committee procedures, meetings, publication of notices in the *Federal Register*, annual reports, federal officer or employee attendance, and recordkeeping requirements.

Appendix A to Part III discusses FACA requirements as they relate to ARAC meetings.

FACA requires the FAA to review the ARAC charter every 2 years to determine the need to continue ARAC. The Secretary of Transportation and the General Services Administration must approve each new ARAC charter.

ARAC Membership

The FAA selects organizations to serve on ARAC to ensure the membership is fairly balanced in terms of the points of view of those represented, and functions to be performed by ARAC.

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The FAA limits ARAC membership to those organizations that have a substantial interest in or will be substantially affected by ARAC's mission. In making its selections, the FAA keeps in mind that ARAC membership should represent a broad cross-section of the aviation industry, plus the public. As the mission changes, the FAA may add member organizations if an organization's interests are not represented or may remove a member organization if the organization no longer has a substantial interest.

ARAC members are groups the FAA determines represent the various viewpoints of those affected by Title 14 of the Code of Federal Regulations. The members cover a broad spectrum of aviation interests that relate to:

- Air carriers,
- Airports,
- Flight attendants,
- Manufacturers,
- Pilots,
- Public interest and advocacy groups,
- Repair stations, and
- Consumer issues.


The FAA also invites organizations with a limited interest in ARAC's work to participate as observers when ARAC considers matters concerning their areas of interest. Furthermore, an organization that is not an ARAC member may participate at the working group level on a task that is of specific interest to that organization.

If an organization is interested in becoming an ARAC member and believes the interests of that organization are not represented by current membership, the organization must petition the ARAC Executive Director to become a member. The petition must:

- Indicate a desire to become an ARAC member,
- Explain why the organization believes its interests are not represented by the current membership, and
- Describe the expertise the organization would bring to ARAC to enrich the ARAC process.

The ARAC Executive Director reviews the petition and notifies the organization whether the petition has been granted or denied. Requests to become a member should be mailed to:

Federal Aviation Administration
 Director, Office of Rulemaking
 800 Independence Avenue S.W.
 Washington, DC 20591

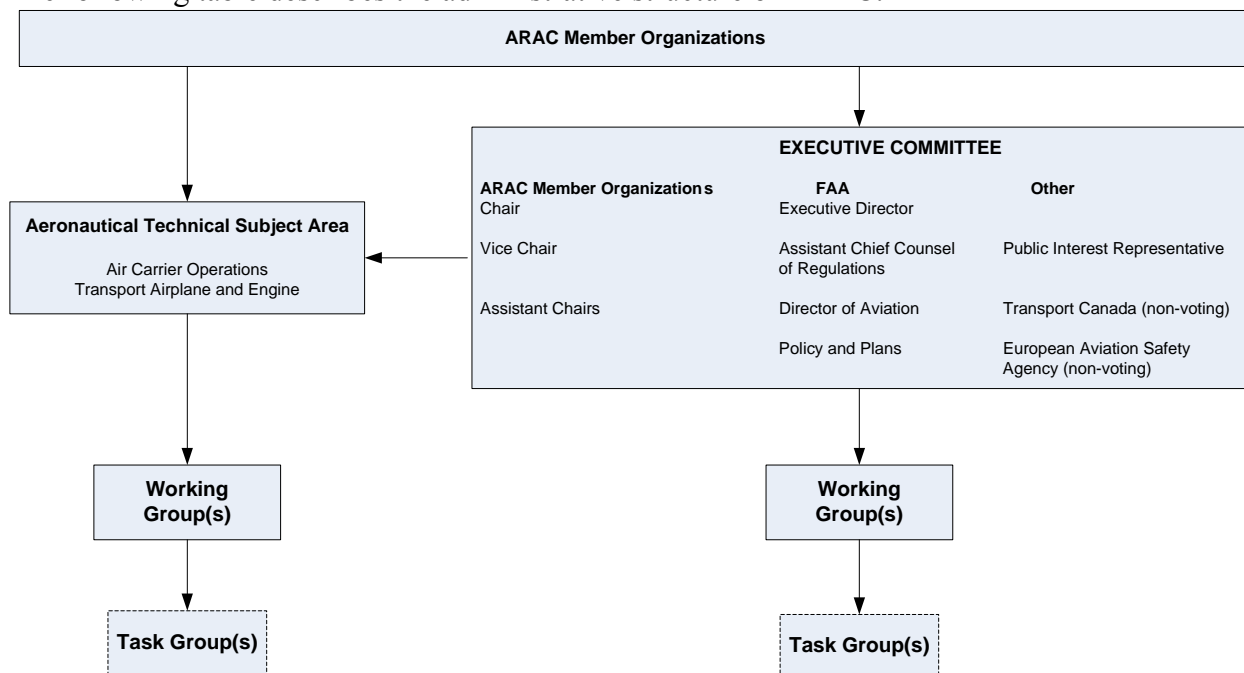
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ARAC Organization

ARAC is composed of:

- **The Full Committee:** Made up of all member organizations in ARAC. (See Chapter 2 for further information regarding the full committee.)
- **The Executive Committee (EXCOM):** A select group of aviation industry, FAA, and public interest representatives. The EXCOM provides the overall administration of ARAC. (See Chapter 3 for further information regarding the EXCOM.)
- **Aeronautical Technical Subject Areas (ATSA):** Made up of ARAC members with technical expertise in a specific subject area. The FAA assigns tasks that relate specifically to the ATSA. (See Chapter 4 for further information regarding the ATSAs.)
- **Working groups:** Made up of individuals who volunteered and were chosen to complete a specific task. The day-to-day work of ARAC takes place in the working groups. The individuals who comprise the working groups are responsible for completing each task ARAC assigns them. Members may form task groups within the working group to solve individual issues. ARAC member and non-member organizations may participate in working groups. (See Chapter 5 for further information regarding working groups.)

The following table describes the administrative structure of ARAC.





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Administrative Structure

Position	Selected From	ARAC Participation	Term	Selection Process
ARAC member organizations	The aviation industry Public interest and advocacy groups	Executive Committee ATSA Working group	Indefinite. However, the FAA reevaluates the ARAC member organizations every 2 years when it reviews the ARAC charter.	Interested parties submit a request to the Executive Director. The FAA considers whether the organization's interests: <ul style="list-style-type: none"> • Are represented. • Provide a unique perspective on any ARAC issues. The Executive Director ARAC member organizations.
Chair	ARAC member organization	Executive Committee	2 years	The vice chair from the previous two years assumes the chair position or, if necessary, the FAA can appoint an individual from an ARAC member organization. The FAA ensures the chair represents different aviation interests over time by rotating this position through the membership.
Vice chair	ARAC member organization	Executive Committee	2 years	The FAA appoints the vice chair from different ARAC member organizations every two years. The FAA ensures the vice chair represents different aviation interests over time by rotating this position through the membership. Note: At the end of the vice chair's term, the FAA typically selects the vice chair to assume the position of the chair.


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Administrative Structure (continued)

Position	Selected From	ARAC Participation	Term	Selection Process
Executive Director	FAA	Executive Committee	Indefinite	There is no selection process. The Director of the Office of Rulemaking serves as the Executive Director and is the Designated Federal Official required by the FACA.
Assistant Chair	ARAC member organization	Executive Committee ATSA	Indefinite	The FAA appoints an individual from an ARAC member organization.
Designated Federal Official (DFO)	FAA	ATSA	Indefinite	The FAA appoints the individual responsible for a particular subject area.
ATSA member	ARAC member organization	ATSA	Indefinite	In consultation with the assistant chair and the DFO, the Executive Director approves the selection of ATSA member organizations. ARAC and the FAA strive to keep the number of ATSA members to a manageable number.
Working group chair	Interested public/industry from <i>Federal Register</i> notice	Working group	Ends when all tasks are complete	The assistant chair responsible for the ATSA, in consultation with the DFO, appoints an individual. If the task is being managed by the EXCOM, then the EXCOM chair appoints an individual.

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Administrative Structure (continued)

Position	Selected From	ARAC Participation	Term	Selection Process
Working group member	Interested public/industry responses to <i>Federal Register</i> notice	Working group	Ends when all tasks are complete	<p>The ATSA assistant chair or the EXCOM chair and the FAA, in consultation with the working group chair;</p> <ul style="list-style-type: none"> Review the list of interested individuals responding to <i>Federal Register</i> notice or an FAA outreach effort. Appoint ARAC member, non-member, and interested public volunteers as working group members.
Task group member	Members of the working group	Working group	Ends when the temporary assignment is complete.	The working group chair forms a task group using the members of the working group to solve specific issues. It is a temporary subgroup.
FAA representative	FAA office of primary responsibility (OPR)	Working group	Ends when all tasks are complete	The FAA OPR assigns an FAA employee with technical expertise.
Office of Rulemaking transportation industry analyst	FAA	ATSA Supports DFO Working group	Indefinite	There is no selection process. The Office of Rulemaking division manager with subject matter responsibility appoints an analyst to the position.
Public interest representative	Public interest or advocacy group	Executive Committee ATSA Working group	Indefinite Indefinite Ends when all tasks are complete	<p>The FAA selects interested public volunteers for the Executive Committee.</p> <p>For ATSA, see the ATSA member selection process.</p> <p>For working group, see the working group selection process.</p>
Economic policy representative	FAA	Executive Committee Working group	If requested.	There is no selection process. If the working group requests an economist, the Director of the Office of Aviation Policy and Plans appoints an economist.

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Administrative Structure (continued)

Position	Selected From	ARAC Participation	Term	Selection Process
Legal representative	FAA	Executive Committee Working group	If requested.	There is no selection process. If the working group requests a lawyer, the Assistant Chief Counsel of Regulations from the Office of the Chief Counsel appoints a lawyer.

ARAC Meetings

Procedures have been established that meet the FACA, Department of Transportation Committee Management Order 1120.30B, and Government procedures on meetings and teleconference requirements. A detailed discussion of meeting procedures according to FACA and FAA policy can be found in appendices A, B, and C to this manual.

ARAC PROCESS

Process Overview

The ARAC process is divided into the following phases:


- Phase 1: Task,
- Phase 2: Working group formation,
- Phase 3: Work plan,
- Phase 4: Recommendation development
- Phase 5: FAA action.

A general description of what takes place during each phase is provided below. A chart showing the flow of the phases follows the discussion. Activities specific to each ARAC participant's area of interest are discussed in more detail in each chapter and in the appendices.

Task Phase

As discussed in Part I of this manual, the tasking notice is created by the OPR, approved by the Rulemaking Management Council⁵, and sent to ARAC for approval and acceptance.

⁵ The Rulemaking Management Council is made up of director-level managers with rulemaking responsibilities; a representative from DOT's Office of the General Counsel; the Assistant Chief Counsel, Regulations Division, the Director of the Office of Rulemaking, and the Manager, Regulatory Analysis Division.

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If ARAC accepts the task, a notice is published in the *Federal Register* that:


- Announces the FAA’s decision to task ARAC.
- Assigns the task to either an ATSA or EXCOM working group.
- Solicits participation for the working group.
- Establishes a time commitment for working group members, usually one-year.
- If tasked to an ATSA, the assistant chair and the FAA may directly contact individuals who possess a particular expertise to invite them to participate in the working group.
- If tasked to EXCOM, the chair and the FAA may directly contact individuals who possess a particular expertise to invite them to participate in the working group.

Working Group Formation Phase

- Step 1:** The FAA and the ATSA assistant chair or the EXCOM chair select a working group chair from the list of interested individuals.
- Step 2:** The FAA and the ATSA assistant chair or the EXCOM chair select working group members from the list of interested individuals. They should consult with the working group chair when selecting members. A manageable working group size is 10 to 12 members. (Chapter 5 contains information on working groups.)
- Step 3:** The FAA notifies each individual of his or her selection or non-selection to the working group.

Work Plan Phase


- Step 1:** The working group chair schedules an initial working group meeting. This meeting should be face-to-face. At the meeting:
- The Office of Rulemaking briefs the working group on both the ARAC and the rulemaking processes. The Office of Rulemaking clearly explains the ARAC process is not negotiated rulemaking.
 - The FAA representative reviews the task to ensure the working group clearly understands it.
 - The FAA representative briefs about the advisory material process, if necessary.
 - The FAA legal and economic representatives brief on their expectations, if the assessment of legal or economic implications will be part of the working group’s tasking.

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- Step 2:** The working group develops the work plan. The work plan describes the schedule, the method to complete the assigned task(s), and the format of the recommendation report. The working group chair at the end of the first meeting asks the members to reaffirm commitment to the working group based on the description of the task and the draft of the work plan.
- Step 3:** The working group finalizes and reaches consensus on the work plan.
- Step 4:** The working group chair emails the final work plan to the ATSA assistant chair or the EXCOM chair for approval.
- Step 5:** The ATSA assistant chair or the EXCOM chair then emails the work plan to the members with a review period of one week.
- Step 6:** The ATSA members or the EXCOM members deliberate and reach consensus on the work plan. It is the ATSA assistant chair or the EXCOM chair's decision on how to conduct the discussion: public meeting, email, or teleconference. If the ATSA members or the EXCOM members do not concur with the work plan, the ATSA assistant chair or the EXCOM chair emails the work plan back to the working group for revision.
- Step 7:** The ATSA members or the EXCOM members accept the work plan. The ATSA assistant chair or the EXCOM chair informs the working group chair of the decision.

Recommendation Development Phase

- Step 1:** The working group members meet to discuss and draft the recommendation report. Consensus about the actual recommendation(s) is not necessary to complete the report. The working group members should document both the majority and minority positions in the report.
- Step 2:** The working group finalizes the recommendation report and accepts it.
- Step 3:** The working group chair emails the recommendation report to either the ATSA assistant chair or the EXCOM chair and requests time at the next meeting to present the recommendation report. The report is generally distributed at least 30 calendar days before the meeting.
- Step 4:** The ATSA assistant chair or the EXCOM chair then emails the work plan to the members for review before the next public meeting.
- Step 5:** The working group chair presents the recommendation report to the ATSA members or to the EXCOM members.
- Step 6:** The ATSA members or the EXCOM members deliberate and reach consensus on the recommendation report. The ATSA members or the EXCOM members can submit the report to the FAA documenting both the majority and minority positions. However, if the members believe the report needs more work, the ATSA assistant chair or the


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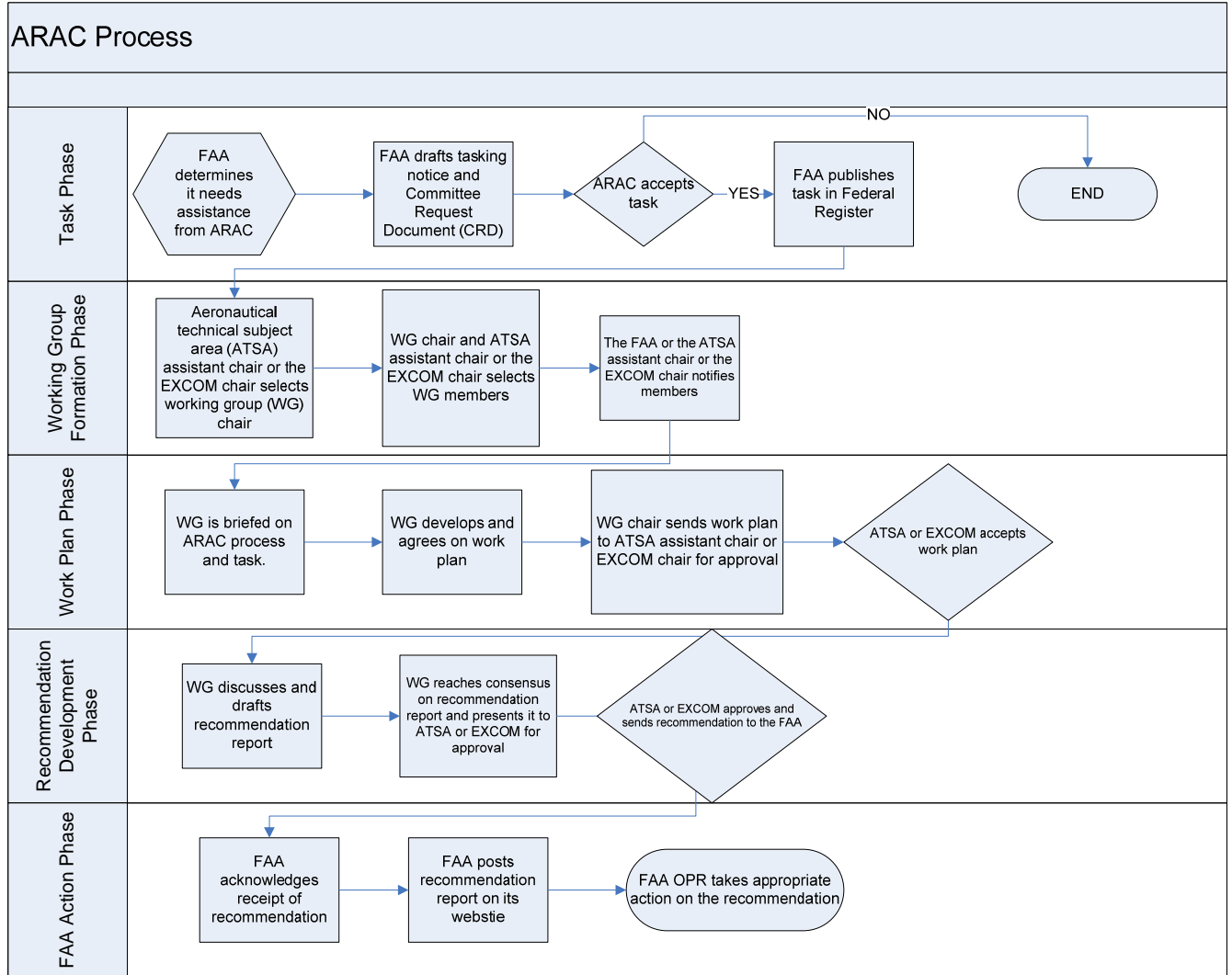
EXCOM chair may send the recommendation report back to the working group for revision.


- Step 7:** The ATSA or the EXCOM accepts the working group's recommendation report.
- Step 8:** The ATSA assistant chair or the EXCOM chair prepares a transmittal letter to the FAA and sends the formal hard copy of the document to the FAA through the Executive Director.

FAA Action Phase

- Step 1:** The FAA acknowledges receipt of the recommendation report with a formal letter from the Director of the Office of Rulemaking (Executive Director), which advises ARAC of the FAA's intended actions.
- Step 2:** The FAA posts the recommendation report on its committee webpage within 3 calendar weeks of receipt of the report.

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CHAPTER 2: FULL COMMITTEE

PURPOSE

This chapter provides ARAC full committee members with information on participation in the ARAC process.

FULL COMMITTEE ORGANIZATION

The full committee is composed of all ARAC member organizations. ARAC member organizations cover a broad spectrum of aviation interests and include organizations related to:


- Air carriers,
- Manufacturers,
- Repair stations,
- Airports,
- Pilots,
- Flight attendants, and
- Public interest and advocacy.

FULL COMMITTEE RESPONSIBILITIES

Full committee members may participate in each phase of the ARAC process by serving as members of an ATSA or working groups, and attending EXCOM and full committee meetings.

FULL COMMITTEE PROCESS

See Chapters 4 and 5 for detailed information on participation in the process at the ATSA and working group levels, respectively. Information on ARAC meetings can be found in Appendix B to Part III.

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CHAPTER 3: EXECUTIVE COMMITTEE (EXCOM)

PURPOSE

This chapter provides the Executive Committee (EXCOM) members with specific information to enable them to participate effectively in the ARAC process.

EXCOM ORGANIZATION

The EXCOM provides the overall administrative oversight of ARAC activities, including all full committee and ATSA activities.

The EXCOM consists of the:


- Chair,
- Vice chair,
- Executive Director (Director of the Office of Rulemaking),
- Assistant chairs,
- Representatives from public interest and advocacy groups,
- Director of the Office of Aviation Policy and Plans, and
- Assistant Chief Counsel for Regulations.

The Chair leads all the EXCOM activities. If the Chair is not present, the Vice Chair acts and participates in the same manner.

EXCOM RESPONSIBILITIES

EXCOM members are responsible for:

- Attending the EXCOM meetings.
- Providing management oversight of ARAC activities.
- Discussing the status of each ATSA.
- Addressing problems and concerns.
- Reviewing and approving the activities of working groups that report directly to the EXCOM.

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EXCOM PROCESS

Process Overview

The EXCOM participates in the ARAC process as follows:

Phase	Action
Task phase	Reviews the task. Accepts the task. Decides where to assign the task.
Working group formation phase	Takes no action.
Work plan phase	Takes no action.
Recommendation development phase	Takes no action.
FAA action phase	Takes no action.

Task Phase

The FAA sends the EXCOM a description of the task. The EXCOM:


- Requests clarification on or modifications to the task, if necessary, before deciding to accept the task.
- Reaches consensus on whether to accept the task. (See Chapter 8 for information on reaching consensus.)
- Decides if the task should be assigned to an ATSA or to the EXCOM.

Note: ARAC may only undertake tasks approved by the FAA and published in the *Federal Register*. In addition, ARAC may not modify a task without prior FAA approval.

EXCOM CHAIR RESPONSIBILITIES AND PROCESS

If a working group has been formed to report directly to the EXCOM, the EXCOM Chair performs the following responsibilities:

Administrative	Working Group Formation Phase	Work Plan and Recommendation Development Phases
Serves as the focal point for all ARAC activity. Presides at EXCOM meetings. Advises the Office of Rulemaking analyst of any	Selects and appoints each working group chair, in consultation with the FAA. Selects each working group member, in consultation with the FAA and the working group chair.	Monitors the progress of each working group. Ensures working group activity progresses in an orderly fashion. Conducts in-depth reviews of

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public meetings to be published in the Federal Register and included on the ARAC website. Certifies the accuracy of the meeting minutes.	Ensures each working group is balanced in membership, in consultation with the FAA. Ensures each task assigned is adequately defined and understood by all concerned.	working group reports. Ensures recommendation reports are submitted to the FAA on schedule and in an acceptable form.
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If the Chair is not present, the Vice Chair takes over the same responsibilities.

Process Overview

The EXCOM chair participates in the ARAC process as follows:

Phase	Action
Task phase	Reviews the task. Clarifies the task. Coordinates the task with EXCOM members. Assigns the task to a working group. Negotiates the task schedule.
Working group formation phase	Selects and appoints the working group chair. Selects the working group members.
Work plan phase	Distributes the work plan with at least a one-week review period. Reviews the work plan. Places the completed work plan on the EXCOM public meeting agenda, if necessary. Accepts the work plan.
Recommendation development and acceptance phase	Distributes the recommendation report (at least 30 calendar days before next EXCOM public meeting). Reviews the recommendation report. Places the recommendation presentation on the EXCOM's public meeting agenda. Accepts the recommendation report Prepares the letter to the FAA and sends the recommendation report to the FAA.
FAA action phase	Takes no action.

If the Chair is not present, the Vice Chair acts and participates in the same manner.

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Task Phase

The chair:

- Receives a copy of the task from the FAA.
- Coordinates the task with EXCOM members.
- Comments on the task and redefines or clarifies it, as necessary.
- Advises the FAA of any suggested changes to the task.
- Assigns the task to a working group.

The EXCOM chair may negotiate the schedule with the FAA, if he or she determines the FAA-imposed deadline cannot be met.

Working Group Formation Phase

During this phase, the EXCOM chair participates by working with the FAA in selecting and appointing the working group chair and selecting the working group members using the selection criteria described below.

Appointing a working group chair


The working group chair may be an individual from an ARAC member or non-member organization, or a member of the interested public who responded to the *Federal Register* notice.

The working group chair should:

- Possess technical expertise in the specific task area.
- Be capable of organizing and leading the working group.
- Possess good skills at conducting meetings and facilitation.
- Have a balanced perspective on the issue(s).
- Be capable of organizing and leading the working group.
- Be available to meet the duties and responsibilities of the position.

Selecting working group members

The EXCOM chair and the FAA review the list of individuals who responded to the *Federal Register* notice. Using the criteria listed below, the EXCOM chair and the FAA select and appoint qualified individuals from the list. The EXCOM chair and the FAA should consult with the working group chair when selecting members. They should also ensure the working group has a balanced membership in the representation of interests. The size of the working group will vary with each task and should be determined by the complexity of the task and the number of people that volunteered. A manageable working group size is 10 to 12 members.

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Working group members should be selected based on their:

- Technical expertise in the task area,
- Range of perspective,
- Ability to effectively represent their constituent group, and
- Availability to participate fully in the working group activities.

In addition, working group members:

- Should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues that will need to be addressed in order to complete the assigned task.
- May include representatives of any of the ARAC member organizations.
- Should be selected from interested parties, such as aviation manufacturers; operators; associations; unions; public interest and advocacy groups; airports; and the general public, who petitioned in response to the *Federal Register* notice to be working group members.

Work Plan Phase

In the work plan phase, the EXCOM chair:

- Step 1:** Coordinates the completed work plan electronically for the EXCOM members to review and discuss. The review period should be a minimum of one week. The chair decides how to conduct the discussion: public meeting, email, or teleconference.
- Step 2:** Oversees discussions on the task to reach consensus on whether to accept the working group’s work plan. If the EXCOM members do not concur with the work plan, the chair emails the work plan back to the working group for revision. The chair should document the EXCOM’s reasons for accepting or not accepting the work plan.
- Step 3:** Informs the working group chair of EXCOM’s acceptance of the work plan.


Recommendation Development Phase

Obtaining support

The EXCOM chair contacts the Office of Rulemaking analyst assigned to the working group to arrange for any needed support.

Accepting the recommendation report

To accept a working group’s recommendation report, the EXCOM chair:

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- Step 1:** Schedules the working group’s recommendation report on the EXCOM’s next public meeting agenda. Typically, the EXCOM chair receives the recommendation report at least 30 calendar days before the meeting.
- Step 2:** Emails the EXCOM members the recommendation report for their review before the public meeting. Typically, the EXCOM chair sends the report to the members at least 30 calendar days before the meeting.
- Step 3:** Discusses the recommendation report during the meeting.
- Step 4:** Deliberates to reach consensus on whether to accept the working group’s recommendation report. If consensus is not reached, the report is returned to the working group for appropriate action. The working group is then required to resubmit the report once the issues are addressed.
- Step 5:** Accepts the working group’s recommendation.

Submitting the recommendation report


After the EXCOM reaches consensus and accepts the working group’s recommendation report, the EXCOM chair prepares a transmittal letter addressed to the Executive Director that accompanies the recommendation report to the FAA. The EXCOM chair sends the letter and the formal hard copy report to the FAA through the Executive Director. The EXCOM chair also provides an electronic copy of the letter and report to the Office of Rulemaking analyst assigned to the working group.

EXCOM MEMBER Responsibilities and PROCESS

Process Overview

EXCOM members participate in the ARAC process as follows:

Phase	Action
Task phase	Review the task statement.
Working group formation phase	Take no action.
Work plan phase	Discuss the work plan. Reach consensus on the work plan. Accept the work plan.
Recommendation development and acceptance phase	Discuss the recommendation report. Reach consensus on the recommendation report. Accept the recommendation report.
FAA action phase	Take no action.

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Task Phase

EXCOM members review the task statement and resolve any questions about the scope, content and schedule for the task.

Working Group Formation Phase

EXCOM members take no action during this phase.

Work Plan Phase

In the work plan phase, the EXCOM members:

Step 1: Review the work plan.

Step 2: Discuss the work plan.

Step 3: Deliberate to reach consensus on whether to accept the work plan or to task the working group with revising the work plan for resubmission to the EXCOM, if necessary.

Recommendation Development and Acceptance Phase

To accept the working group's recommendation report, the EXCOM members:


Step 1: Review the recommendation report before it is presented during a public meeting. It is recommended that the EXCOM members receive the recommendation report electronically from the EXCOM chair 30 calendar days before the meeting.

When reviewing the report, the members should ensure:

- The schedule was met.
- Each question from the tasking was addressed.
- Both the majority and minority positions are included in the report, since consensus is preferred but not mandatory.
- Each working group member reviewed the final report with their management.

Step 2: Discuss the recommendation report at a public meeting.

Step 3: Deliberate to reach consensus on whether to accept the working group's report. Deliberate to resolve any issues. The EXCOM members can submit the report to the FAA with documentation of both the majority and minority positions. However, if the members believe the report needs more work, the EXCOM chair may send the recommendation report back to the working group for revision.

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CHAPTER 4: AERONAUTICAL TECHNICAL SUBJECT AREA (ATSAs)

PURPOSE

This chapter provides specific information about the responsibilities and process for the ASTA assistant chair and the ATSA members.

ATSA ORGANIZATION

An ATSA consists of a group of ARAC members with a specific technical expertise in a specific subject area.

There are currently only two active ATSAs:


- Air Carrier Operations, and
- Transport Airplane and Engine.

An assistant chair and a DFO lead each ATSA.

ATSA ASSISTANT CHAIR RESPONSIBILITIES AND PROCESS

The following table describes the assistant chair's responsibilities:

Administrative	Working Group Formation Phase	Work Plan and Recommendation Development Phases
Serves as the focal point for all ARAC activity and communications in an ATSA. Presides at ATSA meetings. Advises the Office of Rulemaking analyst of any public meetings to be published in the Federal Register and included on the ARAC website. Certifies the accuracy of the meeting minutes.	Selects and appoints each working group chair, in consultation with the FAA. Selects each working group member, in consultation with the FAA and the working group chair. Ensures each working group is balanced in membership, in consultation with the FAA. Ensures each task assigned is adequately defined and understood by all concerned.	Monitors the progress of each working group. Ensures working group activity progresses in an orderly fashion. Conducts in-depth reviews of working group reports. Ensures recommendation reports are submitted to the FAA on schedule and in an acceptable form.

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Process Overview

The assistant chair participates in the ARAC process as follows:


Phase	Action
Task phase	Reviews the task. Clarifies the task. Coordinates the task with ATSA members. Assigns the task to a working group. Negotiates the task schedule.
Working group formation phase	Selects and appoints the working group chair. Selects the working group members.
Work plan phase	Distributes the work plan with at least a one-week review period. Reviews the work plan. Places the completed work plan on the ATSA public meeting agenda, if necessary. Accepts the work plan.
Recommendation development and acceptance phase	Distributes the recommendation report (generally 30 calendar days before next ATSA public meeting). Reviews the recommendation report. Places the recommendation presentation on the ATSA public meeting agenda. Accepts the recommendation report Prepares the letter to the FAA and sends the recommendation report to the FAA.
FAA action phase	Takes no action.

Task Phase

The assistant chair:

- Receives a copy of the task from the EXCOM chair.
- Coordinates the task with ATSA members.
- Comments on the task and redefines or clarifies it, as necessary.
- Advises the EXCOM chair and FAA of any suggested changes to the task.
- Assigns the task to a working group.

The assistant chair may negotiate the schedule with the DFO, in consultation with the EXCOM chair, if he or she determines the FAA-imposed deadline cannot be met.

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Working Group Formation Phase

During this phase, the assistant chair participates by working with the FAA in selecting and appointing the working group chair and selecting the working group members using the selection criteria described below.

Appointing a working group chair

The working group chair may be an individual from an ARAC member or non-member organization, or a member of the interested public who responded to the *Federal Register* notice.

The working group chair should:

- Possess technical expertise in the specific task area.
- Be capable of organizing and leading the working group.
- Possess good skills at conducting meetings and facilitation.
- Have a balanced perspective on the issue(s).
- Be capable of organizing and leading the working group.
- Be available to meet the duties and responsibilities of the position.

Selecting working group members


The assistant chair and the FAA review the list of individuals who responded with interest to the *Federal Register* notice. Using the criteria listed below, the assistant chair and the FAA select and appoint qualified individuals from the list and ensure the working group has a balanced membership in the representation of interests. The assistant chair and the FAA should consult with the working group chair when selecting members. The size of the working group will vary with each task and should be determined by the complexity of the task and the number of people that volunteered. A manageable working group size is 10 to 12 members.

Working group members should be selected based on their:

- Technical expertise in the task area,
- Range of perspective,
- Ability to effectively represent their constituent group, and
- Availability to participate fully in working group activities.

In addition, working group members:

- Should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues that will need to be addressed in order to complete the assigned task.
- May include representatives from any of the ARAC member organizations.

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- Should be selected from interested parties, such as aviation manufacturers; operators; associations; unions; public interest and advocacy groups; airports; and the general public who petitioned in response to the *Federal Register* notice to be a working group member.

Work Plan Phase

In the work plan phase, the assistant chair:

- Step 1:** Coordinates the completed work plan electronically for the ATSA members to review and discuss. The review period should be a minimum of one week. It is the assistant chair's decision on how to conduct the discussion: public meeting, email, or teleconference.
- Step 2:** Oversees discussions on the task to reach consensus on whether to accept the working group's work plan. If the ATSA members do not concur with the work plan, the assistant chair emails the work plan back to the working group for revision. The assistant chair should document the ATSA members' reasons for not accepting the work plan.
- Step 3:** Informs the working group chair of the ATSA members' acceptance of the work plan.

Recommendation Development and Acceptance Phase


Obtaining support services

The assistant chair contacts the Office of Rulemaking analyst assigned to the working group to arrange for any needed support.

Accepting a recommendation report

To accept a working group's recommendation report, the assistant chair:

- Step 1:** Schedules the working group's recommendation report on the ATSA's next public meeting agenda. Typically, the assistant chair receives the recommendation report at least 30 calendar days before the meeting.
- Step 2:** Emails the ATSA members the recommendation report for their review before the public meeting. Typically, the assistant chair sends the report to the members 30 calendar days before the meeting.
- Step 3:** Discusses the recommendation report during the meeting.

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Step 4: Deliberates to reach consensus on whether to accept the working group’s recommendation report. The ATSA members can submit the report to the FAA with documentation of both the majority and minority positions. However, if the members believe the report needs more work, the ATSA assistant chair may send the recommendation report back to the working group for revision. The working group is then required to resubmit the report once the issues are addressed.

Step 5: Accepts the working group’s recommendation report..

Submitting a recommendation report

After the ATSA members reach consensus and accept the working group’s recommendation report, the assistant chair prepares a transmittal letter addressed to the Executive Director that accompanies the recommendation report to the FAA. The assistant chair sends the letter and the formal hard copy report to the FAA through the Executive Director. The assistant chair also provides the Office of Rulemaking analyst assigned to the ATSA with an electronic copy of the letter and report.

ATSA MEMBER RESPONSIBILITIES AND PROCESS


An ATSA member is responsible for:

- Attending ATSA meetings.
- Contributing his or her respective aviation knowledge and expertise.
- Coordinating with the constituents in his or her organization.
- Participating fully in ARAC activities by representing his or her organization and its constituents’ viewpoint(s).
- Informing the assistant chair and the DFO when he or she can no longer represent his or her organization in an ATSA.

Process Overview

ATSA members participate in the ARAC process as follows:

Phase	Action
Task phase	Review the task statement.
Working group formation phase	Take no action.
Work plan phase	Discuss the work plan. Reach consensus on the work plan. Accept the work plan.
Recommendation development phase	Discuss the recommendation report. Reach consensus on the recommendation report.

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Phase	Action
	Accept the recommendation report.
FAA action phase	Take no action.

Task Phase

ATSA members review the task statement and resolve any question about the scope, content, and schedule for the task.

Working Group Formation Phase

ATSA members take no action during this phase.

Work Plan Phase

In the work plan phase, the ATSA members:

- Step 1:** Review the work plan.
- Step 2:** Discuss the work plan.
- Step 3:** Deliberate to reach consensus on whether to accept the work plan or to task the working group with revising the work plan for resubmission to the ATSA members, if necessary.

Recommendation Development and Acceptance Phase

To accept the working group’s recommendation report, the ATSA members:


- Step 1:** Review the recommendation report before it is presented during a public meeting. It is recommended the ATSA members receive the recommendation report electronically from the assistant chair 30 calendar days before the meeting.

When reviewing the report, the members should ensure:

- The schedule was met.
- Each question from the tasking was addressed.
- Both the majority and minority positions are included in the recommendation report, since consensus is preferred but not mandatory.
- Each working group member reviewed the final report with their management.

- Step 2:** Discuss the recommendation report at the public meeting.

- Step 3:** Deliberate to reach consensus on whether to accept the working group’s recommendation report. The ATSA members can submit the report to the FAA with documentation of both the majority and minority positions. However, if the members believe the report needs more work, the ATSA assistant chair may send the recommendation report back to the working group for revision.

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CHAPTER 5: WORKING GROUP

PURPOSE

This chapter provides specific information about the responsibilities and process for the working group chair and the working group members.

WORKING GROUP ORGANIZATION

Definition of a Working Group

A working group is a group of individuals who responded to the *Federal Register* notice and are selected to complete a specific task.

A working group includes:

- The working group chair,
- An FAA representative,
- Office of Rulemaking analyst,
- Individuals from ARAC member and non-member organizations, and
- Interested individuals from the general public.


A working group chair provides administrative oversight of each working group. If tasked to an ATSA, the working group reports to the ATSA assistant chair. If tasked to EXCOM, the working group reports directly to the EXCOM chair.

Selecting the Working Group Chair

The FAA and the assistant chair or the EXCOM chair select the working group chair. The working group chair may be an individual from an ARAC member or non-member organization, or a member of the interested public who responded to the *Federal Register* notice.

The working group chair should:

- Possess technical expertise in the specific task area.
- Be capable of organizing and leading the working group.
- Possess good skills at conducting meetings and facilitation.
- Have a balanced perspective on the issue(s).
- Be capable of organizing and leading the working group.

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- Be available to meet the duties and responsibilities of the position.

Selecting the Working Group Members


The working group chair may assist the assistant chair or the EXCOM chair and the FAA in reviewing the list of individuals who responded with interest to the *Federal Register* notice. The criteria below should be used to select and appoint qualified individuals from the list. They should ensure the working group has a balanced membership in the representation of interests. The size of the working group will vary with each task and should be determined by the complexity of the task and the number of people that volunteered. A manageable working group size is 10 to 12 members.

Each working group member should be selected based on his or her:

- Technical expertise in the task area,
- Range of perspective,
- Ability to effectively represent their constituent group, and
- Availability to fully participate in working group activities.

In addition, working group members:


- Should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues that will need to be addressed in order to complete the assigned task.
- May include representatives of any of the ARAC member organizations represented on the full committee.
- Should be selected from interested parties, such as aviation manufacturers; operators; associations; unions; public interest and advocacy groups; airports; and the general public, who petitioned in response to the *Federal Register* notice to be a working group member.

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WORKING GROUP CHAIR RESPONSIBILITIES AND PROCESS

The following table describes the working group chair's responsibilities:

Administrative	Working Group Formation Phase	Work Plan and Recommendation Development Phases
<p>Removes inactive, nonparticipating, or disruptive members.</p> <p>Enforces the ground rules adopted by the working group.</p> <p>Meetings:</p> <ul style="list-style-type: none"> • Selects meeting locations to minimize costs. • Sets tentative meeting dates (typically 30 calendar days in advance) to reduce work conflicts and maximize participation. • Develops and distributes the agenda. • Records meeting minutes, motions, and consensus discussions. <p>Transmits a written status report to either the ASTA assistant chair or the EXCOM chair.</p> <p>Maintains working group records.</p> <p>Coordinates with other working group chairs to ensure there is no duplication of efforts or conflict of concepts.</p> <p>At each ATSA or EXCOM meeting, reports on:</p> <ul style="list-style-type: none"> • The working group's progress, • Decisions reached, • Follow-on actions needed, • The schedule, and • Issues remaining to be resolved, <p>Presents the recommendation report for acceptance.</p>	<p>If tasked to an ATSA, the assistant chair and the FAA may consult with the working group chair to select working group members and establish an optimum working group size to provide expertise and industry interest necessary to complete the task.</p> <p>If tasked to EXCOM, the EXCOM chair and the FAA may consult with the working group chair to select working group members and establish an optimum working group size to provide expertise and industry interest necessary to complete the task.</p> <p>Schedules the initial working group meeting.</p>	<p>Ensures all working group members have a clear understanding of the task and scheduled completion date.</p> <p>Emails the work plan to the ASTA or EXCOM for acceptance.</p> <p>Ensures the working group considers all viewpoints, relevant background material, suggestions, and ideas.</p> <p>Establishes task groups, when appropriate.</p> <p>Participates as a member of the working group during deliberations to reach consensus, unless another representative from his or her organization is on the working group to represent the organization's viewpoint.</p> <p>Reminds each member to keep management/constituents informed of the progress and direction.</p> <p>Requests drafting support from the assistant chair or EXCOM chair at the appropriate stage in deliberations.</p> <p>Consensus:</p> <ul style="list-style-type: none"> • Ensures the working group reaches consensus on the work plan. • Strives to find consensus on the recommendation report. • Documents all positions in the report, both majority and minority. • Promotes collaboration, ensures progress toward consensus is being achieved, and resolves conflicts.

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Process Overview

The working group chair participates in the ARAC process as follows:

Phase	Action
Task phase	Responds to the <i>Federal Register</i> request for individuals interested in participating in the working group.
Working group formation phase	Selects working group members, if consulted with.
Work plan phase	Schedules and arranges working group meetings. If tasked to an ATSA: <ul style="list-style-type: none"> • Emails the work plan to the assistant chair for review and acceptance. • Provides the assistant chair with status updates on the working group's activities. If tasked to EXCOM: <ul style="list-style-type: none"> • Emails the work plan to the EXCOM chair for review and acceptance. • Provides the EXCOM chair with status updates on the working group's activities.
Recommendation development and acceptance phase	If tasked to an ATSA: <ul style="list-style-type: none"> • Notifies the assistant chair of a need for drafting support. • Notifies the assistant chair of the need for economic and legal support. • Contacts the assistant chair to secure time on the next ATSA public meeting agenda to present the recommendation report. • Emails the assistant chair the final recommendation report. (30 calendar days prior to the meeting.) • Presents the recommendation report to the ATSA for acceptance. If tasked to EXCOM: <ul style="list-style-type: none"> • Notifies the EXCOM chair of a need for drafting support. • Notifies the EXCOM chair of the need for economic and legal support. • Contacts the EXCOM chair to secure time on the next EXCOM public meeting agenda to present the recommendation report. • Emails the EXCOM chair a copy of the recommendation report. • Presents the recommendation report to EXCOM for acceptance.
FAA action phase	Takes no action.

Task Phase

In the task phase, interested individuals respond to the *Federal Register* notice announcing an ARAC task.

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Working Group Formation Phase

During the working group formation phase, the FAA notifies each individual of his or her selection or non-selection to the working group.

Planning the initial working group meeting

After the working group members are selected, the working group chair:

- Establishes the date, time, and location of the initial face-to-face working group meeting.
- Contacts the Office of Rulemaking analyst or directorate technical writer/editor to provide the date, time, and location of the initial working group meeting.
- Notifies the working group members, by email of the date, time, and location of the initial face-to-face working group meeting.
- Requests that the Office of Rulemaking brief the working group on both the ARAC and rulemaking processes at the initial meeting.

Inviting someone to a working group meeting

From time to time, working groups may need information not obtainable from working group members. As a result, when appropriate and with the approval of the working group chair, a working group member may invite persons other than working group members to speak directly to a working group, participate in its discussions, and act in a consultant capacity. However, these invited persons are not members of the working group and may not participate in reaching consensus.

Adding a working group member


After the working group has been established, new members may be added using the following steps.

Step 1: An interested person petitions the FAA:

- Indicating a desire to participate in a working group.
- Describing the expertise he or she would bring to the working group.

Step 2: The working group chair, the FAA, and the assistant chair or EXCOM chair:

- Determine the balance of expertise on the working group.
- Assess whether that person should be added to the working group.

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Step 3: The FAA responds with a letter indicating acceptance or denial of membership.

Step 4: When a new member is added to the working group, the new member is expected to cooperate in restricting his or her participation to only those new items being discussed and to avoid discussing items previously agreed on and closed out by the working group.

Note: If a working group member leaves the working group, a replacement may be added from the same organization as the exiting member without submitting a letter. The working group chair approves the replacement.

Work Plan Phase


Conducting the initial working group meeting

The working group chair schedules an initial face-to-face working group meeting. At the meeting the:

- Office of Rulemaking representative briefs the working group on both the ARAC and the rulemaking processes. The Office of Rulemaking representative also informs the working group they are not to perform negotiated rulemaking.
- FAA representative reviews the task to ensure the working group clearly understands it.
- FAA representative briefs about the advisory material process.
- If needed, FAA legal and economic representatives brief on their expectations.
- Harmonization is discussed, if part of the tasking.
- The working group chair leads the working group in developing the work plan.
- The working group chair discusses with the members the use of online meetings and document tools.
- The working group chair, at the end of the first meeting, asks the members to reaffirm commitment to the working group based on the description of the task and the draft of the work plan.

Developing a work plan

The working group chair leads the working group in developing the work plan. The work plan describes the method the working group is going to use to complete the tasking. If the tasking is not clear to the working group, the working group chair contacts the assistant chair or the EXCOM chair and requests resolution of any questions about it.

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Forming a task group

If necessary, the working group chair may establish a task group, which is a subgroup within the working group, to solve individual issues.

The working group chair:

- Identifies assignments.
- Assigns individual tasks.
- Records assignments in the work plan.
- Reviews and accepts all completed assignments.

Submitting the work plan for acceptance

After the working group develops the work plan, the working group chair emails the work plan to the assistant chair or the EXCOM chair. The ATSA members or the EXCOM members will discuss and deliberate the work plan. The assistant chair or the EXCOM chair may ask the working group chair to attend the meeting to answer any questions.

At each public meeting, the working group chair is responsible for providing status updates on the working group's progress.

Recommendation Development Phase

Obtaining support services

The working group chair notifies the assistant chair or the EXCOM chair, to arrange for any needed support. The assistant chair contacts the Office of Rulemaking analyst, who may help the working group draft the recommendation report.


If the FAA provides drafting support, the working group chair gives the document drafter any supporting documentation for use in writing the draft document, such as:

- Notes,
- Suggestions,
- Decisions made,
- Consensus reached, and
- The justifications for each decision, any alternatives considered, and action recommended.

Finalizing the recommendation report

After the working group finalizes the recommendation report, the working group chair should ensure:

- The schedule was followed.

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- All the questions from the tasking were addressed.
- Both the majority and minority positions are documented in the report, if consensus was not reached.
- Each member reviewed it with their management.

Submitting the recommendation report

After the working group develops a recommendation report, the working group chair:

- Contacts the assistant chair or the EXCOM chair, and secures time on the next public meeting agenda to present the recommendation report.
- Provides the assistant chair or the EXCOM chair with the recommendation report for distribution to all ATSA or EXCOM members for review at least 30 calendar days before the meeting.

Presenting the recommendation report

At the public meeting, the working group chair:


- Presents the working group's recommendation report to the ATSA members or the EXCOM for acceptance.
- Answers questions from the ATSA members or the EXCOM and any interested members of the public.

WORKING GROUP MEMBER RESPONSIBILITIES AND PROCESS

Process Overview

Each working group member:

- Attends working group meetings.
- Contributes his or her respective aviation knowledge and expertise to the tasks assigned to the working group.
- Coordinates with his or her management and constituents to gain their input throughout the process.
- Actively represents his or her organization's viewpoints.
- Prepares the work plan and recommendation report. It is essential that each working group member understands the document being prepared and any supporting documents.

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Working group members participate in the ARAC process as follows:

Phase	Action
Task phase	Respond to the <i>Federal Register</i> request for individuals interested in participating in the working group.
Working group formation phase	Confirm intent to participate on working group once notified of selection.
Work plan phase	Attend meetings. Develop the work plan. Reach consensus on the final work plan.
Recommendation development phase	Attend meetings. Develop the recommendation report. Reach consensus on the final recommendation report.
FAA action phase	Take no action.

Task Phase

In the task phase, interested individuals respond to the *Federal Register* notice announcing an ARAC task and the formation of a working group.

Working Group Formation Phase


During the working group formation phase, the FAA representative notifies individuals of their selection or non-selection as working group members.

Work Plan Phase

Briefing working group members at an initial working group meeting

At the initial face-to-face meeting, the working group members are briefed by:

- Office of Rulemaking representative about both the ARAC and the rulemaking processes. The Office of Rulemaking representative also informs the working group they are not to perform negotiated rulemaking.
- FAA representative reviews the task to ensure the working group clearly understands it.
- FAA representative about the advisory material process.
- FAA legal and economic representatives about their expectations, if needed.
- Harmonization is discussed, if necessary to the tasking.
- The working group members develop the work plan.
- The working group members agree to the use of online meetings and document tools.

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- The working group members recommit based on the description of the task and the draft of the work plan. They also agree to keep their management/constituents involved throughout the process.

Developing a work plan

A work plan describes the method the working group is going to use to complete an assigned task. It contains the specific details, including:

- The task statement,
- The issues to be resolved,
- Individual task group assignments,
- A schedule,
- Common ground rules by which the working group will function,
- The use of online meetings and document tools, and
- Format of the recommendation report.


The working group should use the work plan template (DOCS#32947) when developing it. A working group may not modify a task statement. Only the FAA may make changes to a task statement. If the task is not clear, the working group chair contacts the assistant chair or the EXCOM chair, requesting resolution of any questions about the task. All working group members should have a thorough understanding of the task to proceed.

Note: If the FAA approves a task modification, the composition of the working group may have to change to include additional individuals with appropriate expertise for the new task. The modification must also be published in the *Federal Register*.

Beginning the Tasking

The working group:

- Develops the work plan.
- Breaks down the tasking statement into composite issues.
- Addresses the individual issues separately.
- Explores all options.
- Identifies who will be affected by any recommendations.
- Addresses any concerns of the affected individuals.

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Forming a task group

If necessary, the working group may form a task group, which is a subgroup within the working group, to solve individual issues. The working group chair establishes the task group.

A task group:

- Researches the assignment.
- Provides a report to the working group.
- Disbands when all assignments are complete.

Gathering information to create the working group schedule

A working group schedule:

- Is in the work plan.
- Contains the working group's goals and milestones.
- Helps the working group assess its progress.
- Allows for completion of the task by the FAA-imposed deadline.

When developing the schedule, the working group considers:

- The availability of its members;
- The frequency, duration, and location of meetings;
- The milestone due dates;
- The project flow, critical paths, and unavoidables; and
- A realistic time to accomplish assignments and milestones.

Submitting the work plan for acceptance


After the working group finalizes a work plan, the working group chair emails it to the assistant chair or the EXCOM chair for acceptance.

If a work plan is not accepted, the working group:

- Addresses any objections.
- Adjusts the work plan for resubmission.
- Resubmits the work plan to the ATSA or the EXCOM within the established timeframe.

When an ATSA or the EXCOM accepts a work plan, the working group is assured that:

- The methodology planned is consistent with the desires of ARAC.
- The work done will end in a recommendation to ARAC that addresses the assigned task.

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After the ATSA or the EXCOM accepts the working group's work plan, the working group begins researching and analyzing information for the recommendation report.

Recommendation Development Phase

Developing the recommendation report

The working group:

- Follows the schedule.
- Researches and analyzes information they have collected.
- Identifies any discussions to include in the recommendation report.
- Assembles documentation of its decisions.
- Documents in the report both the majority and minority positions on the recommendation, if the working group is unable to reach consensus on the actual recommendations.
- Drafts the recommendation report.
- Reaches consensus on the final recommendation report. The working group members ensure they:
 - Followed the schedule.
 - Responded to all the questions from the tasking.
 - Documented both the majority and minority positions in the report, if consensus was not achieved.
 - Reviewed it with their management.


(See Chapter 8 for information on reaching consensus.)

Obtaining support services

The working group may get help from the FAA to develop the recommendation report. To do this, the FAA representative or the working group contacts the Office of Rulemaking analyst to arrange for any needed support.

Presenting the recommendation report

After the working group reaches consensus on its recommendation report, the working group chair submits the recommendation report to the assistant chair or the EXCOM chair at least 30 calendar days prior to the meeting. The working group chair presents the report and the findings at a public meeting for discussion and deliberation by the ATSA and/or the EXCOM.

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RECORDKEEPING

Maintaining Working Group Records

Each working group maintains records of working group meetings. The working group chair maintains:

- A list of meeting attendees,
- A chronology of all meetings,
- Deliberations on all decisions, and
- Working drafts of reports prepared by the working group.


Making Records Available

Working group products and/or recommendation reports are made available for public inspection and copying after they are finalized and included for discussion on the agenda for an ATSA or EXCOM public meeting. These records are made available on the ARAC Website at http://www.faa.gov/regulations_policies/rulemaking/committees/arac.


Upon a Freedom of Information Act (FOIA) request that reasonably describes records that have not yet been made public, the FAA must make records available in accordance with published rules unless the records fall within one of the nine exemptions (<http://www.usdoj.gov/oip/foi-upd.htm>) under FOIA. Any working group information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions (http://www.usdoj.gov/oip/foia_guide07.htm).

At times the FAA may deem it appropriate to exercise its options under exemption 5 to withhold recommendations, opinion, and analyses under the deliberative process privilege. To allow release of these documents would discourage the open and frank discussions between agency employees and create confusion in those cases where the FAA does not adopt recommendations and opinions. Exemption 5 allows the agency to temporarily protect deliberative, pre-decisional materials, such as advisory opinions, and recommendations presented by agency staff while reaching a final determination or position on any particular matter under agency consideration.

The working group ought to be aware of the type of information it gives the FAA representative. For example, if manufacturers share sensitive data with the working group members, the FAA representative may look at it and discuss the data during the meeting without the information being subject to a FOIA request. If the FAA representative takes possession of the information upon leaving the meeting and uses the information in performance of his or her duties, then the working group information is releasable under FOIA. If the FAA representative needs data to

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complete a working group assignment, the working group should make sure the data it gives to the FAA representative are in a form or format that would be releasable under FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA representative takes possession of the documents. (See FOIA, section 552 of Title 5 of the United States Code.)

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CHAPTER 6: FAA ROLE IN ARAC

PURPOSE

This chapter provides FAA employees who participate in the ARAC process with specific information on the FAA's role in ARAC.

Feedback: An ARM employee who receives feedback from anyone associated with an advisory committee is required to record that feedback on the ARC/ARAC Comment/Feedback Form (ARM 001-015-F2) (ARM QMS website). This document should be used for feedback from an FAA employee or an advisory committee member.

FAA ROLES

ARAC Support

FAA personnel hold the following positions in ARAC:


- Executive Director of EXCOM,
- DFO of the ATSA,
- FAA representative to the working group,
- Office of Rulemaking analyst or Directorate technical writer/editor providing support to the working group and/or ATSA,
- FAA legal representative (optional),
- FAA economic representative (optional), and
- Other necessary FAA members.

FAA MEMBERS RESPONSIBILITIES AND PROCESS

Executive Director

The Executive Director's responsibilities are as follows:

- Serves as the focal point for all communications between the FAA and ARAC.
- Supervises ARAC's affairs to ensure conformity with established procedures.
- Acts as the DFO at meetings, as required by section 10(e) of FACA.
- Attends each full committee and the EXCOM meeting.


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- Approves each full committee and the EXCOM meeting agenda.
- Adjourns each full committee and the EXCOM meeting when he or she deems it to be in the public interest.
- Establishes FAA guidance and policies pertaining to ARAC, including membership and procedural guidelines.
- Provides day-to-day oversight of ARAC activities.
- Arranges for legal and economic support of an attorney and an economist, respectively, when requested by an assistant chair and/or DFO.
- Acknowledges receipt of recommendation reports.
- Manages the ARAC finances in accordance with the approved Department of Transportation ceiling, which includes supervising the preparation of the annual budget and periodic reports of its affairs.
- Determines the need to renew and prepares the ARAC charter.

Designated Federal Official (DFO)

The DFO's responsibilities are as follows:

- Serves as the FAA's spokesperson for all activity within his or her ATSA.
- Serves as the DFO required by §10(e) of FACA at meetings in his or her ATSA and ensures all applicable FACA requirements are adhered to at all meetings.
- Attends each ATSA public meeting.
- Approves each ATSA public meeting agenda.
- Adjourns each ATSA public meeting when he or she deems it to be in the public interest.
- Ensures each task is properly coordinated within the FAA before it is presented to the ATSA.
- Serves as the focal point for all communications between ARAC and the FAA when an issue in his or her particular area of expertise is addressed.
- Works with the assistant chair to select working group chairs.
- Works with the assistant chair and the working group chair to select working group members and to notify them of their status.
- Appoints, in coordination with the office of primary responsibility (OPR), the FAA representative to each working group in his or her ATSA.

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FAA Representative

The FAA representative should be from the FAA OPR that requested the tasking.


An FAA representative must not:

- Commit the FAA to a specific course of action. There is further management review of the recommendation report after it is submitted to the FAA.
- Stop or veto a working group activity. The FAA representative does not have the authority to act on behalf of the FAA.

The FAA representative should report findings to management as the working group progresses. This will better help guide the working group in developing recommendations.


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Administrative	Working Group Formation, Work Plan, and Recommendation Development Phases
<p>Serves as the liaison between the working group and the FAA.</p> <p>Provides a copy of the working group meeting agenda to the FAA members before the meeting.</p> <p>Prepares a trip or meeting report after each working group meeting and provides a copy of the report to:</p> <ul style="list-style-type: none"> • Other FAA team members; • DFO; and FAA management, as appropriate. <p>Serves as the leader of the internal team responsible for the task assigned to the working group.</p>	<p>Provides the working group with all relevant background material, including unresolved petitions for rulemaking, exemption, interpretations, etc.</p> <p>Participates as a full member of the working group on any issue for which consensus must be reached.</p> <p>Ensures the FAA’s technical-level interest/concerns and FAA position are made known to the working group. This includes coordinating with FAA organizations and directorates when the working group is making its technical decisions to gain their input early in the development process.</p> <p>Ensures that if they hold a dissenting position, it is accurately presented to ARAC through the DFO.</p> <p>Meets with the DFO before each working group meeting to discuss the purpose of the meeting and any concerns.</p> <p>Informs the DFO if the working group chooses to ignore FAA suggestions concerning the format or content of the proposed recommendation report. Works out a resolution with the ATSA assistant chair, in consultation with the DFO.</p> <p>Verifies the accuracy of topics discussed at ATSA public meetings with the DFO and follows up on outstanding issues.</p> <p>Provides copies of all draft recommendation reports to the FAA internal team members when they become available.</p> <p>Relays concerns raised by the attorney or economist to the working group chair.</p> <p>Follows up with the DFO on any concerns.</p>

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FAA Support

Position	Responsibilities
Office of Rulemaking analyst	<p>When involved with an ATSA:</p> <ul style="list-style-type: none"> • Prepares all <i>Federal Register</i> announcements of ATSA public meetings, assignment of new tasks (ARAC Tasking Template-Hummingbird #21323), and the formation of new working groups. • Provides information to ARM-20 to maintain the ARAC website. • Attends ARAC ATSA public meetings, and prepares and provides for the ARAC website and official ARAC file minutes resulting from those meetings. • Provides the FACA statement to the DFO. <p>When involved with a working group under EXCOM:</p> <ul style="list-style-type: none"> • Briefs the working group on both the ARAC and rulemaking process. • Ensures the working group understands they are not to perform negotiated rulemaking. • Attends working group meetings when requested by the FAA representative. • Keeps the FAA representative to the working group informed of any opinions, concerns, and objections he or she may have regarding the working group's activities. • May provide support services to the working group if requested by the working group chair. • May provide meeting logistics. • Prepares letters acknowledging receipt of ARAC recommendation reports. • Advises the FAA representative of any problems or concerns with the content or format of proposed recommendation reports.
Directorate technical writer/editor	<p>Keeps the FAA representative to the working group informed of any opinions, concerns, and objections he or she may have regarding the working group's activities and provides advice and recommendations to the FAA representative on document form and content.</p> <p>Provides technical writing or editing assistance to the working group in the preparation of its recommendation reports.</p> <p>Provides meeting logistics, as requested.</p>


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Process Overview

The FAA participates in the ARAC process as follows:

Phase	Action
Task phase	Determines a need for ARAC involvement (OPR). Prepares the committee request document (CRD)(DOCS #30279) (OPR) and the draft tasking notice (DOCS#21323). Prepares and publishes the <i>Federal Register</i> tasking notice (DOCS #21323) seeking working group members (Technical Specialist, ARM Analyst, directorate writer/editor).
Working group formation phase	Reviews the list of individuals interested in participating in a working group. Assists the assistant chair and working group chair (DFO and ARM).
Work plan phase	Briefs the working group on the ARAC and rulemaking process (ARM). Briefs the working group on the advisory material process (OPR). Briefs the working group on the task and its responsibilities (DFO or FAA representative). Informs the working group they are not performing negotiated rulemaking. (ARM and OPR). Discusses working group issues within FAA (FAA representative). Coordinates the work plan within FAA (FAA representative).
Recommendation development phase	Provides drafting support if requested (ARM). Provides economic support (APO), if requested. Provides legal support (AGC), if requested. Arranges attendance of APO/AGC at working group meetings
FAA action phase	Acknowledges receipt of the recommendation report (ARM director). Processes the recommendation report within the FAA (ARM or OPR).

Any FAA office with rulemaking responsibility may request that ARAC undertake a task if that office determines ARAC is the best forum to use. An established ATSA may be used to provide oversight of the task. Or, if an ATSA is not established in ARAC for the relevant subject matter, the sponsoring office may request the task be assigned to the EXCOM.

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Task Phase

The FAA assigns a task to ARAC using the following steps:

Step 1: The FAA determines the need for ARAC’s assistance to address a specific issue. The OPR prepares a CRD (DOCS# 30279) and attaches a draft tasking notice (DOCS#21323).

The tasking notice should include:

- A detailed description of the issue,
- Background of the issue, including a summary of related safety data from accidents/incidents, recommendations from NTSB and/or other government/industry organizations,
- Outstanding enforcement actions,
- Historical FAA regulatory requirements, policy, and guidance,
- Relevant petitions for exemption,
- Guidance about harmonization, if it is a goal,
- Specific guidelines about the task for the working group to examine, including specific questions that focus on the technical and policy issues that could be addressed in the rulemaking or other action,
- Recommendation report, which includes documenting the majority and minority positions,
- Duration of working group. Typically, working groups are given one year from the date of the first meeting. However it depends on the scope, magnitude and complexity of the task,
- Urgency of the task, and
- Who should receive the task: an ATSA or EXCOM.


Step 2: The OPR submits the completed CRD and draft tasking notice to the Rulemaking Management Council for review.

Step 3: The Rulemaking Management Council reviews the CRD and draft tasking notice and decides whether to assign the task to ARAC.

Step 4: If the Rulemaking Management Council agrees to task ARAC, the Executive Director emails the task to the EXCOM for review and acceptance.

Step 5: If the EXCOM accepts the task, the FAA publishes the task in the *Federal Register*.

Note: ARAC cannot modify the task without prior FAA approval. ARAC may recommend new tasks to the FAA; however, only tasks assigned or approved by the FAA and published in the *Federal Register* may be undertaken by ARAC.

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Working Group Formation Phase

Announcing a Task

The FAA announces the formation of a working group after ARAC has accepted a new or expanded task. The FAA prepares a notice for the *Federal Register* to announce the:

- Task.
- Formation of a working group and seek interested individuals to participate in the working group.
- Length of time commitment for the task.

Acknowledging receipt of responses to the notice

After the FAA receives responses to the public notice, the FAA:


- Sends copies of the responses to the assistant chair or the chair for their review and consideration.
- Meets with the assistant chair or the chair to assist with the selection of the working group chair and the members of the working group. The FAA schedules the meeting as soon as possible after expiration of the response deadline.
- Responds in writing to all the letters received in response notifying the individuals that they have or have not been selected.
- Emails the official list of the names and addresses of the working group chair and the working group members to the assistant chair or the EXCOM chair, the Executive Director, and the Office of Rulemaking.

Work Plan Phase

Conducting the initial working group meeting

At the initial face-to-face working group meeting, the Office of Rulemaking representative explains the ARAC process and what happens once the recommendation is submitted. They also review general rulemaking information, including that the working group may not perform negotiated rulemaking. Finally, they explain duties, responsibilities, and requirements of the working group chair and the working group members.

The FAA representative briefs the working group on the task assignment, including discussing the questions posed in the task to ensure the working group understands the issues. This briefing must include the task assignment from the FAA's perspective and any additional background or information that would be helpful. The FAA representative must also provide the working group with the regulatory history of the task and any related current FAA rulemaking activity. At the end of the FAA representative's briefing, the working group members should have a clear

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understanding of what the FAA is looking for from the tasking. The FAA representative also briefs the working group about the advisory material process and/or harmonization, if necessary.

The working group may request that an FAA economist or attorney attend a working group meeting to present general guidance for consideration when developing recommendations.

Developing a work plan

During the development of the work plan, the FAA representative ensures the working group has all relevant background material and coordinates the plan with the internal team members. The FAA representative also advises the working group throughout the development of the work plan.

Recommendation Development Phase


During the development of the recommendation report, the FAA representative coordinates the document with the other FAA working group members. Any draft documents the FAA representative distributes for review must be marked “DRAFT WORKING MATERIAL—NOT FOR PUBLIC RELEASE.”

The FAA representatives should assist the working group during discussions and deliberations to provide technical or process guidance. They also ensure the working group is answering the tasking questions, and if there is no consensus, reminding the working group to document both the majority and minority positions. They advise the working group on the FAA’s position. If the working group is considering recommendations the FAA would not accept, the FAA representative should inform them and explain why those positions would not likely be supported.

FAA Action Phase

After the FAA receives a recommendation report from ARAC, the FAA:

- Prepares a letter acknowledging receipt of the recommendation report for signature by the Director of the Office of Rulemaking. This letter also informs ARAC of the FAA’s intended course of action on the recommendation report. The FAA prepares and sends the letter within 90 calendar days of receiving the recommendation report. This letter does not mean the FAA will accept the recommendations as submitted. The FAA Representative also receives a copy of the letter.
- Posts the recommendation report to its committee website at within 3 calendar weeks of receiving the report.
- Processes the recommendation report within the FAA.

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RECORDKEEPING

Maintaining ARAC Full Committee, EXCOM , and ATSA records

The following ARAC records must be kept:


- Establishing documents;
- Official correspondence relating to committee activities;
- Membership information;
- Agendas;
- Minutes of meetings;
- Invitations;
- Studies, analyses, and draft reports presented to the committee for discussion;
- Final reports submitted in response to the task statement; and
- Records of time served and claims for payment, as appropriate.

The Executive Director maintains the official records. The records are maintained electronically and in paper form. The FAA encourages assistant chairs to submit recommendation reports to the Office of Rulemaking in electronic form, whenever possible. The records are stored in the Office of Rulemaking and at the following committee website:
http://www.faa.gov/regulations_policies/rulemaking/committees/arac.

Making Records Available

Working group products and/or recommendation reports are available to the public but are not made available for public inspection and copying until they are finalized and included for discussion on the agenda for an ATSA or EXCOM public meeting. These records are made available on the ARAC Website at
http://www.faa.gov/regulations_policies/rulemaking/committees/arac.

Upon a FOIA request that reasonably describes records that have not yet been made public, the FAA must make records available in accordance with published rules unless the records fall within one of the nine exemptions (<http://www.usdoj.gov/oip/foi-upd.htm>) under FOIA. Any working group information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions (http://www.usdoj.gov/oip/foia_guide07.htm).

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At times the FAA may deem it appropriate to exercise its options under exemption 5 to withhold recommendations, opinion, and analyses under the deliberative process privilege. To allow release of these documents would discourage the open and frank discussions between agency employees and create confusion in those cases where the FAA does not adopt recommendations and opinions. Exemption 5 allows the agency to temporarily protect deliberative, pre-decisional materials, such as advisory opinions, and recommendations presented by agency staff while reaching a final determination or position on any particular matter under agency consideration.

Note: FAA representatives ought to be aware of the type of information in their possession. For example, if manufacturers share sensitive data with the working group members, the FAA representative may look at and discuss the data during the meeting without the information being subject to a FOIA request. If the FAA representative takes possession of the information upon leaving the meeting and uses the information in performance of his or her duties, then the working group information is releasable under FOIA. If the FAA representative needs data to complete a working group assignment, he or she should make sure the data are in a form or format that would be releasable under FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA representative takes possession of the documents. (See FOIA, section 552 of Title 5 of the United States Code.)

REPORTING ARAC ADMINISTRATIVE ACTIVITIES

Annual Committee Report


The FAA Office of the Administrator is required by the DOT to submit an Annual Committee Report. The Office of Rulemaking submits this report.

ISO QMS Reporting

Measure Type	Measure
Process Conformity	The Annual Report for FACA and data base uploads will meet DOT deadlines.
Product Conformity	All ARAC public meeting notices will meet the FACA timeline for publication.
Stakeholder Satisfaction	ARM monitors its QMS mailbox and ARAC feedback forms.

UNCONTROLLED COPY WHEN DOWNLOADED

Check the Master List to Verify That This is the Correct Revision Before Use

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CHAPTER 7: CONSENSUS

PURPOSE

This chapter provides ARAC participants with specific information on consensus and how participants apply the concept of consensus to ARAC meetings.

DEFINITIONS RELATED TO CONSENSUS

Consensus:

- Is agreement by all parties that a specific course of action is acceptable.
- Requires debate and deliberation between divergent segments of the aviation industry, the flying public, and the Government.
- Does not mean that majority rules. Consensus can be unanimous or near unanimous.

Note: While consensus is desirable for every phase of the ARAC process, it is more important to provide the FAA decision makers with the best information and analysis possible, including differing perspectives. If disagreement occurs in later phases of the rulemaking process, it becomes counterproductive to ARAC's objectives and extremely costly to the FAA.


There are different levels of consensus. The levels of consensus are:

- Full consensus,
- General consensus, and
- No consensus.

Full consensus means all members agree fully in context and principle and fully support the specific course of action.

General consensus means that, although there may be disagreement, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptance of the group. Although not every member fully agrees in context and principle, all members support the overall position of the group and agree not to object to the proposed recommendation report.

No consensus means that the disagreement among the group members cannot be reconciled to the general acceptance of the group. The group cannot reach a position that all members will support.

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Note: Each working group should establish a process by which it determines if the working group has reached consensus. Voting is discouraged, but polling may be used to determine the level of consensus.

CONSENSUS PROCESS

When Consensus Cannot be Reached

Because each member has the right and responsibility to have his or her objections considered, when consensus cannot be reached, dissenting members present written objections to the group in a format that can be understood clearly by all members.


In addition, there may be additional participants at the meeting who do not have decision-making privileges as official working group members. These “observers” may offer positions differing from the working group’s general consensus. In that case, the working group should report consensus with a note describing the other views.

Request for a Facilitator


It may be advantageous to bring in a group facilitator to ensure all avenues of the problem have been explored and investigated. If the group wishes to use a facilitator to help reach consensus, the working group chair requests a facilitator from the Office of Rulemaking.

Objections

If a dissenting member presents a written objection, the group documents its position relative to the objection with the reason why the group chose and retains its position. This documentation of objections and positions offers additional opportunity for meaningful communication among all group members in the hopes of attaining consensus. With this exercise, disagreements can be resolved through compromise. If consensus still cannot be reached, the group has the documentation required to take the disagreement to ARAC for resolution. Upon ARAC’s resolution, the group can proceed with the task because all members’ concerns have been addressed.

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If major opposition to the group's position still exists...	
The person opposing	The working group
Documents his/her position.	Documents its position.
Summarizes his or her understanding of the group's position.	Summarizes its understanding of the opposition's position.
States why he or she believes the opposing position better addresses the issue.	States why the group believes its position better addresses the issue and why the opposing position should not be accepted.
	Submits the documentation to ARAC as part of the working group's recommendation report.

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APPENDIX A TO PART III: MEETING ADMINISTRATION AND FACA

GENERAL INFORMATION ON ARAC MEETING ADMINISTRATION

FACA requires that, when conducting ARAC meetings, the FAA and/or ARAC must:

- Prepare a notice of meeting for publication in the *Federal Register*. (Note: To meet the FACA 15-day requirement for advisory committee meeting notices, meeting announcements must be sent to the *Federal Register* at least 20 calendar days prior to the meeting date.)
- Keep detailed meeting minutes.
- Make documents available to the public at a single location for copying and inspection.
- Certify the accuracy of meeting minutes.

NOTICES RELATED TO MEETING ADMINISTRATION


Federal Advisory Committee Act

FACA requires timely notice of each full committee, the EXCOM, and ATSA meeting, open or closed, to be published in the *Federal Register*.

This notice describes who is permitted to attend and ensures all interested persons are notified of the meeting. (See section 10(a)(2) of FACA.)

Under FACA, the *Federal Register* notice of an ARAC meeting must include:

- The name of the advisory committee;
- The time, date, place, and purpose of the meeting;
- A summary of the agenda;
- A sentence stating that any member of the public may submit written comments concerning ARAC's affairs;
- A statement regarding whether the public may speak at the meeting in accordance with guidelines developed by the FAA or ARAC;
- The name, address, and telephone number of the FAA official to whom the public may address any inquiries; and
- A reasonable deadline for written comments from the public to allow time to copy and mail them to the ARAC members before the meeting.

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General Services Administration

The General Services Administration defines “timely notice” as at least 15 calendar days before the meeting. Less than 15 calendar days’ notice may be given in exceptional circumstances provided the reasons for doing so are included in the meeting notice published in the *Federal Register*. The shortened notice period is used only in emergency situations. An administrative oversight cannot be used as a reason for not meeting the 15-day public notice period. (See section 101–6.1015 of Title 41, Code of Federal Regulations.)

FAA Policy

The FAA requires the following be included in the *Federal Register* notice of an ARAC meeting in addition to the FACA notice requirements.

The *Federal Register* notice should also include—

- Building security requirements, if any;
- A statement regarding the availability of sign language, oral interpretation, and assisting listening devices; and
- A statement announcing that meeting space is limited and seating is on a first-come, first-served basis.

MEETING MINUTES


Contents of Minutes

FACA requires detailed minutes to be kept for ARAC full committee, EXCOM, and ATSA meetings.

The working group should keep minutes, but this is not required by FACA. Minutes should contain an accurate description of each matter discussed and the resolution, if any, made by the group. The minutes will be used to review past deliberations on an issue if it resurfaces. (See section 10(c) of FACA.)

The following must be included in ARAC full committee, EXCOM, and ATSA meeting minutes.

FACA Requirements	FAA Policy
	The time, date, and place of meeting.
A record of the persons present.	A list of ARAC members, staff, and FAA employees who attended, as well as any members of the public. The number of members of the public present.

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FACA Requirements	FAA Policy
A complete and accurate description of matters discussed and conclusions reached.	A complete and accurate description of each matter discussed and conclusions and resolutions, if any, made by ARAC.
Copies of all reports received or approved by ARAC.	Copies of each report or other document received, approved, or accepted by ARAC.

Persons Responsible

The following individuals are responsible for the accuracy and certification of the ARAC full committee, EXCOM, and ATSA meeting minutes.

Type of Meeting	Individual Responsible for Accuracy of Minutes	Individual Responsible for Certification of Minutes
Full committee	Chair	Chair
EXCOM	Chair	Chair
ATSA	DFO	Assistant chair


ARAC full committee, EXCOM, and ATSA meeting minutes are approved by the responsible individual within 30 calendar days of the meeting and are certified by the responsible individual within 90 calendar days of the meeting.

Availability of Minutes

Copies of the ARAC full committee, EXCOM, and ATSA meeting minutes are available to all ARAC members and the public on the FAA website at http://www.faa.gov/regulations_policies/rulemaking/committees/arac after the minutes are approved and certified by the responsible individual.

AVAILABILITY OF RECORDS

All official ARAC full committee, EXCOM, and ATSA meeting records are available for public inspection in the Office of Rulemaking during business hours, Monday through Friday, 8:30 a.m. to 5:00 p.m., excluding Federal holidays. (See section 10(b) of FACA.) In addition, most information on ARAC activities may be found on the FAA website at http://www.faa.gov/regulations_policies/rulemaking/committees/arac.

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APPENDIX B TO PART III: ARAC MEETINGS

FULL COMMITTEE, EXCOM, AND ATSA MEETINGS

Location

Each ARAC meeting, except for working group meetings, must be held in a Federal facility in Washington, DC, unless the Executive Director or DFO obtains a waiver. In choosing a location, the Executive Director or DFO must take into consideration how many people attended similar meetings in the past and the resources and facilities available to the FAA.

Meetings held outside Washington, DC

If the Executive Director or DFO wishes to hold a meeting outside Washington, DC, he or she must:

- Obtain the Advisory Committee Meeting Location Waiver form from ARM (ARM 001-015-F1) (ARM QMS website).

- Try to hold the meeting in a Federal facility that is easy to get to and accessible to the public. If the meeting cannot be held in a Federal facility outside Washington, DC, it should be held in a neutral location and facility that is easy to get to and accessible to the public.

To obtain a waiver to hold a meeting outside Washington, DC, the Executive Director or DFO:

- Completes and e-mails or faxes the Advisory Committee Meeting Location Waiver form (ARM 001-015-F1) (ARM QMS website) to the Director of the Office of Rulemaking 60 calendar days before the proposed meeting date.


- Receives approval of the request from the Director of the Office of Rulemaking and the DOT Committee Management Officer. The Director of the Office of Rulemaking generally responds within 14 calendar days of receipt of the form.

Change of meeting location or date of meeting

If a meeting location or a meeting date needs to be changed, the change should be coordinated with the appropriate ARAC members at least 30 calendar days before the meeting.

Meeting Frequency

Type of Meeting	Recommended Frequency per year
Full committee	As needed
EXCOM	At least twice

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Type of Meeting	Recommended Frequency per year
ATSA	At least twice

Scheduling ARAC Meetings

Type of Meeting	Scheduled By	Scheduler's Duties
Full committee	Executive director	Choose a meeting location.
EXCOM		Develop and approve the agenda.
ATSA	DFO in consultation with the assistant chair.	Ensure announcement of the meeting is published in the <i>Federal Register</i> .


Notice of Meetings

Announcements of ARAC meetings must be published in the *Federal Register*. The general public can visit the *Federal Register* website at <http://www.access.gpo.gov/nara/cfr/index.html>.

Under FACA, the *Federal Register* notice of an ARAC meeting must include:

- The name of the advisory committee;
- The time, date, place, and purpose of the meeting;
- A summary of the agenda;
- A sentence stating that any member of the public may submit written comments concerning ARAC's affairs;
- A statement regarding whether the public may speak at the meeting in accordance with guidelines developed by the FAA or ARAC;
- The name, address, and telephone number of the FAA official to whom the public may address any inquiries; and
- A reasonable deadline for written comments from the public to allow time to copy and mail them to the ARAC members before the meeting.

The Office of Rulemaking prepares the *Federal Register* notice of an ARAC meeting, which must be published in the *Federal Register* at least 15 calendar days before the proposed date of the meeting. The General Services Administration defines "timely notice" as at least 15 calendar days before the meeting. Less than 15 calendar days' notice may be given in exceptional circumstances provided the reasons for doing so are included in the meeting notice published in the *Federal Register*. The shortened notice period is used only in emergency situations. An administrative oversight cannot be used as a reason for not meeting the 15-day public notice period. (See section 101-6.1015 of Title 41, Code of Federal Regulations.)

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Also, the general public may visit the FAA Website at http://www.faa.gov/regulations_policies/rulemaking/committees/armac for a list of ARAC meetings.

Public Participation

ARAC full committee, EXCOM, and ATSA meetings are open to the public. (See the next section, Working Group Meetings.) These meetings give the public an opportunity to provide input on ARAC recommendation reports before ARAC submits the documents to the FAA.

A portion of an ARAC meeting may be set aside for public participation to the extent that the meeting time and agenda permit. The *Federal Register* notice announcing the meeting provides the public with specific information on addressing ARAC. The public is welcome to present or send written material to ARAC at any time.

The public may address ARAC with the permission of the officiating chair provided the chair has advance notice concerning the scope and duration of the intended presentation. The officiating chair may entertain public comment if, in his or her judgment, doing so would not disrupt the orderly progress of the meeting and would not be unfair to any other person.

Closed Meetings

The FAA may close an ARAC meeting or a portion of an ARAC meeting only for reasons such as when information to be discussed:

- Is classified or best kept secret in the interests of national defense or foreign policy.
- Discloses trade secrets and commercial or financial information obtained from a person that are privileged and confidential.

Section 552b, paragraph (c) of Title 5 of the United States Code on Open Meetings contains a more detailed list of when a Government agency may close a meeting. (See also section 10(d) of FACA.)


FACA Briefing

Each ARAC full committee, EXCOM, and ATSA meeting must include a briefing on FACA requirements. The Executive Director or the DFO, as appropriate, must include this briefing in his or her opening remarks. The briefing does not need to be identified as an agenda item.

Meeting agenda

The meeting agenda should include:

- A review of ARAC activities and

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- Any item that needs to be discussed or approved at the meeting.

WORKING GROUP MEETINGS

Attendance

Only working group members may attend working group meetings. Working group meetings are not usually open to the public. The working group chair may approve attendance by others at the working group meetings. The working group chair has the right to ask any uninvited persons to leave the meeting.

Location/Meeting Frequency

Working group meetings may be held in any reasonable and accessible location and as often as necessary to enable the working group to complete its task.

Scheduling

The working group chair, in consultation with the FAA representative, schedules the working group meetings by:

- Choosing a meeting location.
- Developing an agenda.
- Informing the ATSA assistant chair and DFO of upcoming working group meetings.
- Notifying each working group member and any assigned FAA support staff of the meeting, including sending an agenda.


Meeting Guidelines

The working group does not need a quorum to hold a meeting, and may meet as long as the attendees have the necessary expertise to carry out the task.

The working group chair and the FAA representative must be present.

Change of Meeting Date

Working groups are encouraged to develop a meeting schedule one year in advance for the following calendar year. If a scheduled meeting date needs to be changed, the working group chair should be contacted immediately to assess whether appropriate working group members will be able to attend. A new meeting date should be coordinated with all group members.

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APPENDIX C TO PART III: TELECONFERENCE MEETINGS

Notice of Teleconference

Teleconferencing may be used for all ARAC meetings, including working group meetings.

If the meeting will be open to the public, the FAA must publish a notice announcing the ARAC meeting in the *Federal Register* 15 calendar days before the meeting. The teleconference information is included in the notice. The notice also tells the public who to contact to arrange for teleconference access.

Note: The Office of Rulemaking prepares the notice for publication in the *Federal Register*.

Arrangements

A teleconference is arranged as follows:

Type of meeting	Responsible individual or organization
ARAC full committee, the EXCOM, or ATSA	Office of Rulemaking
Working group	Working group chair


Special arrangements for a teleconference need to be made when an ARAC meeting is held outside the Washington, DC, area. If an ARAC full committee, EXCOM, or ATSA meeting is held outside the Washington, DC, area, the Office of Rulemaking will reserve a conference room in the FAA headquarters building to provide teleconference services for participants in the Washington, DC, area, if needed.

The Executive Director or DFO, as appropriate, who requires the meeting be held outside the Washington, DC, area completes the Advisory Committee Meeting Location Waiver form (ARM-001-015-F1) (ARM QMS website), including the section on teleconferencing services, 60 calendar days before the date of the meeting.

Note: The Office of Rulemaking will respond to the requestor within 14 calendar days of receiving the form.

Teleconference Participation

Persons are allowed to participate by telephone on a first-come, first-served basis. Working group members who wish to participate in a working group meeting by telephone should contact the working group chair.

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Each speaker should announce when he or she is connecting and disconnecting from the teleconference and must identify himself or herself before speaking.

Meeting Materials

Participants obtain meeting materials by contacting the person listed in the *Federal Register* notice under FOR FURTHER INFORMATION CONTACT. For working group meetings, the working group chair may send meeting materials such as agendas or handouts to participants before and, if necessary, after the teleconference.

Telephone Call Charges

No one may be reimbursed for telephone call charges when participating in a teleconference. Callers from outside the Washington, DC, metropolitan area are responsible for paying long distance telephone charges.