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**FILED ELECTRONICALLY**

June 29, 2016

U.S. Department of Transportation  
Docket Operations  
West Building Ground Floor  
Room W12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

RE: Comments to Docket No. FAA-2016-6761

To Whom It May Concern:

The Aeronautical Repair Station Association (ARSA) respectfully submits the following comments to the above-referenced rulemaking. The Association's members include design and production approval holders, certificated repair stations, and air carriers. Due to the heavily regulated nature of the aviation industry, ARSA and its members are directly impacted by the proposed changes to 14 CFR sections 11.27 and 11.63.

The Notice of Proposed Rulemaking (NPRM) aims to "reorganize[e] the regulations for clarity and flow."<sup>1</sup> Unfortunately, sections 11.27 and 11.63 include unnecessary and duplicative language. Removing such language is integral to achieving the agency's aim.

The Association's comments include the agency's proposals, set forth in *italics*, with our comments and observations in **bold**. The Association's alternative regulatory language appears in ***bold italics***.

*Section 11.27: Are there other ways FAA collects specific rulemaking recommendations before we issue an NPRM?*

*Yes, the FAA obtains advice and recommendations from advisory committees, including the Aviation Rulemaking Advisory Committee (ARAC) for aviation issues and the Commercial Space Transportation Advisory Committee (COMSTAC) for commercial space transportation issues. These advisory committees are formal standing committees comprised of representatives of industry, consumer groups, and interested individuals. In conducting their activities, ARAC and COMSTAC comply with the Federal Advisory Committee Act (FACA) and the direction of FAA. We task these advisory committees with providing us with recommended rulemaking actions dealing with*

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<sup>1</sup> 81 Fed. Reg. 34923 (June 1, 2016).

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*specific areas and problems. If we accept their recommendation to change an FAA rule, we ordinarily publish an NPRM using the procedures in this part. The FAA may establish other rulemaking advisory committees for a limited period of time as needed to focus on aviation-specific issues.*

**The purpose of this section is to explain the methods by which the FAA can obtain recommendations, while at the same time assuring the public that all rulemaking activities complies with the Administrative Procedure Act.<sup>2</sup>**

**Current statutory authority enables agencies to obtain recommendations for rulemaking actions from many types of advisory committees.<sup>3</sup> These statutes may be revised, new laws enacted, or regulations be issued. Citing specific examples of advisory committees in a regulation may confuse the public and only increases the likelihood that the regulation will need to be revised again in the future. For example, enumerating only the ARAC and COMSTAC could be interpreted as excluding or limiting the other types of committees from which the FAA can receive rulemaking recommendations. Furthermore, the next time an advisory committee is created, the agency would need to revise part 11. Since part 11 applies only after the FAA determines that it will proceed with a rulemaking recommendation, ARSA recommends the following language:**

***§ 11.27: Are there other ways FAA collects specific rulemaking recommendations before we issue an NPRM?***

***Yes, the FAA can obtain advice and recommendations from advisory committees. If we accept an advisory committee's recommendation to change an FAA rule, we apply the procedures in this part.***

*§ 11.63: How and to whom do I submit my petition for rulemaking or petition for exemption?*

*(a) To submit a petition for rulemaking or exemption—*

*(1) By electronic submission, submit your petition for rulemaking or exemption to the FAA through the Internet at <http://www.regulations.gov>, the Federal Docket Management System Web site. For additional instructions, you may visit [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/), and navigate to the Rulemaking home page.*

**The Association strongly recommends that website addresses provided in regulations be limited to those least likely to change. The stability of web addresses is problematic, particularly when included in aviation safety**

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<sup>2</sup> The FAA promulgated 14 CFR part 11 to ensure compliance with the APA.

<sup>3</sup> See, e.g., Federal Advisory Committee Act of 1972, 5 U.S.C. App. 2 (2012).

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**regulations, because websites and webpages frequently change. Therefore, ARSA suggests the following language:**

***§ 11.63: How do I submit my petition for rulemaking or petition for exemption?***

***(a) A petition for rulemaking or exemption may be submitted—***

***(1) Electronically to the FAA through the Federal Docket Management System at <http://www.regulations.gov>. For instructions on submitting a petition, visit <http://www.faa.gov>, and navigate to the Rulemaking home page.***

ARSA believes that regulatory text should be clear, concise, and free of explanatory information that is more appropriately included in guidance documents. The association applauds the agency's attempt to streamline and clarify existing regulations; however, the above-referenced revisions fail to achieve that objective.

ARSA looks forward to continuing its efforts to assist the FAA in its rulemaking activities. Please do not hesitate to contact our office if we can provide further assistance.

Best regards,



Ryan M. Poteet, Esq.  
Regulatory Affairs Manager