##### DEPARTMENT OF TRANSPORTATION

**Federal Aviation Administration**

**Aviation Rulemaking Advisory Committee - New Task**

**AGENCY:** Federal Aviation Administration (FAA).

**ACTION:** Notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** This notice informs the public of the new ARAC activity and solicits membership for the new Instructions for Continued Airworthiness (ICA) Working Group.

**FOR FURTHER INFORMATION CONTACT:** NAME, Federal Aviation Administration, AFS-XXX, 800 Independence Avenue, SW, Washington, DC 20591, [EMAIL@faa.gov,](mailto:paul.m.cloutier@faa.gov) TELEPHONE NUMBERS.

##### SUPPLEMENTARY INFORMATION:

**ARAC Acceptance of Task**

As a result of its DATE meeting, the ARAC accepted this tasking to establish an Instructions for Continued Airworthiness (ICA) Working Group. The ICA Working Group will serve as staff to the ARAC and provide advice and recommendations on the assigned task. The ARAC will review and accept the initial and final recommendation reports and will submit them to the FAA.

**Background**

The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues to the FAA Administrator, through the Associate Administrator of Aviation Safety.

Today, 14 CFR § 21.50(b) requires the holder of a design approval (DAH), including either a type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller for which application was made after January 28, 1981, to furnish at least one set of complete ICA to the owner of each type aircraft, aircraft engine, or propeller upon its delivery, or upon issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later. The ICA must be prepared in accordance with 14 CFR §§ 23.1529 (normal category airplanes), 25.1529 (transport category airplanes), 25.1729 (transport category airplane electrical wiring connection systems), 27.1529 (normal category rotorcraft), 29.1529 (transport category rotorcraft), 31.82 (manned free balloons), 33.4 (aircraft engines), 35.4 (propellors), or part 26 (transport category airplanes), or as specified in the applicable airworthiness criteria for special classes of aircraft defined in § 21.17(b). The holder of a design approval must make the ICA available to any other person required by FAA regulations to comply with any of the terms of those instructions. In addition, changes to the ICA are required to be made available to any person required by FAA regulations to comply with any of those instructions.

The FAA has received numerous complaints regarding the creation, availability of, and access to ICA and other maintenance and alteration information from the DAH. The purpose of this task is to develop recommendations clarifying the maintenance, preventive maintenance, and alteration information that constitutes ICA, as well as related aviation safety obligations and rights, and creating mechanisms to afford appropriate access to the information that ensures the continued airworthiness of a product or article in accordance with the operation and maintenance rules, and to address complaints.

##### The Tasks

The ICA Working Group is tasked to:

1. Perform a comprehensive historical review of airworthiness standards, operation, and maintenance regulations and related internal and external guidance material that pertain to the requirement for, and availability of, maintenance manuals, ICA, and other continued airworthiness information and how that information was and is required to be created, provided, and updated by DAHs. This review will include, but not be limited to—
   1. Pertinent Laws and executive orders.
   2. Past and current FAA regulations pertaining to the development and provisioning of maintenance information on type certificated products by DAHs.
   3. Other Federal agency safety regulations that create similar maintenance data access rights and obligations.
   4. Title 14 CFR obligations of the different owners and operators to follow the maintenance and other continued airworthiness information provided by DAHs as well as commercial relationships requiring maintenance or alterations on civil aviation products be performed in accordance with manufacturer recommendations.
   5. Past and current FAA Orders, Notices, Advisory Circulars, and Job Aids related to the development, provisioning, and use by certificate holders of ICA and other information required to ensure continued airworthiness of the operating fleet.
2. Develop recommendations on guidance and/or regulatory changes to—
   1. Clarify the definition of ICA as it applies to products and articles under the FAA’s regulatory jurisdiction.
   2. Clarify DAH obligations to develop and make ICA available, including form, format, content, development of and access to updates, and accepting requests for clarification or correction.
   3. Create methods to identify and provide access to ICA and updates to persons required by FAA regulations to comply with the terms of those instructions and to clarify those persons regulatory needs and rights.
   4. Recommend policy that clarifies the acceptable methods of providing access to ICA to persons required to comply with those instructions that addresses the ability to protect intellectual property from unauthorized use.
   5. Create mechanisms to accept complaints, resolve disputes, and enforce obligations regarding ICA development and access.
3. Develop a preliminary and final report containing recommendations based on the analysis and findings. The reports should document both majority and dissenting positions on the recommendations and the rationale for each position. Disagreements should be documented, including the reason and rationale for each position.

The ICA Working Group may be reinstated to assist the ARAC in responding to the FAA’s questions or concerns after the recommendation report has been submitted.

##### Schedule

The preliminary and final recommendation reports will be submitted to the ARAC for review, acceptance, and submission to the FAA.

The preliminary report is to be submitted no later than 24 months from the first meeting of the ICA Working Group.

The final report will be submitted no later than 48 months after the preliminary report is forwarded to the FAA by ARAC.

##### ICA Working Group Activity

The ICA Working Group must comply with the procedures adopted by the ARAC, which are as follows:

* 1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.
  2. Draft and submit a work plan for completion of each task, including the rationale supporting such a plan, for consideration by the ARAC.
  3. Provide a status report at each ARAC meeting.
  4. Draft and submit the preliminary and final recommendation reports based on the review and analysis of the assigned tasks.
  5. Present the preliminary and final recommendation reports to the ARAC at a scheduled meeting for public discussion.

##### Participation in the ICA Working Group

The ICA Working Group will be comprised of technical and regulatory experts having an interest in the assigned task. An ICA Working Group member need not be a member representative of the ARAC. The FAA would like a wide range of stakeholders to ensure all aspects of the tasks are considered in development of the reports and recommendations.

The provisions of the August 13, 2014, Office of Management and Budget guidance, “Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions” (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their “individual capacity.” The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a “representative capacity” for the “express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.” (For further information see Lobbying Disclosure Act of 1995 as amended, 2 U.S.C 1603, 1604, and 1605.)

If you wish to become a member of the ICA Working Group, contact the person listed under the caption FOR FURTHER INFORMATION CONTACTexpressing that desire. Describe your interest in the task and state the expertise you would bring to the deliberations. The FAA must receive all requests by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.] The ARAC and the FAA will review the requests and advise you whether your request is approved.

If you are chosen for membership on the ICA Working Group, you must actively participate by attending all meetings, and providing written information when requested. You must devote the resources necessary to support the ICA Working Group in meeting assigned deadlines. You must keep your management and those you may represent advised of ICA Working Group activities and decisions to ensure the proposed solutions do not conflict with the position of those you represent. Once the ICA Working Group has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the FAA, including the Designated Federal Officer, and the ICA Working Group Chair.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law. The ARAC meetings are open to the public. However, meetings of the ICA Working Group are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of ICA Working Group meetings.

Issued in Washington, DC, on DATE

NAME

Designated Federal Officer,

Aviation Rulemaking Advisory Committee