

APPENDIX D—AVIATION RULEMAKING ADVISORY COMMITTEE RECOMMENDATIONS

GENERAL

Aviation Rulemaking Advisory Committee (ARAC) recommendation documents may be in the form of—

- A proposed rule,
- An advisory circular,
- A technical report (see appendix G, ARAC Working Group Report),
- A technical standard order,
- A disposition of comments,
- A training program, or
- A “no action” recommendation to the Federal Aviation Administration (FAA).

PROPOSED RULE

Submission standards

The ARAC should submit rulemaking recommendation documents to the FAA in packages that conform to the drafting requirements of the Document Drafting Handbook of the Office of the Federal Register (available online at <http://www.nara.gov/fedreg>). The Document Drafting Handbook also includes a section on making regulations readable according to the President’s Memorandum of June 1, 1998, Plain Language in Government Writing. Rulemaking documents must be drafted in plain English to help the public find requirements quickly and understand them easily.

Appendix D—ARAC Recommendations

Preamble

ARAC is responsible for preparing the portion of the preamble that provides justification for the proposed rule and the proposed rule (amendment) language.

ARAC must include the following elements in the preamble (which is the foreword or introduction to the proposed rule):

Preamble Element	Description
Summary	<ul style="list-style-type: none"> • Briefly states in simple language— <ul style="list-style-type: none"> ▪ What action is being taken, ▪ Why the action is necessary, and ▪ The intended effect of the action. • Must not contain specific details such as legal citations and exceptions and qualifications to the proposed rule.
Supplementary information	<ul style="list-style-type: none"> • Includes— <ul style="list-style-type: none"> ▪ Background information that includes, as applicable, pertinent history, National Transportation Safety Board recommendations, reference material, and related activities such as FAA and industry studies; and ▪ A discussion of the proposed rule, including alternatives considered and minority positions. • Is presented in language that is easily understood by the intended audience.
General discussion of the proposal	<ul style="list-style-type: none"> • Includes— <ul style="list-style-type: none"> ▪ A complete discussion of each issue, ▪ The conclusion or decision reached, and ▪ The reasons for the conclusion or decision. • Clearly indicates how the revision or new provision addresses specific issues. Complicated or lengthy proposed revisions or additions must be introduced by a general discussion followed by a section-by-section analysis.

Note: If an economic evaluation is required, a summary of the evaluation is inserted into the preamble of the proposed rule.

Proposed rule

The proposed rule (amendment) must include—

- Words of issuance,
- Authority citations, and
- The proposed rule language.

ADVISORY CIRCULAR

An advisory circular—

- Contains official FAA explanatory and guidance material.
- Is informational.
- Must not contain regulatory language.
- Must not be used to add, revise, or delete a regulation.
- Provides an acceptable means of compliance with Title 14, Code of Federal Regulations.
- Must be consistent with the FAA’s regulations and other documents, including FAA orders and FAA directives.

ARAC should submit advisory circular recommendations to the FAA in a package that conforms to the drafting requirements of FAA Order 1320.46C, Advisory Circular System. The package also must include a complete justification for the advisory circular. The advisory circular also must have had appropriate legal review.

If ARAC decides an advisory circular should accompany a recommended proposed rule, then the advisory circular package, complete with justification and legal review, must be forwarded at the same time the proposed rule package is forwarded as a recommendation document.

OTHER RECOMMENDATIONS

For technical reports recommending rulemaking action, ARAC should submit recommendations to the FAA using the ARAC Working Group Report in appendix G. For technical standard orders, dispositions of comments, training programs, and “no action” recommendations, ARAC may submit the recommendations to the FAA using any format that it deems appropriate. The package also should include a complete justification, including any cost and benefit information, if appropriate.