



RIC 2007: Rulemaking Session “Implementation Process Challenges”

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Implementation Process Challenges

- **Preferred approach for rulemaking guidance**
 - Issue draft regulatory guidance with proposed rule
 - Work with industry during guidance/technical basis development
 - Utilize industry guidance when possible
- **Benefits**
 - Informs rule language and SOC
 - Enables early identification of potential problems with rule requirements
 - Helps identify implementation impracticalities
 - Increases understanding of requirements for all stakeholders
 - Supports more informed commenting from stakeholders

Implementation Process Challenges (cont'd)

- Decoupling guidance and rule issuance
 - Part 26 (fatigue requirements) and Part 73 rules are examples of decoupled guidance
 - Resulting rule requirements can be impractical and require revision (e.g., potential re-noticing)
 - Schedule pressures exacerbate this condition
 - Schedule delays become inevitable

Implementation Process Challenges (cont'd)

- Issuance of guidance with proposed language:
 - Clearly articulates rulemaking requirements
 - Provides for meaningful discourse with stakeholders
 - Resolves identified issues early-on
 - Same technical work required for either approach
 - Best approach: couple guidance and proposed language