

SUBCHAPTER B—PROCEDURAL RULES

PART 11—GENERAL RULEMAKING PROCEDURES

Subpart A—Rulemaking Procedures

Sec.

11.1 To what does this part apply?

DEFINITION OF TERMS

- 11.3 What is an advance notice of proposed rulemaking?
- 11.5 What is a notice of proposed rulemaking?
- 11.7 What is a supplemental notice of proposed rulemaking?
- 11.9 What is a final rule?
- 11.11 What is a final rule with request for comments?
- 11.13 What is a direct final rule?
- 11.15 What is a petition for exemption?
- 11.17 What is a petition for rulemaking?
- 11.19 What is a special condition?

GENERAL

- 11.21 What are the most common kinds of rulemaking actions for which FAA follows the Administrative Procedure Act?
- 11.23 Does FAA follow the same procedures in issuing all types of rules?
- 11.25 How does FAA issue rules?
- 11.27 Are there other ways FAA collects specific rulemaking recommendations before we issue an NPRM?
- 11.29 May FAA change its regulations without first issuing an ANPRM or NPRM?
- 11.31 How does FAA process direct final rules?
- 11.33 How can I track FAA's rulemaking activities?
- 11.35 Does FAA include sensitive security information and proprietary information in the Docket Management System (DMS)?
- 11.37 Where can I find information about an Airworthiness Directive, an airspace designation, or a petition handled in a region?
- 11.38 What public comment procedures does FAA follow for Special Conditions?
- 11.39 How may I participate in FAA's rulemaking process?
- 11.40 Can I get more information about a rulemaking?

WRITTEN COMMENTS

- 11.41 Who may file comments?
- 11.43 What information must I put in my written comments?
- 11.45 Where and when do I file my comments?
- 11.47 May I ask for more time to file my comments?

PUBLIC MEETINGS AND OTHER PROCEEDINGS

- 11.51 May I request that FAA hold a public meeting on a rulemaking action?
- 11.53 What takes place at a public meeting?

PETITIONS FOR RULEMAKING AND FOR EXEMPTIONS

- 11.61 May I ask FAA to adopt, amend, or repeal a regulation, or grant relief from the requirements of a current regulation?
- 11.63 How and to whom do I submit my petition for rulemaking or petition for exemption?
- 11.71 What information must I include in my petition for rulemaking?
- 11.73 How does FAA process petitions for rulemaking?
- 11.75 Does FAA invite public comment on petitions for rulemaking?
- 11.77 Is there any additional information I must include in my petition for designating airspace?
- 11.81 What information must I include in my petition for an exemption?
- 11.83 How can I operate under an exemption outside the United States?
- 11.85 Does FAA invite public comment on petitions for exemption?
- 11.87 Are there circumstances in which FAA may decide not to publish a summary of my petition for exemption?
- 11.89 How much time do I have to submit comments to FAA on a petition for exemption?
- 11.91 How does FAA inform me of its decision on my petition for exemption?
- 11.101 May I ask FAA to reconsider my petition for rulemaking or petition for exemption if it is denied?
- 11.103 What exemption relief may be available to federal, state, and local governments when operating aircraft that are not public aircraft?

Subpart B—Paperwork Reduction Act Control Numbers

- 11.201 Office of Management and Budget (OMB) control numbers assigned under the Paperwork Reduction Act.

APPENDIX 1 TO PART 11—ORAL COMMUNICATIONS WITH THE PUBLIC DURING RULEMAKING

AUTHORITY: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701-44702, 44711, and 46102.

SOURCE: Docket No. 1999-6622, 65 FR 50863, Aug. 21, 2000, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 11 appear at 61 FR 18052, April 24, 1996.

Subpart A—Rulemaking Procedures

§ 11.1 To what does this part apply?

This part applies to the issuance, amendment, and repeal of any regulation for which FAA (“we”) follows public rulemaking procedures under the Administrative Procedure Act (“APA”) (5 U.S.C. 553).

DEFINITION OF TERMS

§ 11.3 What is an advance notice of proposed rulemaking?

An advance notice of proposed rulemaking (ANPRM) tells the public that FAA is considering an area for rulemaking and requests written comments on the appropriate scope of the rulemaking or on specific topics. An advance notice of proposed rulemaking may or may not include the text of potential changes to a regulation.

§ 11.5 What is a notice of proposed rulemaking?

A notice of proposed rulemaking (NPRM) proposes FAA’s specific regulatory changes for public comment and contains supporting information. It includes proposed regulatory text.

§ 11.7 What is a supplemental notice of proposed rulemaking?

On occasion, FAA may decide that it needs more information on an issue, or that we should take a different approach than we proposed. Also, we may want to follow a commenter’s suggestion that goes beyond the scope of the original proposed rule. In these cases, FAA may issue a supplemental notice of proposed rulemaking (SNPRM) to give the public an opportunity to comment further or to give us more information.

§ 11.9 What is a final rule?

A final rule sets out new or revised requirements and their effective date. It also may remove requirements. When preceded by an NPRM, a final rule will also identify significant substantive issues raised by commenters in response to the NPRM and will give the agency’s response.

§ 11.11 What is a final rule with request for comments?

A final rule with request for comment is a rule that the FAA issues in final (with an effective date) that invites public comment on the rule. We usually do this when we have not first issued an ANPRM or NPRM, because we have found that doing so would be impracticable, unnecessary, or contrary to the public interest. We give our reasons for our determination in the preamble. The comment period often ends after the effective date of the rule. A final rule not preceded by an ANPRM or NPRM is commonly called an “immediately adopted final rule.” We invite comments on these rules only if we think that we will receive useful information. For example, we would not invite comments when we are just making an editorial clarification or correction.

§ 11.13 What is a direct final rule?

A direct final rule is a type of final rule with request for comments. Our reason for issuing a direct final rule without an NPRM is that we would not expect to receive any adverse comments, and so an NPRM is unnecessary. However, to be certain that we are correct, we set the comment period to end before the effective date. If we receive an adverse comment or notice of intent to file an adverse comment, we then withdraw the final rule before it becomes effective and may issue an NPRM.

§ 11.15 What is a petition for exemption?

A petition for exemption is a request to FAA by an individual or entity asking for relief from the requirements of a current regulation.

§ 11.17 What is a petition for rulemaking?

A petition for rulemaking is a request to FAA by an individual or entity asking the FAA to adopt, amend, or repeal a regulation.

§ 11.19 What is a special condition?

A special condition is a regulation that applies to a particular aircraft design. The FAA issues special conditions when we find that the airworthiness