

this time would be improper, since other interested persons would not have an opportunity to respond. If we need further information regarding a comment in the docket, we may request this from a commenter. A record of this contact and the information provided is placed in the docket. If we need to make other contacts to update factual information, such as economic data, we will disclose this information in the final rule docket or in the economic studies accompanying it, which are available in the docket.

10. What if FAA needs to meet with interested persons to discuss the proposal after the comment period has closed?

If FAA determines that it would be helpful to meet with a person or group after the close of the comment period to discuss a course of action to be taken, we will announce the meeting in the FEDERAL REGISTER. We will also consider reopening the comment period. If an inappropriate ex parte contact does occur after the comment period closes, a summary of the contact and a copy of any material distributed during meeting will be placed in the docket if it could be seen as influencing the rulemaking process.

11. Under what circumstances will FAA reopen the comment period?

If we receive an ex parte communication after the comment period has closed that could substantially influence the rulemaking, we may reopen the comment period. DOT policy requires the agency to carefully consider whether the substance of the contact will give the commenter an unfair advantage, since the rest of the public may not see the record of the contact in the docket. When the substance of a proposed rule is significantly changed as a result of such an oral communication, DOT policy and practice requires that the comment period be reopened by issuing a supplemental NPRM in which the reasons for the change are discussed.

12. What if I have important information for FAA and the comment period is closed?

You may always provide FAA with written information after the close of the comment period and it will be considered if time permits. Because contacts after the close of the comment may not be seen by other interested persons, if they substantially and specifically influence the FAA's decision, we may need to reopen the comment period.

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

Subpart A—Investigative Procedures

Sec.

- 13.1 Reports of violations.
- 13.3 Investigations (general).
- 13.5 Formal complaints.
- 13.7 Records, documents and reports.

Subpart B—Administrative Actions

- 13.11 Administrative disposition of certain violations.

Subpart C—Legal Enforcement Actions

- 13.13 Consent orders.
- 13.14 Civil penalties: General.
- 13.15 Civil penalties: Other than by administrative assessment.
- 13.16 Civil penalties: Administrative assessment against a person other than an individual acting as a pilot, flight engineer, mechanic, or repairman. Administrative assessment against all persons for hazardous materials violations.
- 13.17 Seizure of aircraft.
- 13.18 Civil penalties: Administrative assessment against an individual acting as a pilot, flight engineer, mechanic, or repairman.
- 13.19 Certificate action.
- 13.20 Orders of compliance, cease and desist orders, orders of denial, and other orders.
- 13.21 Military personnel.
- 13.23 Criminal penalties.
- 13.25 Injunctions.
- 13.27 Final order of Hearing Officer in certificate of aircraft registration proceedings.
- 13.29 Civil penalties: Streamlined enforcement procedures for certain security violations.

Subpart D—Rules of Practice for FAA Hearings

- 13.31 Applicability.
- 13.33 Appearances.
- 13.35 Request for hearing.
- 13.37 Hearing Officer's powers.
- 13.39 Disqualification of Hearing Officer.
- 13.41 [Reserved]
- 13.43 Service and filing of pleadings, motions, and documents.
- 13.44 Computation of time and extension of time.
- 13.45 Amendment of notice and answer.
- 13.47 Withdrawal of notice or request for hearing.
- 13.49 Motions.
- 13.51 Intervention.
- 13.53 Depositions.
- 13.55 Notice of hearing.
- 13.57 Subpoenas and witness fees.

§ 13.1

- 13.59 Evidence.
- 13.61 Argument and submittals.
- 13.63 Record.

Subpart E—Orders of Compliance Under the Hazardous Materials Transportation Act

- 13.71 Applicability.
- 13.73 Notice of proposed order of compliance.
- 13.75 Reply or request for hearing.
- 13.77 Consent order of compliance.
- 13.79 Hearing.
- 13.81 Order of immediate compliance.
- 13.83 Appeal.
- 13.85 Filing, service and computation of time.
- 13.87 Extension of time.

Subpart F—Formal Fact-Finding Investigation Under an Order of Investigation

- 13.101 Applicability.
- 13.103 Order of investigation.
- 13.105 Notification.
- 13.107 Designation of additional parties.
- 13.109 Convening the investigation.
- 13.111 Subpoenas.
- 13.113 Noncompliance with the investigative process.
- 13.115 Public proceedings.
- 13.117 Conduct of investigative proceeding or deposition.
- 13.119 Rights of persons against self-incrimination.
- 13.121 Witness fees.
- 13.123 Submission by party to the investigation.
- 13.125 Depositions.
- 13.127 Reports, decisions and orders.
- 13.129 Post-investigation action.
- 13.131 Other procedures.

Subpart G—Rules of Practice in FAA Civil Penalty Actions

- 13.201 Applicability.
- 13.202 Definitions.
- 13.203 Separation of functions.
- 13.204 Appearances and rights of parties.
- 13.205 Administrative law judges.
- 13.206 Intervention.
- 13.207 Certification of documents.
- 13.208 Complaint.
- 13.209 Answer.
- 13.210 Filing of documents.
- 13.211 Service of documents.
- 13.212 Computation of time.
- 13.213 Extension of time.
- 13.214 Amendment of pleadings.
- 13.215 Withdrawal of complaint or request for hearing.
- 13.216 Waivers.
- 13.217 Joint procedural or discovery schedule.
- 13.218 Motions.
- 13.219 Interlocutory appeals.

14 CFR Ch. I (1–1–08 Edition)

- 13.220 Discovery.
- 13.221 Notice of hearing.
- 13.222 Evidence.
- 13.223 Standard of proof.
- 13.224 Burden of proof.
- 13.225 Offer of proof.
- 13.226 Public disclosure of evidence.
- 13.227 Expert or opinion witnesses.
- 13.228 Subpoenas.
- 13.229 Witness fees.
- 13.230 Record.
- 13.231 Argument before the administrative law judge.
- 13.232 Initial decision.
- 13.233 Appeal from initial decision.
- 13.234 Petition to reconsider or modify a final decision and order of the FAA decisionmaker on appeal.
- 13.235 Judicial review of a final decision and order.

Subpart H—Civil Monetary Penalty Inflation Adjustment

- 13.301 Scope and purpose.
- 13.303 Definitions.
- 13.305 Cost of living adjustments of civil monetary penalties.

Subpart I—Flight Operational Quality Assurance Programs

- 13.401 Flight Operational Quality Assurance program: Prohibition against use of data for enforcement purposes.

AUTHORITY: 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 106(g), 5121–5128, 40113–40114, 44103–44106, 44702–44703, 44709–44710, 44713, 46101–46111, 46301, 46302 (for a violation of 49 U.S.C. 46504), 46304–46316, 46318, 46501–46502, 46504–46507, 47106, 47107, 47111, 47122, 47306, 47531–47532; 49 CFR 1.47.

SOURCE: Docket No. 18884, 44 FR 63723, Nov. 5, 1979, unless otherwise noted.

Subpart A—Investigative Procedures

§ 13.1 Reports of violations.

(a) Any person who knows of a violation of the Federal Aviation Act of 1958, as amended, the Hazardous Materials Transportation Act relating to the transportation or shipment by air of hazardous materials, the Airport and Airway Development Act of 1970, the Airport and Airway Improvement Act of 1982, the Airport and Airway Improvement Act of 1982 as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, or any rule, regulation, or order issued thereunder, should report it to appropriate

personnel of any FAA regional or district office.

(b) Each report made under this section, together with any other information the FAA may have that is relevant to the matter reported, will be reviewed by FAA personnel to determine the nature and type of any additional investigation or enforcement action the FAA will take.

[Doc. No. 18884, 44 FR 63723, Nov. 5, 1979, as amended by Amdt. 13-17, 53 FR 33783, Aug. 31, 1988]

§ 13.3 Investigations (general).

(a) Under the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1301 *et seq.*), the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*), the Airport and Airway Development Act of 1970 (49 U.S.C. 1701 *et seq.*), the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2201 *et seq.*), the Airport and Airway Improvement Act of 1982 (as amended, 49 U.S.C. App. 2201 *et seq.*), Airport and Airway Safety and Capacity Expansion Act of 1987), and the Regulations of the Office of the Secretary of Transportation (49 CFR 1 *et seq.*), the Administrator may conduct investigations, hold hearings, issue subpoenas, require the production of relevant documents, records, and property, and take evidence and depositions.

(b) For the purpose of investigating alleged violations of the Federal Aviation Act of 1958, as amended the Hazardous Materials Transportation Act, the Airport and Airway Development Act of 1970, the Airport and Airway Improvement Act of 1982, the Airport and Airway Improvement Act of 1982 as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, or any rule, regulation, or order issued thereunder, the Administrator's authority has been delegated to the various services and or offices for matters within their respective areas for all routine investigations. When the compulsory processes of sections 313 and 1004 (49 U.S.C. 1354 and 1484) of the Federal Aviation Act, or section 109 of the Hazardous Materials Transportation Act (49 U.S.C. 1808) are invoked, the Administrator's authority has been delegated to the Chief Counsel, the Deputy Chief Counsel, each Assistant

Chief Counsel, each Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel.

(c) In conducting formal investigations, the Chief Counsel, the Deputy Chief Counsel, each Assistant Chief Counsel, each Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel may issue an order of investigation in accordance with Subpart F of this part.

(d) A complaint against the sponsor, proprietor, or operator of a Federally-assisted airport involving violations of the legal authorities listed in §16.1 of this chapter shall be filed in accordance with the provisions of part 16 of this chapter, except in the case of complaints, investigations, and proceedings initiated before December 16, 1996, the effective date of part 16 of this chapter.

[Doc. No. 18884, 44 FR 63723, Nov. 5, 1979, as amended by Amdt. 13-17, 53 FR 33783, Aug. 31, 1988; 53 FR 35255, Sept. 12, 1988; Amdt. 13-19, 54 FR 39290, Sept. 25, 1989; Amdt. 13-27, 61 FR 54004, Oct. 16, 1996; Amdt. 13-29, 62 FR 46865, Sept. 4, 1997]

§ 13.5 Formal complaints.

(a) Any person may file a complaint with the Administrator with respect to anything done or omitted to be done by any person in contravention of any provision of any Act or of any regulation or order issued under it, as to matters within the jurisdiction of the Administrator. This section does not apply to complaints against the Administrator or employees of the FAA acting within the scope of their employment.

(b) Complaints filed under this section must—

(1) Be submitted in writing and identified as a complaint filed for the purpose of seeking an appropriate order or other enforcement action;

(2) Be submitted to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Enforcement Docket (AGC-10), 800 Independence Avenue, S.W., Washington, DC 20591;

(3) Set forth the name and address, if known, of each person who is the subject of the complaint and, with respect to each person, the specific provisions of the Act or regulation or order that the complainant believes were violated;