

ARSA Regulatory Compliance Training—Questions

Part [11](#): General Rulemaking Procedures

Level 1: For anyone working in aviation

§ [11.38](#) What public comment procedures does the FAA follow for [Special Conditions](#)?

Even though the Administrative Procedure Act does not require notice and comment for rules of particular applicability, FAA does publish proposed special conditions for comment. In the following circumstances we may not invite comment before we issue a special condition. If we don't, we will invite comment when we publish the final special condition.

- (a) The FAA considers prior notice to be impracticable if issuing a design approval would significantly delay delivery of the affected aircraft. We consider such a delay to be contrary to the public interest.
- (b) The FAA considers prior notice to be unnecessary if we have provided previous opportunities to comment on substantially identical proposed special conditions, and we are satisfied that new comments are unlikely.

Question 1: *The FAA does not publish special conditions for comment.*

- A: True.
- B: False.

Question 2: *The FAA does not consider a significant delay in aircraft delivery to be contrary to the public interest.*

- A: True.
- B: False.

Question 3: *The FAA considers prior notice to be unnecessary if it has provided previous opportunities to comment on substantially identical proposed special conditions and it is satisfied new comments are unlikely.*

- A: True.
- B: False.

Question 4: *When the FAA does not publish proposed special conditions for comment, it invites comments when publishing the final special condition.*

- A: True.
- B: False.

Name and/or Identification _____

Clearly Print the Name and/or Identification of the Person Taking the Test

Date _____

Date Test was Completed

Score _____

Enter as x (number correct) of y (number of questions)

Hours _____

Time Credited for Test

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ARSA Regulatory Compliance Training—Answers

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- (a) The FAA considers prior notice to be impracticable if issuing a design approval would significantly delay delivery of the affected aircraft. We consider such a delay to be contrary to the public interest.
- (b) The FAA considers prior notice to be unnecessary if we have provided previous opportunities to comment on substantially identical proposed special conditions, and we are satisfied that new comments are unlikely.

Question 1: *The FAA does not publish special conditions for comment.*

A: True.

B: **False.** Though the APA does not publication of a notice of proposed rulemaking when “persons subject thereto” are named and have actual notice, under § [11.38](#) the FAA does publish proposed special conditions for comment with specific exceptions.

Question 3: *The FAA considers prior notice to be unnecessary if it has provided previous opportunities to comment on substantially identical proposed special conditions and it is satisfied new comments are unlikely.*

A: **True.** See § [11.38\(b\)](#).

B: False.

Question 2: *The FAA does not consider a significant delay in aircraft delivery to be contrary to the public interest.*

A: True.

B: **False.** In § [11.38\(a\)](#), the FAA includes significant delay in aircraft delivery as one of the circumstances under which it may not invite comment on a proposed special condition, noting that such a delay is considered to be contrary to the public interest.

Question 4: *When the FAA does not publish proposed special conditions for comment, it invites comments when publishing the final special condition.*

A: **True.** See § [11.38](#).

B: False.