

# ARSA Regulatory Compliance Training—Questions

Part [11](#): General Rulemaking Procedures

Level 1: For anyone working in aviation

## § [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, we will either publish a document withdrawing the direct final rule before it becomes effective and may issue an NPRM, or proceed by any other means permitted under the Administrative Procedure Act, 5 U.S.C. 551 et seq., consistent with procedures at 49 CFR 5.13(l).

**Question 1:** When preceded by an NPRM (notice of proposed rulemaking, see § [11.5](#)) a final rule will identify significant substantive issues raised by commenters.

- A: True.
- B: False.

**Question 2:** Each type of final rule described in §§ [11.9](#), [11.11](#) and [11.13](#) includes an effective date for its new or revised requirements.

- A: True.
- B: False.

**Question 3:** When the FAA invites comment on a final rule or direct final rule, the comment period always closes before the effective date of the rule.

- A: True.
- B: False.

**Question 4:** An "immediately adopted final rule" may not include a request for comments.

- 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

Approved by

\_\_\_\_\_ Signature of Supervisor or Person Administering Test

# ARSA Regulatory Compliance Training—Answers

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Level 1: For anyone working in aviation

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**Question 1:** *When preceded by an NPRM (notice of proposed rulemaking, see § [11.5](#)) a final rule will identify significant substantive issues raised by commenters.*

A: True. Under § [11.9](#), a final rule will identify significant issues raised in response to the NPRM and will give the agency's response.

B: False.

**Question 3:** *When the FAA invites comment on a final rule or direct final rule, the comment period always closes before the effective date of the rule.*

A: True.

B: False. § [11.11](#) notes that the comment period for a final rule with request for comments “often ends after the effective date of the rule” as opposed to direct final rules under § [11.13](#), which always have comment periods closing before the effective date so the FAA can take action in response to an adverse comment.

**Question 2:** *Each type of final rule described in §§ [11.9](#), [11.11](#) and [11.13](#) includes an effective date for its new or revised requirements.*

A: True. Even when a final rule has not been preceded by an ANPRM (advanced notice of proposed rulemaking, see § [11.3](#)) or an NRPM and the FAA is inviting public comment, the new or revised requirements include an effective date.

B: False.

**Question 4:** *An “immediately adopted final rule” may not include a request for comments.*

A: True. According to § [11.11](#), the FAA would not invite comments for editorial clarifications or corrections because it would not expect to receive useful information from the public.

B: False.