

ARSA Regulatory Compliance Training—Questions

Part 11: General Rulemaking Procedures

Level 1: For anyone working in aviation

§ 11.31 How does FAA process direct final rules?

- (a) A direct final rule will take effect on a specified date unless FAA receives an adverse comment within the comment period—generally 60 days after the direct final rule is published in the *Federal Register*. An adverse comment explains why a rule would be inappropriate, or would be ineffective or unacceptable without a change. It may challenge the rule's underlying premise or approach. Under the direct final rule process, we do not consider the following types of comments to be adverse:
 - (1) A comment recommending another rule change, in addition to the change in the direct final rule at issue. We consider the comment adverse, however, if the commenter states why the direct final rule would be ineffective without the change.
 - (2) A frivolous or insubstantial comment.
- (b) If FAA has not received an adverse comment, we will publish a confirmation document in the *Federal Register*, generally within 15 days after the comment period closes. The confirmation document tells the public the effective date of the rule.
- (c) If we receive an adverse comment, we will advise the public by publishing a document in the *Federal Register* before the effective date of the direct final rule. This document may withdraw the direct final rule in whole or in part. If we withdraw a direct final rule because of an adverse comment, we may incorporate the commenter's recommendation into another direct final rule or may publish a notice of proposed rulemaking.

Question 1: An adverse comment may challenge a rule's underlying premise or approach.

- A: True.
- B: False.

Question 2: If the FAA receives no adverse comments, it will publish a confirmation document.

- A: True.
- B: False.

Question 3: A comment recommending another rule change, in addition to the change in the direct final rule at issue, is not considered an adverse comment.

- A: True.
- B: False.

Question 4: If the FAA withdraws a direct final rule because of an adverse comment, it must issue a new direct final rule to incorporate a commenter's recommendation.

- 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

Part **11**: General Rulemaking Procedures

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§ 11.31 How does FAA process direct final rules?

- (d) A direct final rule will take effect on a specified date unless FAA receives an adverse comment within the comment period—generally 60 days after the direct final rule is published in the *Federal Register*. An adverse comment explains why a rule would be inappropriate, or would be ineffective or unacceptable without a change. It may challenge the rule's underlying premise or approach. Under the direct final rule process, we do not consider the following types of comments to be adverse:
- (1) A comment recommending another rule change, in addition to the change in the direct final rule at issue. We consider the comment adverse, however, if the commenter states why the direct final rule would be ineffective without the change.
 - (2) A frivolous or insubstantial comment.
- (e) If FAA has not received an adverse comment, we will publish a confirmation document in the *Federal Register*, generally within 15 days after the comment period closes. The confirmation document tells the public the effective date of the rule.
- (f) If we receive an adverse comment, we will advise the public by publishing a document in the *Federal Register* before the effective date of the direct final rule. This document may withdraw the direct final rule in whole or in part. If we withdraw a direct final rule because of an adverse comment, we may incorporate the commenter's recommendation into another direct final rule or may publish a notice of proposed rulemaking.

Question 1: *An adverse comment may challenge a rule's underlying premise or approach.*

A: True. Section **11.31(a)** defines an adverse comment as one explaining why a rule would be inappropriate or would be ineffective or unacceptable without a change; and an adverse comment may also challenge the rule's underlying premise or approach.

B: False.

Question 3: *A comment recommending another rule change, in addition to the change in the direct final rule at issue, is not considered an adverse comment.*

A: True.

B: False. Section **11.31(a)(1)** states that a comment recommending another rule change will be considered adverse if the commenter states why the direct final rule would be ineffective without the change.

Question 2: *If the FAA receives no adverse comments, it will publish a confirmation document.*

A: True. Section **11.31(b)** explains the FAA will publish to the *Federal Register*, generally within 15 days, telling the public the effective date of the rule.

B: False.

Question 4: *If the FAA withdraws a direct final rule because of an adverse comment, it must issue a new direct final rule to incorporate a commenter's recommendation.*

A: True.

B: False. § **11.31(c)** notes that the agency *may* incorporate the recommendation into another direct final rule or it *may* publish a notice of proposed rulemaking.