

ARSA Regulatory Compliance Training—Questions

Part **11**: General Rulemaking Procedures

Level **1**: For anyone working in aviation

§ 11.35 Does FAA include sensitive security information and proprietary information in the Federal Docket Management System (FDMS)?

- (a) *Sensitive security information.* You should not submit sensitive security information to the rulemaking docket, unless you are invited to do so in our request for comments. If we ask for this information, we will tell you in the specific document how to submit this information, and we will provide a separate non-public docket for it. For all proposed rule changes involving civil aviation security, we review comments as we receive them, before they are placed in the docket. If we find that a comment contains sensitive security information, we remove that information before placing the comment in the general docket.
- (b) *Proprietary information.* When we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act ([5 U.S.C. 552](#)). We process such a request under the DOT procedures found in [49 CFR](#) part [7](#).

§ 11.37 Where can I find information about an Airworthiness Directive, an airspace designation, or a petition handled in a region?

The FAA includes most documents concerning Airworthiness Directives, airspace designations, or petitions handled in a region in the electronic docket. If the information isn't in the docket, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in the FEDERAL REGISTER document about the action.

Question 1: Commenters should not submit sensitive security or proprietary information because it will be included in the public docket.

- A: True.
- B: False.

Question 2: Proprietary information submitted with a comment is completely removed before publishing to the public docket so readers will be unaware it was there.

- A: True.
- B: False.

Question 3: Requests for proprietary information are processed at the discretion of the person listed under **FOR FURTHER INFORMATION CONTACT** in the FEDERAL REGISTER.

- A: True.
- B: False.

Question 4: Any documents concerning Airworthiness Directives must be requested under the Freedom of Information Act.

- 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

Part [11](#): General Rulemaking Procedures

Level 1: For anyone working in aviation

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Question 1: Commenters should not submit sensitive security or proprietary information because it will be included in the public docket.

A: True.

B: False. § [11.35\(a\)](#) instructs commenters not to submit sensitive security information unless specifically invited to do so, but both § [11.35\(a\)](#) and [\(b\)](#) explain that sensitive security and proprietary information is held outside of the public docket. Still submitting information to a rulemaking document does risk its release via FOIA.

Question 2: Proprietary information submitted with a comment is completely removed before publishing to the public docket so readers will be unaware it was there.

A: True.

B: False. § [11.35\(b\)](#) explains that when proprietary information is removed a note is placed in the docket indicating it was received.

Question 3: Requests for proprietary information are processed at the discretion of the person listed under **FOR FURTHER INFORMATION CONTACT** in the FEDERAL REGISTER.

A: True.

B: False. According to § [11.35\(b\)](#), requests for proprietary information are handled under the DOT procedures found in [49 CFR](#) part [7](#), which implements the Freedom of Information Act and prescribes rules governing the public availability of DOT records.

Question 4: Any documents concerning Airworthiness Directives must be requested under the Freedom of Information Act.

A: True.

B: False. § [11.37](#) explains the FAA includes most documents concerning ADs in the electronic docket and instructs the public to seek assistance from the person listed under **FOR FURTHER INFORMATION CONTACT** in the FEDERAL REGISTER document about the action.