

SECTION 3. FAA REGULATORY RESPONSIBILITY AND METHODOLOGY

141. GENERAL.

A. Within the executive branch of the federal government, a number of regulatory agencies perform their assigned functions to carry out the will of Congress which is expressed in public law and considered to be in the public interest. One of these agencies is the FAA which was established by the Federal Aviation Act of 1958 (FA Act). In fulfilling the FAA's regulatory responsibility, the FAA Administrator must take into consideration the following items as being in the public interest:

- Regulation of air commerce in such a manner as to best promote its development and safety and fulfill the requirements of national defense
- Promotion, encouragement, and development of civil aeronautics
- Controlled use of the navigable airspace of the United States and the regulation of both civil and military operations in such airspace in the interest of the safety and efficiency of both
- Consolidation of research and development with respect to air navigation facilities, as well as the installation and operation of these facilities
- Development and operation of a common system of air traffic control and navigation for both military and civil aircraft

B. It is with these broad public considerations in mind that the FAA Administrator regulates air commerce. The regulatory process is interactive and its speed is regulated by the need to involve the public in the process which is a part of the American democratic system. Only in an emergency may the normal regulatory process be accelerated.

143. REGULATORY PROCEDURES. General rule-making procedures followed by the FAA are explained in Part 11 of the FAR's. These procedures require that a public docket be established and maintained as official FAA records of each rule-making action. Certain rule-making responsibility has been delegated to FAA regional directors. For example, responsibility for processing aircraft and engine regulatory proposals and final rules are delegated to certification directorates. However, it is important to remember that the Administrator is the final authority with respect to all aviation safety rule-making actions.

145. FAA RESPONSIBILITIES. To fulfill the FAA's regulatory responsibility, the Administrator gives full consideration to the obligation of air carriers

to perform their services with the highest degree of safety in the public interest. The Administrator also considers any differences between air transportation and air commerce. Safety standards, rules, regulations, and certificates are prescribed and revised from time to time by the FAA which recognizes those differences. For example, the regulatory requirements for issuance of a private pilot certificate are less stringent than the requirements established for the issuance of an airline transport pilot certificate. Accordingly, privileges of the private pilot certificate are limited compared to those granted a holder of an airline transport pilot certificate.

147. PUBLIC RESPONSIBILITIES AND RIGHTS.

Any interested person may petition the Administrator to issue, amend, or rescind an FAR requirement. As with any internally generated rule-making project, each petition must be specific as to scope and purpose and contain any information, views, and arguments which support the requested regulatory action. A summary of each public petition is published in the Federal Register to allow for public comment. Normally, the public has 60 days to submit comments on the petition for rule-making. After the close of the public comment period, the FAA considers all comments received and decides whether to accept or deny the petition. If the decision is to deny, a denial of petition is prepared, coordinated, signed, and mailed to the petitioner.

149. PROCESSING PROPOSED RULES.

A. If the FAA decides to accept the petition for rule-making, a Notice of Proposed Rule-Making (NPRM) is prepared by the appropriate FAA office. As with an internally generated NPRM, it is then signed and published in the Federal Register for public comment. If considered appropriate by the FAA, a public hearing may be announced and held during the public comment period. The public comment period may vary based on the complexity and significance of the proposed regulatory action. After the close of the public comment period, the FAA considers all comments received and decides whether to proceed with a final rule or to withdraw the NPRM. In either case, the decision is prepared, coordinated, signed, and published in the Federal Register. Generally, a final rule is effective 30 days after publication in the Federal Register.

B. The preceding description of the rule-making process is generalized and abbreviated. It is not to be construed as a substitute for Part 11 of the FAR's, associated Acts (for example, the Administrative Procedures Act and the National Environmental Policy

Act), Executive Orders, DOT policies and procedures, and FAA rule-making policy and procedures.

150. - 154. RESERVED.

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