

(c) That we did not correctly interpret a law, regulation, or precedent.

**§ 11.103 What exemption relief may be available to federal, state, and local governments when operating aircraft that are not public aircraft?**

The Federal Aviation Administration may grant a federal, state, or local government an exemption from part A of subtitle VII of title 49 United States Code, and any regulation issued under that authority that is applicable to an aircraft as a result of the Independent Safety Board Act Amendments of 1994, Public Law 103-411, if—

(a) The Administrator finds that granting the exemption is necessary to prevent an undue economic burden on the unit of government; and

(b) The Administrator certifies that the aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.

[68 FR 25488, May 13, 2003]

**Subpart B—Paperwork Reduction Act Control Numbers**

**§ 11.201 Office of Management and Budget (OMB) control numbers assigned under the Paperwork Reduction Act.**

(a) The Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) requires FAA to get approval from OMB for our information collection activities, and to list a record of those approvals in the FEDERAL REGISTER. This subpart lists the control numbers OMB assigned to FAA's information collection activities.

(b) The table listing OMB control numbers assigned to FAA's information collection activities follows:

14 CFR part or section identified and described	Current OMB control number
Part 14 .....	2120-0539
Part 17 .....	2120-0632
Part 21 .....	2120-0018, 2120-0552
Part 34 .....	2120-0508
Part 39 .....	2120-0056
Part 43 .....	2120-0020
Part 45 .....	2120-0508
Part 47 .....	2120-0024, 2120-0042
Part 49 .....	2120-0043
Part 60 .....	2120-0680

14 CFR part or section identified and described	Current OMB control number
Part 61 .....	2120-0021, 2120-0034, 2120-0543, 2120-0571
Part 63 .....	2120-0007
Part 65 .....	2120-0022, 2120-0535, 2120-0571, 2120-0648
Part 67 .....	2120-0034, 2120-0543
Part 77 .....	2120-0001
Part 91 .....	2120-0005, 2120-0026, 2120-0027, 2120-0573, 2120-0606, 2120-0620, 2120-0631, 2120-0651
Part 93 .....	2120-0524, 2120-0606, 2120-0639
Part 101 .....	2120-0027
Part 105 .....	2120-0027, 2120-0641
Part 107 .....	2120-0075, 2120-0554, 2120-0628
Part 108 .....	2120-0098, 2120-0554, 2120-0577, 2120-0628, 2120-0642
Part 109 .....	2120-0505
Part 119 .....	2120-0593
Part 121 .....	2120-0008, 2120-0028, 2120-0535, 2120-0571, 2120-0600, 2120-0606, 2120-0614, 2120-0616, 2120-0631, 2120-0651, 2120-0653, 2120-0691, 2120-0702
Part 125 .....	2120-0028, 2120-0085, 2120-0616, 2120-0651
Part 129 .....	2120-0028, 2120-0536, 2120-0616, 2120-0638
Part 133 .....	2120-0044
Part 135 .....	2120-0003, 2120-0028, 2120-0039, 2120-0535, 2120-0571, 2120-0600, 2120-0606, 2120-0614, 2120-0616, 2120-0620, 2120-0631, 2120-0653
Part 137 .....	2120-0049
Part 139 .....	2120-0045, 2120-0063
Part 141 .....	2120-0009
Part 142 .....	2120-0570
Part 145 .....	2120-0003, 2120-0010, 2120-0571
Part 147 .....	2120-0040
Part 150 .....	2120-0517
Part 157 .....	2120-0036
Part 158 .....	2120-0557
Part 161 .....	2120-0563
Part 171 .....	2120-0014
Part 183 .....	2120-0033, 2120-0604
Part 193 .....	2120-0646
Part 198 .....	2120-0514
Part 400 .....	2120-0643, 2120-0644, 0649
Part 401 .....	2120-0608
Part 440 .....	2120-0601
SFAR 36 .....	2120-0507
SFAR 71 .....	2120-0620

[Doc. No. 1999-6622, 65 FR 50863, Aug. 21, 2000, as amended by Amdt. 11-47, 67 FR 9553, Mar. 1, 2002; Amdt. 11-49, 68 FR 61321, Oct. 27, 2003; Amdt. 11-49, 68 FR 70132, Dec. 17, 2003; 70 FR 40163, July 12, 2005; 71 FR 63426, Oct. 30, 2006; 72 FR 59599, Oct. 22, 2007]

**APPENDIX 1 TO PART 11—ORAL COMMUNICATIONS WITH THE PUBLIC DURING RULEMAKING**

*1. What is an ex parte contact?*

“Ex parte” is a Latin term that means “one sided,” and indicates that not all parties to an issue were present when it was discussed. An ex parte contact involving rulemaking is

any communication between FAA and someone outside the government regarding a specific rulemaking proceeding, before that proceeding closes. A rulemaking proceeding does not close until we publish the final rule or withdraw the NPRM. Because an ex parte contact excludes other interested persons, including the rest of the public, from the communication, it may give an unfair advantage to one party, or appear to do so.

2. *Are written comments to the docket ex parte contacts?*

Written comments submitted to the docket are not ex parte contacts because they are available for inspection by all members of the public.

3. *What is DOT policy on ex parte contacts?*

It is DOT policy to provide for open development of rules and to encourage full public participation in rulemaking actions. In addition to providing opportunity to respond in writing to an NPRM and to appear and be heard at a hearing, DOT policy encourages agencies to contact the public directly when we need factual information to resolve questions of substance. It also encourages DOT agencies to be receptive to appropriate contacts from persons affected by or interested in a proposed action. But under some circumstances an ex parte contact could affect the basic openness and fairness of the rulemaking process. Even the appearance of impropriety can affect public confidence in the process. For this reason, DOT policy sets careful guidelines for these contacts. The kind of ex parte contacts permitted and the procedures we follow depend on when the contact occurs in the rulemaking process.

4. *What kinds of ex parte contacts does DOT policy permit before we issue an ANPRM, NPRM, Supplemental NPRM, or immediately adopted final rule?*

The DOT policy authorizes ex parte contacts that we need to obtain technical and economic information. We need this information to decide whether to issue a regulation and what it should say. Each contact that influences our development of the regulation is noted in the preamble. For multiple contacts that are similar, we may provide only a general discussion. For contacts not discussed in the preamble, we place a report discussing each contact or group of related contacts in the rulemaking docket when it is opened.

5. *Does DOT policy permit ex parte contacts during the comment period?*

No, during the comment period, the public docket is available for written comments from any member of the public. These comments can be examined and responded to by any interested person. Because this public forum is available, DOT policy discourages

ex parte contacts during the comment period. They are not necessary to collect the information the agency needs to make its decision.

6. *What if the FAA believes it needs to meet with members of the public to discuss the proposal?*

If the FAA determines that it would be helpful to invite members of the public to make oral presentations to it regarding the proposal, we will announce a public meeting in the FEDERAL REGISTER.

7. *Are any oral contacts concerning the proposal permitted during the comment period?*

If you contact the agency with questions regarding the proposal during the comment period, we can only provide you with information that has already been made available to the general public. If you contact the agency to discuss the proposal, you will be told that the proper avenue of communication during the comment period is a written communication to the docket.

8. *If a substantive ex parte contact does occur during the comment period, what does FAA do?*

While FAA tries to ensure that FAA personnel and the public are aware of DOT policy, substantive ex parte contacts do occasionally occur, for example, at meetings not intended for that purpose. In such a case, we place a summary of the contact and a copy of any materials provided at the meeting in the rulemaking docket. We encourage participants in such a meeting to file written comments in the docket.

9. *Does DOT policy permit ex parte contacts the comment period has closed?*

DOT policy strongly discourages ex parte contacts initiated by commenters to discuss their position on the proposal once the comment period has closed. Such a contact at this time would be improper, since other interested persons would not have an opportunity to respond. If we need further information regarding a comment in the docket, we may request this from a commenter. A record of this contact and the information provided is placed in the docket. If we need to make other contacts to update factual information, such as economic data, we will disclose this information in the final rule docket or in the economic studies accompanying it, which are available in the docket.

10. *What if FAA needs to meet with interested persons to discuss the proposal after the comment period has closed?*

If FAA determines that it would be helpful to meet with a person or group after the close of the comment period to discuss a

course of action to be taken, we will announce the meeting in the FEDERAL REGISTER. We will also consider reopening the comment period. If an inappropriate ex parte contact does occur after the comment period closes, a summary of the contact and a copy of any material distributed during meeting will be placed in the docket if it could be seen as influencing the rulemaking process.

*11. Under what circumstances will FAA reopen the comment period?*

If we receive an ex parte communication after the comment period has closed that could substantially influence the rulemaking, we may reopen the comment period. DOT policy requires the agency to carefully consider whether the substance of the contact will give the commenter an unfair advantage, since the rest of the public may not see the record of the contact in the docket. When the substance of a proposed rule is significantly changed as a result of such an oral communication, DOT policy and practice requires that the comment period be reopened by issuing a supplemental NPRM in which the reasons for the change are discussed.

*12. What if I have important information for FAA and the comment period is closed?*

You may always provide FAA with written information after the close of the comment period and it will be considered if time permits. Because contacts after the close of the comment may not be seen by other interested persons, if they substantially and specifically influence the FAA's decision, we may need to reopen the comment period.

## PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

### Subpart A—Investigative Procedures

Sec.

- 13.1 Reports of violations.
- 13.3 Investigations (general).
- 13.5 Formal complaints.
- 13.7 Records, documents and reports.

### Subpart B—Administrative Actions

- 13.11 Administrative disposition of certain violations.

### Subpart C—Legal Enforcement Actions

- 13.13 Consent orders.
- 13.14 Civil penalties: General.
- 13.15 Civil penalties: Other than by administrative assessment.
- 13.16 Civil penalties: Administrative assessment against a person other than an individual acting as a pilot, flight engineer, mechanic, or repairman. Adminis-

trative assessment against all persons for hazardous materials violations.

- 13.17 Seizure of aircraft.
- 13.18 Civil penalties: Administrative assessment against an individual acting as a pilot, flight engineer, mechanic, or repairman.
- 13.19 Certificate action.
- 13.20 Orders of compliance, cease and desist orders, orders of denial, and other orders.
- 13.21 Military personnel.
- 13.23 Criminal penalties.
- 13.25 Injunctions.
- 13.27 Final order of Hearing Officer in certificate of aircraft registration proceedings.
- 13.29 Civil penalties: Streamlined enforcement procedures for certain security violations.

### Subpart D—Rules of Practice for FAA Hearings

- 13.31 Applicability.
- 13.33 Appearances.
- 13.35 Request for hearing.
- 13.37 Hearing Officer's powers.
- 13.39 Disqualification of Hearing Officer.
- 13.41 [Reserved]
- 13.43 Service and filing of pleadings, motions, and documents.
- 13.44 Computation of time and extension of time.
- 13.45 Amendment of notice and answer.
- 13.47 Withdrawal of notice or request for hearing.
- 13.49 Motions.
- 13.51 Intervention.
- 13.53 Depositions.
- 13.55 Notice of hearing.
- 13.57 Subpoenas and witness fees.
- 13.59 Evidence.
- 13.61 Argument and submittals.
- 13.63 Record.

### Subpart E—Orders of Compliance Under the Hazardous Materials Transportation Act

- 13.71 Applicability.
- 13.73 Notice of proposed order of compliance.
- 13.75 Reply or request for hearing.
- 13.77 Consent order of compliance.
- 13.79 Hearing.
- 13.81 Order of immediate compliance.
- 13.83 Appeal.
- 13.85 Filing, service and computation of time.
- 13.87 Extension of time.

### Subpart F—Formal Fact-Finding Investigation Under an Order of Investigation

- 13.101 Applicability.
- 13.103 Order of investigation.
- 13.105 Notification.
- 13.107 Designation of additional parties.