

Proposed Rules

Federal Register

Vol. 88, No. 197

Friday, October 13, 2023

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 3

[Docket No.: FAA–2023–1194; Notice No. 23–07]

RIN 2120–AL85

U.S. Agents for Service on Individuals With Foreign Addresses Who Hold or Apply for Certain Certificates, Ratings, or Authorizations; Reopening of Comment Period

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: This action extends the comment period for the NPRM published on June 12, 2023, titled “U.S. Agents for Service on Individuals with Foreign Addresses Who Hold or Apply for Certain Certificates, Ratings, or Authorizations.” The FAA is extending the comment period to allow commenters to review the Privacy Impact Assessment conducted by the Department of Transportation.

DATES: The comment period for the NPRM published on June 12, 2023, at 88 FR 38001, and closed on August 11, 2023, is reopened until October 30, 2023.

ADDRESSES: Send comments identified by docket number FAA–2023–1194 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building

Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Jessica Kabaz-Gomez, Office of the Chief Counsel, Enforcement Division, AGC–300, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267–7395; email Jessica.Kabaz-Gomez@faa.gov.

SUPPLEMENTARY INFORMATION:

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views relating to the Privacy Impact Assessment associated with this rulemaking. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is

possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

B. Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

C. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

1. Searching the Federal eRulemaking Portal at www.regulations.gov;
2. Visiting the FAA’s Regulations and Policies web page at www.faa.gov/regulations_policies/; or
3. Accessing the Government Printing Office’s web page at www.GovInfo.com.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the internet through the Federal eRulemaking Portal referenced in item (1) above.

Background

On June 12, 2023, the FAA published an NPRM titled “U.S. Agents for Service on Individuals with Foreign Addresses Who Hold or Apply for Certain Certificates, Ratings, or Authorizations,” in the **Federal Register** (88 FR 38001; Notice No. 23–07). Commenters were instructed to provide comments on or before August 11, 2023 (*i.e.*, 60 days from the date of publication of the NPRM).

Since publication, the FAA has received one request to extend the comment period to provide time to review the associated Privacy Impact Assessment that was not available at the time of publication. The Privacy Impact Assessment was completed on August 23, 2023, and is publicly available on the website of the Department of Transportation¹ and is available on the docket for this rulemaking.

Reopening of Comment Period

The FAA partially grants the petitioners’ requests for an extension of the comment period to comment on the Privacy Impact Assessment. Under the circumstances, the FAA finds that an additional fifteen (15) days will provide sufficient opportunity for the public to comment. Therefore, the comment period for Notice No. 23–07 is reopened until October 30, 2023.

The FAA will not grant any additional requests to further extend the comment period for this rulemaking.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC.

Brandon Roberts,

*Executive Director, Office of Rulemaking,
Federal Aviation Administration.*

[FR Doc. 2023–22635 Filed 10–12–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No.: FAA–2018–1052; Notice No. 18–09]

RIN 2120–AL10

Foreign Civil Aviation Authority Certifying Statements

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: The FAA is withdrawing a previously published NPRM, “Compliance with applicable regulations,” that proposed excluding its applicability to import products that have been type certificated outside of the United States by a foreign civil aviation authority bilateral partner. These products are validated by FAA consistent with the requirements in the rulemaking, “Issue of type certificate: import products.” The NPRM proposed to eliminate the requirement for redundant compliance statements by both the foreign civil aviation authority and the foreign applicant.

DATES: As of October 13, 2023, the NPRM published on February 22, 2019, at 84 FR 5605 is withdrawn.

FOR FURTHER INFORMATION CONTACT:

Steve Flanagan or Stephen Styskal, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–1602; email steve.flanagan@faa.gov; or telephone (206) 231–3144; email stephen.styskal@faa.gov (respectively).

SUPPLEMENTARY INFORMATION:

Background

On February 22, 2019, the FAA published an NPRM titled “Foreign Civil Aviation Authority Certifying Statements” in the **Federal Register**.¹ In the NPRM, the FAA proposed to revise § 21.20, which imposes a requirement on foreign applicants for type certificates (TC) of import products. Existing FAA regulations (*i.e.*, § 21.20) requires all applicants to show compliance with all applicable requirements and to provide the FAA the means by which such compliance has been shown and to provide a statement certifying that the applicant has complied with the applicable requirements. The NPRM asserted that these requirements may be duplicative to the certifying statement that the FAA already requires from the foreign civil aviation authority (FCAA) of the country or jurisdiction with State of Design responsibility for the design approval holder of a product. Under the proposed rule, the FAA would no longer have required the applicant to show compliance, provide the means by which compliance had been shown, or the accompanying statement of compliance from the foreign applicant.

The NPRM comment period closed on April 23, 2019. The FAA received four comments from individual commenters; two generally opposed the proposal and two are considered outside the scope of the proposed rulemaking.

Withdrawal of the NPRM

Section 21.20 was originally promulgated on October 6, 2009, (effective April 14, 2010) as part 21, amendment 21–92. The NPRM issued in 2006 that originally proposed § 21.20 (the “2006 NPRM”) provided background on why the FAA was seeking to add § 21.20. In the 2006 NPRM, the FAA stated that adding proposed § 21.20(a) would emphasize that the applicant is responsible for satisfying all applicable requirements by requiring an applicant for a TC (or an amended or supplemental type certificate (STC)) to show compliance with all applicable requirements and by providing the FAA the means by which such compliance has been shown.

Further, § 21.20(b) requires the applicant to provide a statement certifying that the applicant has complied with the applicable requirements. The preamble to the 2006 NPRM clarified that the statement of compliance would be subject to the then proposed § 21.2 changes related to fraudulent, intentionally false, or misleading statements. The 2006 NPRM did not recognize differences between domestic and foreign TC or STC applicants. The FAA has subsequently determined that the certifying statement by an applicant attesting to its compliance to the applicable requirements in accordance with § 21.20(b) does not serve the same purpose as a statement made by the certifying authority as required by § 21.29(a). Requiring the domestic applicant’s statement in § 21.20 affirms that the applicant is responsible for compliance with all applicable requirements. The certifying statement from the bilateral partner civil aviation authority is what the FAA needs to demonstrate that compliance with § 21.29 has been fulfilled. The two certifying statements serve different purposes.

As the FAA does with domestic applicants, the FAA expects that an FCAA works extensively with its applicants in developing the FCAA’s certifying statement. However, § 21.20 is intended to expedite the domestic applicant’s type certification approval process by ensuring that an applicant’s submission package is complete prior to the FAA making the compliance determination. The FAA finds it advantageous to retain the current rule to expedite certification approval and to ensure applicants demonstrate compliance according to the requirements of § 21.20. The FAA may deny, suspend or revoke a certificate if the applicant’s statement is fraudulent,

¹ <https://www.transportation.gov/individuals/privacy/us-agents-service-individuals-foreign-addresses-who-hold-or-apply>.

¹ 84 FR 5605.