

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Chapter I****[Docket No. 28311]****Review of Existing Rules****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Proposed Regulatory Review Program; Request for comments.

SUMMARY: To make the regulatory process more responsive to the needs of the public and regulated industry, the FAA has included in its strategic plan to undertake periodic reviews of its existing regulations. This document sets forth the Federal Aviation Administration's (FAA) plan to perform future reviews and solicits comments.

DATES: Comments concerning this program must be received on or before November 22, 1995.

ADDRESSES: Send comments on this notice in triplicate, to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. 28311, 800 Independence Avenue, SW., Washington, DC, 20591, or faxed to (202) 267-7257. Comments also may be submitted via the Internet to nprmcmts@mail.hq.faa.gov.

FOR FURTHER INFORMATION CONTACT: Chris A. Christie, Director, Office of Rulemaking, 800 Independence Ave., SW., Washington, DC 20591, telephone (202) 267-9677.

SUPPLEMENTARY INFORMATION: In recent years, the FAA has conducted several regulatory reviews.

On January 10, 1994, the FAA published in the **Federal Register** (59 FR 1362) a notice that it was initiating a short-term regulatory review in response to a recommendation from the President's National Commission to Ensure a Strong Competitive Airline Industry. The notice requested each commenter to limit himself/herself in identifying only the top three issues/regulations/problems that needed attention. In response to this notice, the FAA received more than 400 comments from 184 commenters. The agency reviewed, analyzed, published a summary and disposition of all

comments, and revised its regulatory agenda based on them.

Similarly, in early 1992, pursuant to an Executive Order issued by then-President Bush, the Department of Transportation (DOT) and each of its modal administrations reviewed all existing regulations. Following a solicitation for public comments published in the **Federal Register** (57 FR 4744, February 7, 1992), the FAA received more than 300 comments from 30 commenters. The agency reviewed the Federal Aviation Regulations taking into consideration the comments received and revised its regulatory agenda and priorities accordingly.

Our experience with the above two reviews has shown that there is great value in obtaining public input to the agency's regulatory agenda and priorities regardless of whether such input is an affirmation of the direction the agency is going or an indication of a need to alter course. A public agency must keep itself informed of public need as well as the impact its activities have on those regulated. For the reasons stated, the FAA would like to continue to obtain public input on its regulatory agenda and priorities. Accordingly, the agency intends to, on a periodic basis, request public comments for the purpose of assistance in determining its future regulatory agenda and priorities. In both the 1992 and 1994 efforts, the agency determined the public deserved some type of response by the agency to its comments. As a result, in each case, the FAA published a summary of the comments received with an agency disposition of each comment. The summary, analysis, and disposition proved to be resource intensive. Since the agency's resources are limited, the expenditure of resources in such reviews must be kept under control if they are not to have a negative impact on our efforts to keep regulations current. In addition, rulemaking actions normally require anywhere from 18 to 36 months to complete. For these reasons, the FAA proposes to hold such reviews every 3 years, and as in the 1994 review limit the commenters input to the three issues he/she considers most urgent.

FAA Plan for Periodic Regulatory Reviews

Beginning January 1997, and every 3 years thereafter, the FAA proposes to conduct comprehensive regulatory reviews. The review will be initiated with a published announcement in the **Federal Register** inviting the public to identify those regulations, issues, or subject areas that should be reviewed by the FAA. In order to focus on those areas of greatest interest and to effectively manage agency resources, commenters will be expected to limit their input to the three issues they consider most urgent. The FAA will review the issues addressed by the commenters against its regulatory agenda and rulemaking program efforts, and adjust its regulatory priorities consistent with its statutory authority and responsibilities.

At the end of this process, the FAA will publish a summary and general disposition of the comments and indicate, where appropriate, how its regulatory priorities will be adjusted.

Comments Invited

The FAA is currently soliciting comments on this periodic regulatory review plan. Specifically, the FAA would like to receive comment on:

1. The frequency of the reviews (i.e., every 3 years);
2. The method for concluding the review (publication of a document containing the summary and disposition of comments received); and
3. Limiting each commenter in identifying the three most important issues or areas that he/she believes are appropriate for attention.

The FAA seeks comments on the above issues to facilitate the adoption of a continuing regulatory review process that is responsive to concerns raised by the public, assists the agency in setting its priorities for future regulatory action, and considers available regulatory resources.

Issued in Washington, DC, on August 18, 1995.

Anthony J. Broderick,

Associate Administrator for Regulation and Certification.

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