SUMMARY: This action withdraws the FAA’s interpretation of the special rule for model aircraft. That interpretation no longer is valid or necessary because Congress repealed the special rule for model aircraft.

DATES: The interpretation published on June 25, 2014 (79 FR 36172) is withdrawn as of April 11, 2019.

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SUPPLEMENTARY INFORMATION: Section 336 of the FAA Modernization and Reform Act of 2012 (FMRA) established the special rule for model aircraft (Pub. L. 112–95, Feb. 14, 2012). On June 25, 2014, the FAA published an interpretation of that special rule with a request for comments (79 FR 36172). The interpretation clarified, among other things, that: (1) Model aircraft must satisfy all criteria of section 336(a) to qualify as model aircraft and be exempt from future FAA rulemaking; and (2) the FAA retains enforcement authority against operators who endanger the safety of the national airspace system. The FAA received more than 18,000 comments from organizations and individuals to the interpretation.

Section 349 of the FAA Reauthorization Act of 2018 repealed section 336 of FMRA and replaced it with a new exception to conduct limited recreational operations of unmanned aircraft without FAA certification or operating authority (Pub. L. 115–254, Oct. 5, 2018).

As a result of the repeal of the special rule for model aircraft, the FAA’s June 25, 2014, interpretation is no longer valid or necessary. Accordingly, the FAA is withdrawing the interpretation. Because that interpretation is withdrawn, the FAA will take no further action to respond to any comments to the interpretation.

Issued in Washington, DC, on March 12, 2019.
Daniel K. Elwell, Acting Administrator.

Background
The Unverified List, found in Supplement No. 6 to Part 744 to the EAR, contains the names and addresses of foreign persons who are or have been parties to a transaction, as that such parties are described in § 744.5 of the EAR, involving the export, reexport, or transfer (in-country) of items subject to the EAR, and whose bona fides (i.e., legitimacy and reliability relating to the end use and end user of items subject to the EAR) BIS has been unable to verify through an end-use check. BIS may add persons to the UVL when BIS or federal officials acting on BIS’s behalf have been unable to verify a foreign person’s bona fides because an end-use check, such as a pre-license check (PLC) or a post-shipment verification (PSV), cannot be completed satisfactorily for such purposes for reasons outside the U.S. Government’s control.

There are occasions where, for a number of reasons, end-use checks cannot be completed. These include reasons unrelated to the cooperation of the foreign party subject to the end-use check. For example, BIS sometimes initiates end-use checks and cannot find a foreign party at the address indicated on export documents and cannot locate the party by telephone or email. Additionally, BIS sometimes is unable to conduct end-use checks when host government agencies do not respond to requests to conduct end-use checks, are prevented from scheduling such checks by a party to the transaction other than the foreign party that is the proposed subject of the end-use check, or refuse to schedule them in a timely manner. Under these circumstances, although BIS has an interest in informing the public of its inability to verify the foreign party’s bona fides, there may not be sufficient information to add the foreign person to the List under § 744.11 of the EAR (Criteria for revising the Entity List). In such circumstances, BIS may add the foreign person to the UVL.

Furthermore, BIS sometimes conducts end-use checks but cannot verify the bona fides of a foreign party. For example, BIS may be unable to verify bona fides if during the conduct of an end-use check a recipient of items subject to the EAR is unable to produce those items for visual inspection or provide sufficient documentation or other evidence to confirm the disposition of those items. The inability of foreign persons subject to end-use checks to demonstrate their bona fides raises concerns about the suitability of such persons as participants in future exports, reexports, or transfers (in-