

§ 34.7 Exemptions.

Notwithstanding part 11 of the Federal Aviation Regulations (14 CFR part 11), all petitions for rulemaking involving either the substance of an emission standard or test procedure prescribed by the EPA that is incorporated in this FAR, or the compliance date for such standard or procedure, must be submitted to the EPA. Information copies of such petitions are invited by the FAA. Petitions for rulemaking or exemption involving provisions of this FAR that do not affect the substance or the compliance date of an emission standard or test procedure that is prescribed by the EPA, and petitions for exemptions under the provisions for which the EPA has specifically granted exemption authority to the Secretary of Transportation are subject to part 11 of the Federal Aviation Regulations (14 CFR part 11). Petitions for rulemaking or exemptions involving these FARs must be submitted to the FAA.

(a) *Exemptions based on flights for short durations at infrequent intervals.* The emission standards of this part do not apply to engines which power aircraft operated in the United States for short durations at infrequent intervals. Such operations are limited to:

(1) Flights of an aircraft for the purpose of export to a foreign country, including any flights essential to demonstrate the integrity of an aircraft prior to a flight to a point outside the United States.

(2) Flights to a base where repairs, alterations or maintenance are to be performed, or to a point of storage, or for the purpose of returning an aircraft to service.

(3) Official visits by representatives of foreign governments.

(4) Other flights the Administrator determines, after consultation with the Administrator of the EPA, to be for short durations at infrequent intervals. A request for such a determination shall be made before the flight takes place.

(b) *Exemptions for very low production engine models.* The emissions standards of this part do not apply to engines of very low production after the date of applicability. For the purpose of this part, “very low production” is limited to a maximum total production for

United States civil aviation applications of no more than 200 units covered by the same type certificate after January 1, 1984. Engines manufactured under this provision must be reported to the FAA by serial number on or before the date of manufacture and exemptions granted under this provision are not transferable to any other engine. This exemption is limited to the requirements of § 34.21 only.

(c) *Exemptions for new engines in other categories.* The emissions standards of this part do not apply to engines for which the Administrator determines, with the concurrence of the Administrator of the EPA, that application of any standard under § 34.21 is not justified, based upon consideration of—

(1) Adverse economic impact on the manufacturer;

(2) Adverse economic impact on the aircraft and airline industries at large;

(3) Equity in administering the standards among all economically competing parties;

(4) Public health and welfare effects; and

(5) Other factors which the Administrator, after consultation with the Administrator of the EPA, may deem relevant to the case in question.

(d) *Applicants seeking exemption from other emissions standards of this part and 40 CFR part 87.* Applicants must request exemption from both the FAA and the EPA, even where the underlying regulatory requirements are the same. The FAA and EPA will jointly consider such exemption requests, and will assure consistency in the respective agency determinations.

(e) Applications for exemption from this part shall be submitted in duplicate to the Administrator in accordance with the procedures established by the Administrator in part 11.

(f) The Administrator shall publish in the FEDERAL REGISTER the name of the organization to whom exemptions are granted and the period of such exemptions.

(g) No state or political subdivision thereof may attempt to enforce a standard respecting emissions from an