

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 aircraft or engine if such aircraft or en-

gine has been exempted from such standard under this part.

[Doc. No. 25613, 55 FR 32861, Aug. 10, 1990, as amended by Amdt. 34-5, 77 FR 76850, Dec. 31, 2012]

§ 34.9 Exceptions.

(a) *Spare engines.* Certain engines that meet the following description are excepted:

(1) This exception allows production of an engine for installation on an in-service aircraft. A spare engine may not be installed on a new aircraft.

(2) Each spare engine must be identical to a sub-model previously certificated to meet all applicable requirements.

(3) A spare engine may be used only when the emissions of the spare do not exceed the certification requirements of the original engine, for all regulated pollutants.

(4) No separate approval is required to produce spare engines.

(5) The record for each engine excepted under this paragraph (c) must indicate that the engine was produced as an excepted spare engine.

(6) Engines produced under this exception must be labeled “EXCEPTED SPARE” in accordance with § 45.13 of this chapter.

(b) On and after July 18, 2012, and before August 31, 2013, a manufacturer may produce up to six Tier 4 compliant engines that meet the NO_x standards of paragraph (d)(1)(vi) of this section rather than § 34.23(a)(2). No separate approval is required to produce these engines. Engines produced under this exception are to be labeled “COMPLY” in accordance with § 45.13 of this chapter.

[Doc. No. FAA-2012-1333, 77 FR 76850, Dec. 31, 2012]

Subpart B—Engine Fuel Venting Emissions (New and In-Use Aircraft Gas Turbine Engines)

§ 34.10 Applicability.

(a) The provisions of this subpart are applicable to all new aircraft gas turbine engines of classes T3, T8, TSS, and TF equal to or greater than 36 kN (8,090 lb) rated output, manufactured on or after January 1, 1974, and to all in-use aircraft gas turbine engines of classes