

state or political subdivision thereof may adopt or attempt to enforce the terms of this FAR that are superseded by the relaxed requirement.

(n) If any provision of this FAR is rendered inapplicable to a foreign aircraft as provided in 40 CFR 87.3(c) (international agreements), and §34.3(d) of this FAR, that provision may not be adopted or enforced against that foreign aircraft by a state or political subdivision thereof.

(o) For exhaust emissions requirements of this FAR that apply beginning February 1, 1974, January 1, 1976, January 1, 1978, January 1, 1984, and August 9, 1985, continued compliance with those requirements is shown for engines for which the type design has been shown to meet those requirements, if the engine is maintained in accordance with applicable maintenance requirements for 14 CFR chapter I. All methods of demonstrating compliance and all model designations previously found acceptable to the Administrator shall be deemed to continue to be an acceptable demonstration of compliance with the specific standards for which they were approved.

(p) Each applicant must allow the Administrator to make, or witness, any test necessary to determine compliance with the applicable provisions of this FAR.

[Doc. No. 25613, 55 FR 32861, Aug. 10, 1990; 55 FR 37287, Sept. 10, 1990]

#### § 34.4 [Reserved]

#### § 34.5 Special test procedures.

The Administrator or the Administrator of the EPA may, upon written application by a manufacturer or operator of aircraft or aircraft engines, approve test procedures for any aircraft or aircraft engine that is not susceptible to satisfactory testing by the procedures set forth herein. Prior to taking action on any such application, the Administrator or the Administrator of the EPA shall consult with the other.

#### § 34.6 Aircraft safety.

(a) The provisions of this part will be revised if at any time the Administrator determines that an emission standard cannot be met within the

specified time without creating a safety hazard.

(b) Consistent with 40 CFR 87.6, if the FAA Administrator determines that any emission control regulation in this part cannot be safely applied to an aircraft, that provision may not be adopted or enforced against that aircraft by any state or political subdivision thereof.

#### § 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