

§ 11.85

§ 11.85 Does FAA invite public comment on petitions for exemption?

Yes, FAA publishes information about petitions for exemption in the FEDERAL REGISTER. The information includes—

- (a) The docket number of the petition;
- (b) The citation to the rule or rules from which the petitioner requested relief;
- (c) The name of the petitioner;
- (d) The petitioner's summary of the action requested and the reasons for requesting it; and
- (e) A request for comments to assist FAA in evaluating the petition.

§ 11.87 Are there circumstances in which FAA may decide not to publish a summary of my petition for exemption?

The FAA may not publish a summary of your petition for exemption and request comments if you present or we find good cause why we should not delay action on your petition. The factors we consider in deciding not to request comment include:

- (a) Whether granting your petition would set a precedent.
- (b) Whether the relief requested is identical to exemptions granted previously.
- (c) Whether our delaying action on your petition would affect you adversely.
- (d) Whether you filed your petition in a timely manner.

§ 11.89 How much time do I have to submit comments to FAA on a petition for exemption?

The FAA states the specific time allowed for comments in the FEDERAL REGISTER notice about the petition. We usually allow 20 days to comment on a petition for exemption.

§ 11.91 How does FAA inform me of its decision on my petition for exemption?

- (a) The FAA will notify you in writing about its decision on your petition.
- (b) The FAA publishes a summary in the FEDERAL REGISTER that includes—

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- (1) The docket number of your petition;
- (2) Your name;
- (3) The citation to the rules from which you requested relief;
- (4) A brief description of the general nature of the relief requested;
- (5) Whether FAA granted or denied the request;
- (6) The date of FAA's decision; and
- (7) An exemption number.

§ 11.101 May I ask FAA to reconsider my petition for rulemaking or petition for exemption if it is denied?

Yes, you may petition FAA to reconsider your petition denial. You must submit your request to the address to which you sent your original petition, and FAA must receive it within 60 days after we issued the denial. For us to accept your petition, show the following:

- (a) That you have a significant additional fact and why you did not present it in your original petition;
- (b) That we made an important factual error in our denial of your original petition; or
- (c) That we did not correctly interpret a law, regulation, or precedent.

§ 11.103 What exemption relief may be available to federal, state, and local governments when operating aircraft that are not public aircraft?

The Federal Aviation Administration may grant a federal, state, or local government an exemption from part A of subtitle VII of title 49 United States Code, and any regulation issued under that authority that is applicable to an aircraft as a result of the Independent Safety Board Act Amendments of 1994, Public Law 103–411, if—

- (a) The Administrator finds that granting the exemption is necessary to prevent an undue economic burden on the unit of government; and
- (b) The Administrator certifies that the aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.

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