

modification of the conduct of covered transactions that may be engaged in with the respondent.

(3) *Notice to respondent required.* The suspending official shall provide prompt written notice to the respondent of the final suspension order issued to the regulated entities with respect to such respondent.

(4) *Content of notice.* The notice of a final suspension order shall include:

(i) A statement of the suspension determination and supporting grounds, including a discussion of any relevant information submitted by the respondent; and

(ii) A copy of the final suspension order.

(g) *Effective date.* A final suspension order shall take effect on the date specified in the order, which shall be at least forty-five (45) calendar days after the date on which the order is signed by the suspending official.

#### **§ 1227.7 Appeal to the Director.**

(a) *Opportunity to appeal.* A respondent may submit an appeal to the Director within thirty (30) calendar days after the date a final suspension order has been signed. If the Director signed the final suspension order as the suspension official, the respondent has no appeal right under this section. The appeal shall be accompanied by a written brief specifically identifying the respondent's objections to the final suspension order and the supporting reasons for such objections.

(b) *Decision on appeal.* The Director shall issue a written final decision on an appeal of a final suspension order based on the record submitted by the suspending official, together with any material submitted with an appeal. The Director may affirm, vacate or amend the suspension, or remand to the suspending official for further proceedings, in the discretion of the Director. If the Director does not take action on an appeal prior to the effective date of the order, the order shall take effect as if it had been affirmed by the Director, on the date specified in the order.

(c) *Final agency action.* The written final decision of the Director on an appeal of a final suspension order shall be the final agency action. If the Director does not take action on an appeal prior to the effective date of the order, the order shall be the final agency action.

(d) *Exhaustion of administrative remedies.* In order to fulfill the requirement to exhaust administrative remedies, a respondent must appeal a final suspension order to the Director as provided in this section prior to seeking judicial review of such order.

#### **§ 1227.8 Posting of final suspension orders.**

(a) *Required posting.* FHFA will publish on its Web site all final suspension orders issued by FHFA on the effective date of the order.

(b) *Content of posting.* Each posting on FHFA's Web site shall include:

(1) The full name (where available) of each suspended person and any affiliates thereof subject to the final suspension order, in alphabetical order;

(2) A description of the time period for which the suspension applies; and

(3) A copy of each final suspension order applicable to the person and any affiliates thereof.

(c) *Removal of names.* FHFA will remove from the Web site all references to the suspension of a person and any affiliates thereof at such time as the suspension expires or is otherwise vacated.

#### **§ 1227.9 Request for reconsideration.**

(a) *Time period for request.* A suspended person may submit a request to the Director for reconsideration of a final suspension order at any time after the expiration of a twelve (12)-month period from the date the order took effect, but no such request may be made within twelve (12) months of a previous request for reconsideration from such person.

(b) *Content of request.* A request for reconsideration must be submitted in writing and state the specific grounds for relief from the final suspension order, which shall be limited to any new information that may indicate that engaging in covered transactions with a regulated entity would no longer present a risk of significant financial or reputational harm or threat to the safe and sound operation of a regulated entity.

(c) *Decision on request.* The Director may approve a request for reconsideration if the Director determines that engaging in covered transactions with a regulated entity is no longer likely to result in significant financial or reputational harm to a regulated entity or otherwise threaten the safe and sound operation of a regulated entity. The Director will inform the requestor of the decision on the request for reconsideration in a timely manner. A decision on a request for reconsideration shall not constitute an appealable order.

#### **§ 1227.10 Exception to final suspension order in effect.**

(a) *Request for exception.* A regulated entity to which a final suspension order in effect is applicable may request an exception from such order to allow it to

engage in a particular covered transaction with a suspended person and any affiliates thereof. Any such request shall clearly state any reasons supporting an exception, as well as any steps the regulated entity will take to mitigate any risks presented by the exception. An exception may not be requested by a suspended person or any affiliates thereof.

(b) *Decision on exception.* A suspending official may approve an exception from a final suspension order in effect to permit a regulated entity to engage in a particular covered transaction with a suspended person and any affiliates thereof for reasons consistent with those for which the suspending official may limit or qualify the scope or effect of a final suspension order under § 1227.6(f)(2)(iv) of this part. The decision on a request for an exception shall not constitute an appealable order.

(c) *Notice required.* FHFA shall provide written notice in a timely manner to the regulated entity, the suspended person and any affiliates thereof, and the other regulated entities of any exception approved for a particular covered transaction.

Dated: October 15, 2013.

**Edward J. DeMarco,**

*Acting Director, Federal Housing Finance Agency.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Parts 34 and 45**

**[Docket No.: FAA-2012-1333; Amendment No. 34-5A]**

**RIN 2120-AK15**

#### **Exhaust Emissions Standards for New Aircraft Gas Turbine Engines and Identification Plate for Aircraft Engines**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The FAA is making technical changes to a final rule published in the **Federal Register** on December 31, 2012. That final rule amended the emission standards for certain turbine engine powered airplanes to incorporate the standards promulgated by the United States Environmental Protection Agency (EPA) on June 18, 2012. The final rule contained six minor technical errors: One in the authority citation, and five

in tables listing the emissions standards for engines manufactured on and after July 18, 2012. In addition, we are correcting an error in a definition that existed before the final rule and was overlooked. The FAA is issuing this technical amendment to correct these errors.

**DATES:** This amendment is effective October 23, 2013.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this action, contact Aimee Fisher, Emissions Division (AEE-300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-7705; email [Aimee.Fisher@faa.gov](mailto:Aimee.Fisher@faa.gov).

For legal questions concerning this action contact Karen Petronis, International Law, Legislation and Regulations Division (AGC-200), Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3073, email [Karen.Petronis@faa.gov](mailto:Karen.Petronis@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 231(a)(2)(A) of the Clean Air Act (CAA) (42 U.S.C. 7571) directs the Administrator of the EPA to propose aircraft emission standards applicable to the emission of any air pollutant from classes of aircraft engines which, in the EPA Administrator's judgment, causes or contributes to air pollution that may reasonably be anticipated to endanger public health or welfare. These emission standards have been promulgated by the EPA in 40 CFR part 87.

Section 232 of the CAA (42 U.S.C. 7572) then directs the FAA to prescribe regulations to ensure compliance with the EPA's standards. The FAA has promulgated these emission standards in 14 CFR part 34, and in the engine marking requirements in part 45.

The EPA initially regulated gaseous exhaust emissions, smoke and fuel venting from aircraft in 1973, with occasional revision. Since the EPA's adoption of the initial regulations, the FAA has taken subsequent action to ensure that the regulations in 14 CFR are kept current with the EPA's standards.

On July 27, 2011, the EPA proposed new aircraft engine emission standards for oxides of nitrogen (NO<sub>x</sub>), compliance flexibilities, and other regulatory requirements for aircraft turbofan or turbojet engines with rated thrusts greater than 26.7 kilonewtons (kN) (76 FR 45012). The EPA also proposed adopting the gas turbine

engine test procedures of the International Civil Aviation Organization (ICAO). The final rule adopting these proposals was published on June 18, 2012 (77 FR 36342), and was effective July 18, 2012.

On December 31, 2012, the FAA published a final rule with a request for comments (77 FR 76842) adopting the EPA's new emissions standards in part 34. Although the EPA's NPRM presented an opportunity to comment on the proposed regulations and the EPA addressed them in its final rule, the FAA sought public comment on its final rule.

The FAA received three comments on the final rule. Concurrent with the publication of this technical amendment, the FAA is publishing a disposition of comments to address the comments received. No changes are being made to the final rule based on those comments, and the comments did not affect the corrections adopted here.

**Discussion of Technical Amendments**

*1. Authority Citation*

In the amendatory language of the final rule, we inadvertently changed the authority citation for section 34 by replacing the semicolon after "42 U.S.C. 4321 *et seq.*, 7572" with the letter "1." No change to the authority citation was intended. We are correcting this error and returning the authority citation to what was in place prior to the final rule.

*2. § 34.1—Definitions*

In the definition of "Standard day conditions," the value for "specific humidity" is incorrectly listed as "0.00 kg H<sub>2</sub>O/kg dry air." The correct value is "0.00634 kg H<sub>2</sub>O/kg dry air." This error has existed in § 34.1 for some time, and the FAA is unable to determine when this error was introduced. In contrast, the EPA's rule correctly defines the term.

The FAA can find no evidence that the existence of this error has caused any significant adverse impact on engine manufacturers. These manufacturers have been using the EPA's definition to establish compliance with the exhaust emission requirements. However, any inconsistency between the regulations of the EPA and the FAA could cause confusion. The FAA intended to correct this error in the final rule, but inadvertently left this change out.

Since this correction is not expected to impose any additional burden on the manufacturers subject to these regulations, the FAA is adopting this change in this document.

*3. § 34.23—Exhaust Emission Standards for Engines Manufactured On and After July 18, 2012*

In § 34.23, there are two tables that were published with errors that create inconsistencies with similar tables in the EPA's rule. In the NPRM, the FAA stated its intent to adopt the standards promulgated by the EPA. The FAA is correcting these errors.

A table in § 34.23(a)(2) entitled "Tier 6 Oxides of Nitrogen Emission Standards for Subsonic Engines" was published with two errors in the column labeled "Rated output rO (kN)." The FAA is correcting these errors as follows:

Current language	Correction
26.7 < rO < 89.0 .....	26.7 < rO ≤ 89.0.
rO > 89.0 .....	No change.
26.7 < rO ≤ 89.0 .....	No change.
rO > 89.0 .....	No change.
All .....	rO ≥ 26.7.

In § 34.23(b)(1), the table entitled "Tier 8 Oxides of Nitrogen Emission Standards for Subsonic Engines" was published with three errors in the column labeled "Rated output rO (kN)." The FAA is correcting these errors as follows:

Current language	Correction
26.7 < rO < 89.0 .....	26.7 < rO ≤ 89.0.
rO > 89.0 .....	No change.
26.7 < rO < 89.0 .....	26.7 < rO ≤ 89.0.
rO > 89.0 .....	No change.
All .....	rO ≥ 26.7.

**List of Subjects in 14 CFR Part 34**

Air pollution control, Aircraft.

**The Amendments**

In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14 Code of Federal Regulations as follows:

**PART 34—FUEL VENTING AND EXHAUST EMISSION REQUIREMENTS FOR TURBINE ENGINE POWERED AIRPLANES**

■ 1. The authority citation for part 34 is revised to read as follows:

**Authority:** 42 U.S.C. 4321 *et seq.*, 7572; 49 U.S.C. 106(g), 40113, 44701-44702, 44704, 44714.

**Subpart A—General Provisions**

■ 2. Amend § 34.1 by revising the definition for "Standard day conditions" to read as follows:

**§ 34.1 Definitions.**

\* \* \* \* \*

Standard day conditions means the following ambient conditions: temperature = 15 °C, specific humidity = 0.00634 kg H<sub>2</sub>O/kg dry air, and pressure = 101.325 kPa.

\* \* \* \* \*

**Subpart C—Exhaust Emissions (New Aircraft Gas Turbine Engines)**

■ 3. Amend § 34.23 by revising paragraphs (a)(2) and (b)(1) to read as follows:

**§ 34.23 Exhaust Emission Standards for Engines Manufactured on and after July 18, 2012.**

\* \* \* \* \*

(a) \* \* \*

(2) Except as provided in §§ 34.9(b) and 34.21(c), for Classes TF, T3 and T8 engines manufactured on and after July 18, 2012, and for which the first individual production model was manufactured on or before December 31, 2013 (Tier 6):

**TIER 6 OXIDES OF NITROGEN EMISSION STANDARDS FOR SUBSONIC ENGINES**

Class	Rated pressure ratio—rPR	Rated output rO (kN)	NO <sub>x</sub> (g/kN)
TF, T3, T8 .....	rPR ≤ 30 .....	26.7 < rO ≤ 89.0 .....	38.5486 + 1.6823 (rPR) – 0.2453 (rO) – (0.00308 (rPR) (rO)).
		rO > 89.0 .....	16.72 + 1.4080 (rPR).
	30 < rPR < 82.6 .....	26.7 < rO ≤ 89.0 .....	46.1600 + 1.4286 (rPR) – 0.5303 (rO) + (0.00642 (rPR) (rO)).
		rO > 89.0 .....	–1.04 + 2.0 (rPR).
rPR ≥ 82.6 .....	rO > 26.7 .....		32 + 1.6 (rPR).

\* \* \* \* \*

(1) For Classes TF, T3 and T8 engines of a type or model of which the first individual production model was manufactured after December 31, 2013 (Tier 8):

(b) \* \* \*

**TIER 8 OXIDES OF NITROGEN EMISSION STANDARDS FOR SUBSONIC ENGINES**

Class	Rated pressure ratio—rPR	Rated output rO (kN)	NO <sub>x</sub> (g/kN)
TF, T3, T8 .....	rPR ≤ 30 .....	26.7 < rO ≤ 89.0 .....	40.052 + 1.5681 (rPR) – 0.3615 (rO) – (0.0018 (rPR) (rO)).
		rO > 89.0 .....	7.88 + 1.4080 (rPR).
	30 < rPR < 104.7 .....	26.7 < rO ≤ 89.0 .....	41.9435 + 1.505 (rPR) – 0.5823 (rO) + (0.005562 (rPR) (rO)).
		rO > 89.0 .....	–9.88 + 2.0 (rPR).
rPR ≥ 104.7 .....	rO ≥ 26.7 .....		32 + 1.6 (rPR).

\* \* \* \* \*

Issued under authority of 49 U.S.C. 106 and section 232 of the Clean Air Act (42 U.S.C. 7571) in Washington, DC, on October 1, 2013.

Lirio Liu,  
Director, Office of Rulemaking.

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**DEPARTMENT OF TRANSPORTATION  
Federal Aviation Administration**

**14 CFR Part 34 and 45**

[Docket No.: FAA-2012-1333; Amendment Nos. 34-5 and 45-28]

RIN 2120-AK15

**Exhaust Emissions Standards for New Aircraft Gas Turbine Engines and Identification Plate for Aircraft Engines**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; disposition of comments.

**SUMMARY:** On December 31, 2012, the FAA published a final rule with a

request for comments amending the emission standards for turbine engine powered airplanes to incorporate the standards that were promulgated by the United States Environmental Protection Agency (EPA) on June 18, 2012. The FAA's final rule fulfilled its requirements under the Clean Air Act Amendments of 1970 to issue regulations ensuring compliance with the EPA standards. Although the public had an opportunity to comment on the EPA's rule, and the FAA adopted the same requirements, the FAA sought public comment on its final rule. This action addresses the comments the FAA received.

**DATES:** October 23, 2013.

**ADDRESSES:** You may review the public docket for this rulemaking (Docket No.