benefits of this change would serve no useful purpose and none was prepared. While meeting these new requirements may result in costs to units of government, including the FAA, these costs are a result of the law and not the regulation. The law does give the FAA Administrator discretionary authority to grant exemptions from certain statutory requirements when the existing safety program of the unit of government is effective to ensure safe operations and conformance with federal regulations pertaining to civil aircraft would constitute "an undue economic burden" as previously discussed. Economic considerations will be evaluated by the FAA on a case-by-case basis at the time exemptions are requested.

For the same reason explained above, the other analyses and determinations normally made a part of rulemaking procedures are determined to be unnecessary in this case and are not included in this document: an analysis of whether there is a significant economic impact on a substantial number of small entities, an international trade impact assessment, a federalism assessment.

#### **Paperwork Reduction Act**

This rule contains no information collection requests requiring approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act (44 U.S.C. 3507 et seq.).

#### **Conclusion**

For the reasons discussed in the preamble the FAA has determined that this final rule is not significant under Executive Order 12866 or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

#### List of Subjects

14 CFR Part 1

Air transportation, Public aircraft.

14 CFR Part 11

Administrative practice and procedure, Reporting and recordkeeping requirements, Exemptions.

14 CFR Part 121

Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

#### The Amendment

Accordingly, 14 CFR parts 1, 11, and 121 are amended as follows:

## PART 1—[AMENDED]

1. The authority citation for Part 1 continues to read as follows:

**Authority:** 49 U.S.C. app. 1347, 1348, 1354(a), 1357(d)(2), 1372, 1421 through 1430, 1432, 1442, 1443, 1472, 1510, 1522, 1652(e), 1655(c), 1657(f); 49 U.S.C. 106(g).

2. Section 1.1 is amended by revising the definition of "Public aircraft" to read as follows:

## §1.1 General definitions.

\* \* \* \* \*

Public aircraft means an aircraft used only for the United States Government, or owned and operated (except for commercial purposes), or exclusively leased for at least 90 continuous days, by a government (except the United States Government), including a State, the District of Columbia, or a territory or possession of the United States, or political subdivision of that government; but does not include a government-owned aircraft transporting property for commercial purposes, or transporting passengers other than transporting (for other than commercial purposes) crewmembers or other persons aboard the aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management; or transporting (for other than commercial purposes) persons aboard the aircraft if the aircraft is operated by the Armed Forces or an intelligence agency of the United States. An aircraft described in the preceding sentence shall, notwithstanding any limitation relating to use of the aircraft for commercial purposes, be considered to be a public aircraft for the purposes of this Chapter without regard to whether the aircraft is operated by a unit of government on behalf of another unit of government, pursuant to a cost reimbursement agreement between such units of government, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat.

## PART 11—[AMENDED]

\* \*

\*

3. The authority for Part 11 continues to read as follows:

**Authority:** 49 U.S.C. app. 1341(a), 1343(d), 1348, 1354(a), 1401 through 1405, 1421 through 1431, 1481, 1502; 49 U.S.C. 106(g).

4. Section 11.25 is amended by revising paragraph (b)(3), by removing

"and" from the end of paragraph (b)(4), by removing the period at the end of paragraph (b)(5) and adding "; and" in its place, and by adding paragraph (b)(6) to read as follows:

# §11.25 Petitions for rulemaking or exemptions.

\* \* \* \* \* \* (b) \* \* \*

(3) Set forth the text or substance of the rule or amendment proposed, or of the rule or statute from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(6)(i) In the case of a unit of Federal, state, or local government that is applying for an exemption from any requirement of part A of subtitle VII of title 49, United States Code, that would otherwise be applicable to current or future aircraft of such unit of government as a result of the statutory change in the definition of public aircraft made by the Independent Safety Board Act Amendments of 1994, Public Law 103-411, the petition for exemption must contain any information, views, analysis, or arguments available to the petitioner to show that:

(A) The exemption is necessary to prevent an undue economic burden on the unit of government; and

(B) The aviation safety program of the unit of government is effective and appropriate to ensure safety operations of the type of aircraft operated by the unit of government.

(ii) The authority of the Administrator, under the Independent Safety Board Amendments of 1994, Pub. L. 103–411, to grant exemptions to units of government is delegated to the Director, Flight Standards Service, and the Director, Aircraft Certification Service.

## PART 121—[AMENDED]

5. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. app. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, 1502; and 49 U.S.C. 106(g).

6. Section 1(a) introductory of SAFAR No. 38–2, located in the CFR at the beginning of Part 121, is revised to read as follows:

## SFAR No. 38-2—Certification and Operating Requirements

\* \* \* \*

1. Applicability.

(a) This Special Federal Aviation Regulation applies to persons operating civil