

Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 *note*) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking involves technical standards for testing emissions for commercial aircraft gas turbine engines. EPA proposes to use test procedures contained in ICAO International Standards and Recommended Practices Environmental Protection, with the proposed modifications contained in this rulemaking.<sup>128</sup> These procedures are currently used by all manufacturers of commercial aircraft gas turbine engines (with thrust greater than 26.7 kN) to demonstrate compliance with ICAO emissions standards.

EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

#### List of Subjects in 40 CFR Part 87

Environmental protection, Air pollution control, Aircraft, Incorporation by reference.

Dated: September 12, 2003.

Marianne Lamont Horinko,  
Acting Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

1. The authority citation for part 87 continues to read as follows:

**Authority:** Secs. 231, 301(a), Clean Air Act, as amended (42 U.S.C 7571, 7601(a)).

<sup>128</sup> ICAO International Standards and Recommended Practices Environmental Protection, Annex 16, Volume II, "Aircraft Engine Emissions," Second Edition, July 1993—Amendment 3, March 20, 1997. Copies of this document can be obtained from ICAO (<http://www.icao.int>).

#### Subpart A—[Amended]

2. Section 87.7 is amended by removing paragraphs (b)(1) and (b)(2).

#### Subpart C—[Amended]

3. Section 87.21 is amended by adding paragraph (d)(1)(vi) to read as follows:

##### § 87.21 Standards for exhaust emissions.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(vi) Engines of a type or model of which the date of manufacture of the first individual production model was after December 31, 2003:

(A) Engines with a rated pressure ratio of 30 or less:

(1) Engines with a maximum rated output greater than 89 kilonewtons: Oxides of Nitrogen:  $(19 + 1.6(\text{rPR}))$  grams/kilonewtons rO.

(2) Engines with a maximum rated output greater than 26.7 kilonewtons but not greater than 89 kilonewtons: Oxides of Nitrogen:  $(37.572 + 1.6(\text{rPR}) - 0.2087(\text{rO}))$  grams/kilonewtons rO.

(B) Engines with a rated pressure ratio greater than 30 but less than 62.5:

(1) Engines with a maximum rated output greater than 89 kilonewtons: Oxides of Nitrogen:  $(7 + 2(\text{rPR}))$  grams/kilonewtons rO.

(2) Engines with a maximum rated output greater than 26.7 kilonewtons but not greater than 89 kilonewtons: Oxides of Nitrogen:  $(42.71 + 1.4286(\text{rPR}) - 0.4013(\text{rO}) + 0.00642(\text{rPR} - \text{rO}))$  grams/kilonewtons rO.

(C) Engines with a rated pressure ratio of 62.5 or more:

Oxides of Nitrogen:  $(32 + 1.6(\text{rPR}))$  grams/kilonewtons rO.

\* \* \* \* \*

#### Subpart G—[Amended]

4. Section 87.64 is revised to read as follows:

##### § 87.64 Sampling and analytical procedures for measuring gaseous exhaust emissions.

The system and procedures for sampling and measurement of gaseous emissions shall be as specified by Appendices 3 and 5 to International Civil Aviation Organization (ICAO) Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993 (including Amendment 3 of March 20, 1997), which are incorporated herein by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they

exist on the date of the approval and a notice of any change in these materials will be published in the **FEDERAL REGISTER**. Frequent changes are not anticipated. Copies may be inspected at U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460, or at the Office of the **Federal Register**, 800 North Capitol Street, NW., 7th Floor, Suite 700, Washington DC. Copies of this document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec, Canada H3C 5H7.

5. Section 87.71 is revised to read as follows:

##### § 87.71 Compliance with gaseous emission standards.

Compliance with each gaseous emission standard by an aircraft engine shall be determined by comparing the pollutant level in grams/kilonewton/thrust/cycle or grams/kilowatt/cycle as calculated in § 87.64 with the applicable emission standard under this part. An acceptable alternative to testing every engine is described in Appendix 6 to International Civil Aviation Organization (ICAO) Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993 (including Amendment 3 of March 20, 1997), which is incorporated herein by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the **FEDERAL REGISTER**. Frequent changes are not anticipated. Copies may be inspected at U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460, or at the Office of Federal Register, 800 North Capitol Street, NW., 7th Floor, Suite 700, Washington DC. Copies of this document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec, Canada H3C 5H7. Other methods of demonstrating compliance may be approved by the Secretary with the concurrence of the Administrator.

6. Section 87.82 is revised to read as follows: