

# Guidelines for Submitting a Petition for Exemption

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to navigate through these guidelines.



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# Disclaimer

**Disclaimer:** The “Guidelines for Submitting a Petition for Exemption” materials are for informational purposes only and do not guarantee the FAA will grant your petition. The FAA will evaluate your petition and send you its decision based on a full review of your request. An FAA grant or denial of exemption is based on the specifics of each situation.

# Background

- This brief program is designed to help you submit a petition that will meet FAA requirements. Following this guidance will help you avoid common pitfalls and increase the likelihood of your success.
- Title 14 of the Code of Federal Regulations (14 CFR), Aeronautics and Space, contains rules issued by the FAA governing all civil aviation in the United States. You are entitled to submit a petition for exemption. If you believe following a rule will burden you, you can provide a level of safety at least equal to that provided by the rule from which you seek the exemption, and your request is in the public interest.

# How to submit my petition for exemption

## 14 CFR § 11.63

You may submit your petition for exemption electronically (recommended) or by paper.

- ***Electronically***

- Submit your petition for exemption to the FAA through the internet at <http://www.regulations.gov>, the Federal Docket Management System (FDMS). Interested persons may also use the FDMS to submit comments to publications in the Federal Register. The FAA uses the FDMS for exemption and rulemaking projects.
- For additional instructions, you may visit [http://www.faa.gov/regulations\\_policies/rulemaking](http://www.faa.gov/regulations_policies/rulemaking).

- ***By Paper***

- Send the original signed copy of your petition for exemption to the following address:
- U.S. Department of Transportation, Docket Operations  
West Building Ground Floor, Room w12-140  
1200 New Jersey Avenue, SE., Washington, DC 20590

# Submit exemption using Regulations.gov

- The Office of Rulemaking recommends that you submit your request for exemption electronically by using the FDMS Web site [www.regulations.gov](http://www.regulations.gov) (14 CFR 11.63(a)(1)).
- Using the FDMS Web site allows you to file your petition efficiently and easily track its progress.

# Guidance on what you must include in your petition

14 CFR § 11.81

**If you have completed your research and determined you need an exemption, you must send a petition for exemption 120 days before you need the exemption to take effect. Your petition for exemption must include—**

- Your name and mailing address. You may include other contact information such as a fax number, telephone number, or email address;
- The specific section or sections of 14 CFR from which you seek an exemption;
- The extent of relief you seek and the reason you seek the relief;
- How your request would benefit the public as a whole;
- Reasons why the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to the existing rule;
- A summary we can publish in the Federal Register stating—
  - The rule from which you seek the exemption; and
  - A brief description of the exemption you seek;
- Any additional information, views, or arguments available to support your request; and
- If you want to exercise the privileges of your exemption outside the United States, you must state the reason.

# Your name and mailing address

14 CFR § 11.81(a)

**"Your name and mailing address. You may include other contact information such as a fax number, telephone number, or email address"**

Anyone can petition for an exemption on behalf of an affected party but they must have the *authority* to do so. For example, a law firm may submit a petition on behalf of its client. *ABC law firm, 1234 L Street, Washington, DC 20005 petitions on behalf of XYZ airlines for an exemption from xxxx.*



# Specific section(s) you seek relief (1 of 2)

14 CFR § 11.81(b)

**"The specific section or sections of Title 14 of the Code of Federal Regulations (14 CFR) from which you seek an exemption"**

Be as specific as possible when you reference the rule. The FAA may grant an exemption from a rule, but not from a statute(s) involved. Identify the section and part including the text involved — this should eliminate any possible confusion.

# Specific section(s) you seek relief (2 of 2)

14 CFR § 11.81(b)

**"The specific section or sections of Title 14 of Code of Federal Regulations (14 CFR) from which you seek an exemption"**

- **Example of a specific request**

I seek relief from § 65.71(a)(2), which specifically states that to be eligible for a mechanic certificate and associated ratings, a person must “Be able to read, write, speak, and understand the English language, or in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a U.S. air carrier, have his certificate endorsed “Valid only outside the United States.”

This example would meet the FAA’s requirement because the petitioner is being very specific about the rule involved. Citing the 14 CFR section and including the complete rule text should prevent any confusion about what rule is involved.

- **Example of an incomplete request**

I seek relief from the rule that says a mechanic must speak English.

# The extent and reason for relief

14 CFR § 11.81(c)

**"The extent of relief you seek and the reason you seek the relief"**

Provide a complete description of what you plan to do instead of following the requirement *and* the reason you cannot follow the requirement. The more information you can provide assists the analyst in comprehending exactly what you plan to do and to what extent.

# Reasons why exemption would not adversely affect safety (1 of 2)

14 CFR § 11.81(e)

**"Reasons why the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to the existing rule"**

To show a level of safety at least equal to that provided by the rule. The FAA may grant an exemption from a rule, but not from a statute., you must—

- Provide and explain with specific details how you will operate at a level of safety as good or better than the level of safety provided by following the rule; or
- Explain why an exemption would not compromise (adversely affect) safety.

# Reasons why exemption would not adversely affect safety (2 of 2)

14 CFR § 11.81(e)

**"Reasons why the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to the existing rule"**

To show a level of safety at least equal to that provided by the rule from which you seek exemption, you could describe how you would meet the intent of the rule and improve on it. For example, you might describe the use of new technology and/or techniques not envisioned during the rulemaking process. Include as much information as possible to demonstrate to the FAA that safety will not be compromised should you be granted an exemption.

- Provide the following—
  - Charts;
  - Data;
  - Drawings; and
  - Any risk analysis conducted to support your reasoning.

# How would relief benefit the public (1 of 2)

14 CFR § 11.81(d)

**"How your request would benefit the public as a whole"**

You must explain how an exemption would not only help your specific situation but would have a positive impact on the public as a whole.

Do not confuse public interest with personal or financial interest.

Often petitioners state it is very expensive for them to meet the requirements of the rule. The FAA may grant an exemption from a rule, but not from a statute.

Petitioners may say they do not have time to do what is asked of them to comply with a regulation

- A regulation written by the FAA to enact a statute. The FAA may grant an exemption from a rule, but not from a statute. The failure to do proper planning is not a matter of public interest. Explain who else will benefit.
  - The public as a whole?
  - Your local community?
  - For example, an airline having to ground its fleet if not granted an exemption would negatively affect the public interest by reducing the number of available flights.

# How would relief benefit the public (2 of 2)

14 CFR § 11.81(d)

**"How your request would benefit the public as a whole"**

Here are some concepts that help demonstrate public interest:

- Reducing environmental pollution.
- Benefitting the aviation industry and the flying public by improving an FAA process or procedure.
- Providing a good or service that would be unavailable to the public otherwise.
- Positive economic impacts to the community.

# Summary to publish in Federal Register

14 CFR § 11.81(f)

**"A summary we can publish in the Federal Register stating — The rule from which you seek the exemption A brief description of the exemption you seek"**

If the FAA decides to publish your petition for exemption in the Federal Register, it will also determine the number of days in which comments will be accepted. The FAA frequently allows 20 days for comments on a petition for exemption (14 CFR § 11.89). A summary is published for those rules that have never been granted or denied an exemption.



# Summary to publish in Federal Register (1 of 4)

14 CFR § 11.81(f)

**"A summary we can publish in the Federal Register stating—The rule from which you seek the exemption A brief description of the exemption you seek"**

Information the FAA will publish in the Federal Register is described in § 11.85 Does FAA invite public comment on petitions for exemption? The information includes—

- The docket (**or Docket Folder**) — A collection or repository of documents related to a rulemaking or other action.
- The docket number (**Docket ID**) — A number or unique identifier assigned by the Federal Docket Management System (FDMS) to each new petition for exemption. The docket number or docket ID is retained for any subsequent modifications, comments, or amendments to the petition or document of the petition;
  - The citation to the rule or rules from which the petitioner requested relief;
  - The name of the petitioner;
  - The petitioner's summary of the action requested and the reasons for requesting it; and
  - A request for comments to assist the FAA in evaluating the petition.

# Summary to publish in Federal Register

## (2 of 4)

14 CFR § 11.81(f)

**"A summary we can publish in the Federal Register stating—The rule from which you seek the exemption A brief description of the exemption you seek"**

The four factors the FAA considers when deciding whether or not to publish a petition in the Federal Register are contained in 14 CFR § 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 it finds) a good reason it should not delay action on your petition. The factors the FAA considers include—

- 1. Whether granting your petition would set a precedent-setting — The FAA Office of the Chief Counsel defines “precedent-setting” as the first time requested relief is granted from a regulatory section. Other exemptions that may be considered precedent-setting are those that provide relief from a particular regulation from which relief has already been granted, but with conditions different than in the original exemption.**  
*An exemption would **set a precedent** if it would be the first exemption from a specific regulation — A regulation written by the FAA to enact a statute. The FAA may grant an exemption from a rule, but not from a statute. or regulations, or it would present a new set of circumstances.*
- 2. Whether the relief requested is identical to exemptions granted previously.**  
*Search <http://www.regulations.gov> and <http://aes.faa.gov> for exemptions the FAA has granted to persons under similar circumstances.*
- 3. Whether the FAA delaying action on your petition would affect you adversely.**  
*For example: You could request the FAA to process your petition quickly by a certain time to prevent disruption of scheduled passenger service and to avoid unnecessary burdens and costs.*
- 4. Whether you filed your petition in a timely manner.**  
*For example: You filed your request as soon as your local FAA office or principal inspector informed you a petition for exemption would be required.*

Exemptions are processed by the FAA Office of Rulemaking. The Office of Rulemaking reviews all petitions for exemption and all comments submitted on a petition for exemption.

# Summary to publish in Federal Register

## (3 of 4)

- The four factors the FAA considers when deciding whether or not to publish a petition in the Federal Register are contained in 14 CFR § 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 it finds) a good reason it should not delay action on your petition. The factors the FAA considers include—

# Summary to publish in Federal Register

## (4 of 4)

**1. Whether granting your petition would set a precedent-setting —** The FAA Office of the Chief Counsel defines “precedent-setting” as the first time requested relief is granted from a regulatory section. Other exemptions that may be considered precedent-setting are those that provide relief from a particular regulation from which relief has already been granted, but with conditions different than in the original exemption..

*An exemption would **set a precedent** if it would be the first exemption from a specific regulation — A regulation written by the FAA to enact a statute. The FAA may grant an exemption from a rule, but not from a statute. or regulations, or it would present a new set of circumstances.*

**2. Whether the relief requested is identical to exemptions granted previously.**

*Search <http://www.regulations.gov> and <http://aes.faa.gov> for exemptions the FAA has granted to persons under similar circumstances.*

**3. Whether the FAA delaying action on your petition would affect you adversely.**

*For example: You could request the FAA to process your petition quickly by a certain time to prevent disruption of scheduled passenger service and to avoid unnecessary burdens and costs.*

**4. Whether you filed your petition in a timely manner.**

*For example: You filed your request as soon as your local FAA office or principal inspector informed you a petition for exemption would be required.*

# Any additional information

14 CFR § 11.81(g)

**"Any additional information, views, or arguments available to support your petition"**

Provide the FAA with as much information as you can to support your rationale for needing an exemption. If possible, include relevant—

- Articles;
- Charts;
- Data;
- Drawings;
- Manufacturer's product descriptions;
- Medical documentation; and
- References to similar granted petitions.

# Exercise exemption outside U.S.A

14 CFR § 11.81(h)

**"If you want to exercise the privileges of your exemption outside the United States, you must state the reason"**

- Include a specific, direct statement requesting that the exemption apply outside the United States and state the reason(s) why you seek this authority.
- Information regarding the use of exemptions outside the United States is found in § 11.83 How can I operate under an exemption outside the United States? Key points from this section include—
  - If you want to be able to operate under your exemption outside the United States, you must *specifically* request this in your petition and give the FAA the reason for this use.
  - If you do not provide your reason or the FAA determines that it does not justify this help, the FAA will limit your exemption to use only within the United States.
  - Before the FAA extends your exemption for use outside the United States, it will verify that the exemption would be in compliance with the Standards of the International Civil Aviation Organization (ICAO). However, a foreign country still may not allow you to operate in that country.

# Request extension of granted exemption

The FAA typically grants an exemption for 2 years.

You may request to extend an exemption previously granted to you by following the submission process previously described.

To request an extension, you must—

- Request the extension *at least 120 days* before the exemption expires.
- If true, state that conditions and reasons regarding public interest and safety remain unchanged (why granting your request would be in the public interest; that is, how it would benefit the public as a whole and the reasons why granting the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to that provided by the rule. The FAA may grant an exemption from a rule, but not from a statute from which you seek the exemption).
- If your circumstances have changed, the FAA may request that you file a new petition. The FAA may publish the new petition for public comment. The comment period is usually 20 calendar days.

# Frequently Asked Questions

- I cannot comply with an FAA regulation. What should I do?
- How can I be certain I need to petition for an exemption?
- When does the FAA grant an exemption?
- What are some common mistakes petitioners make?
- Can I change my exemption?
- What can I do if the FAA denies my petition for exemption?



# I cannot comply with an FAA regulation. What should I do? (1 of 3)

- If you cannot comply with an FAA regulation, you may ask the FAA for an exemption from that regulation by filing a petition. An exemption is permission excusing you from complying with a certain regulation or regulations. The FAA may specify that you comply with certain conditions and/or limitations.
- The process for obtaining an exemption from 14 CFR is contained in part 11. Unless the FAA grants you an exemption or a rule. The FAA may grant an exemption from a rule, but not from a statute. specifies that you may obtain an authorization, waiver, or deviation from the requirements, you *must* comply with the regulations contained in 14 CFR.

# I cannot comply with an FAA regulation. What should I do? (2 of 3)

The FAA may issue exemptions *only* from regulations — A regulation written by the FAA to enact a statute. The FAA may grant an exemption from a rule, but not from a statute contained in 14 CFR.

- The FAA *cannot* grant an exemption from the following:
  - FAA orders;
  - Guidance material;
  - Minimum Equipment Lists;
  - Operations Specifications;
  - Policy memos;
  - Proposed regulations;
  - Public laws; or
  - Sections of the United States Code.

# I cannot comply with an FAA regulation. What should I do? (3 of 3)

- The FAA also cannot grant an exemption from a rule that implements a statutory requirement.
- For example, section 44711 of Title 49 of the United States Code (49 U.S.C.) prescribes, in pertinent part, that a person may not serve in any capacity as a pilot with respect to a civil aircraft used, or intended for use, in air commerce without a pilot certificate authorizing the pilot to serve in the capacity for which the certificate was issued.
- Therefore, the FAA may not grant an exemption from the pilot certificate and medical certificate requirements in 14 CFR § 61.3(a) and (c) respectively.

# How can I be certain I need to petition for an exemption?

- If complying with a regulation would cause a burden to you and you believe you could satisfy the spirit of the regulation while maintaining safety and providing a benefit to the public, you may submit a petition for to the FAA and ask the FAA to grant you relief from that regulation.
- A good starting point is to research what other petitioners have done. You can click on the Automated Exemption System or the Regulations.gov links located in the left column or click on the "Do You Want To Learn To...?" links located above on the right for tips on using those sites.
- You must submit your petition as soon as you know you need an exemption. (§ 11.81 introductory text)

# When does the FAA grant an exemption?

The FAA grants an exemption when—

- You are able to show that complying with a regulation will cause a burden in *your* specific situation. The FAA may grant an exemption from a rule, but not from a statute.

*Note: There must be something different about your situation as compared to others who must comply with the rule. The FAA will not grant an exemption just because you do not want to comply with a regulation or it would be inconvenient.*

- You are able to show that your circumstances would—
  - Allow you to operate with at least the same level of safety as people who comply with the regulation *or* not adversely affect safety (§ 11.81(e)); *and*
  - Be a benefit to the public as a whole, not just you. This is called a “public interest” statement (§ 11.81(d)).
- Consideration of your petition is based on the information/data you provide to support the requirements outlined in § 11.81. If you do not provide sufficient information/data, the FAA may not grant your request.

# What are some common mistakes petitioners make?

Common mistakes include the following—

- Restating the words “adversely affect safety,” “equal level of safety,” and/or “public interest” thinking the mere mention of those key words meets the rule. The FAA may grant an exemption from a rule, but not from a statute.;
- Failing to clearly explain what you would do instead of following the rule;
- Not stating the reason you cannot follow the requirement;
- Not providing supporting data such as charts, drawings, flight patterns, and/or statistics;
- Explaining how an exemption would benefit you or your company instead of the public as a whole. This is a personal interest statement, not a public interest statement; or
- Asking for an exemption from a law, statute, or other rule from which the FAA does not have the authority to issue an exemption.

# Can I change my exemption?

You can petition the FAA to amend an exemption, or the FAA may initiate a change.

- An amendment — A modification to a previously granted exemption. modifies a previously granted exemption and can be used to—
- Add or remove an aircraft;
- Change a name; or
- Change conditions and limitations.
- If your amendment would set a precedent, the FAA must publish your petition in the Federal Register for comment. The comment period is usually 20 calendar days.
- A request for an amendment typically accompanies a petition to extend an exemption.

# What can I do if the FAA denies my petition for exemption? (1 of 2)

If the FAA denies your petition—

- You may petition the FAA to reconsider its denial of your original petition;
- You must submit your request to the same address as your original petition; and
- The FAA must receive your request within 60 days after the FAA issued the denial.



# What can I do if the FAA denies my petition for exemption? (2 of 2)

For the FAA to accept your petition to reconsider its decision, you must show—

- You have a *significant* additional fact and a reason you did not present it in your original petition;
- The FAA made an important *factual error* in the denial of your original petition; or
- The FAA did not correctly interpret a law, regulation, or precedent — The FAA Office of the Chief Counsel defines “precedent-setting” as the first time requested relief is granted from a regulatory section. Other exemptions that may be considered precedent-setting are those that provide relief from a particular regulation from which relief has already been granted, but with conditions different than in the original exemption.

# Look up exemption in AES Database

## Look up an exemption using the Automated Exemption System (AES) database

Automated Exemption System (AES)— The Office of Rulemaking's AES tracks and stores the status of exemptions to FAA regulations. provides access to all FAA exemption decisions.

- AES also provides the identifying information you need to find the original petitions for exemption and supporting documents on the FDMS Web site [www.regulations.gov](http://www.regulations.gov).
- Combining these tools, you can very easily locate requests based on similar facts to the one you are considering. This will allow you to compare successful requests to those that were denied and to gain a better understanding of the process.

# Useful Web Links

- Electronic Code of Federal Regulations (e-CFR)

<https://www.ecfr.gov/cgi-bin/ECFR?page=browse>

- Automated Exemption System (AES)

<http://aes.faa.gov/>

- Regulations.gov

<https://www.regulations.gov/>

# Exemption Glossary (A – C)

- **Automated Exemption System (AES)** — The Office of Rulemaking’s AES tracks and stores the status of exemptions to FAA regulations.
- **Amendment** — A modification to a previously granted exemption.
- **Code of Federal Regulations (CFR)** — Rules of Federal agencies in codified form. The CFR is divided into 50 titles, each with chapters, subchapters, parts, and sections. The rules of each agency are found in the chapters. The regulations of the FAA are in Title 14, chapter I, subchapters A through O, parts 1 through 199, Aeronautics and Space. Each CFR title is revised annually when additions and amendments published in the Federal Register during the previous year are incorporated. Title 14 is revised each January 1.
- **Comment Period** — Period of time for public comment after publication of a summary of a petition in the Federal Register. The comment period is usually 20 calendar days.

# Exemption Glossary (D- E)

- **Docket (or Docket Folder)** — A collection or repository of documents related to a rulemaking or other action.
- **Docket ID** — A number or unique identifier assigned by the Federal Docket Management System (FDMS) to each new petition for exemption. The docket number or docket ID is retained for any subsequent modifications, comments, or amendments to the petition or document.
- **Exemption** — A formal document issued in response to a petition that relieves or denies relief for the petitioner from the requirements of a particular section of 14 CFR. See “Petition.”

# Exemption Glossary (F)

- **“Federal Aviation Regulations”** — Regulations published in 14 CFR chapter I. There is also an online version, the e-CFR, located at <http://www.ecfr.gov>, which can be used for string searches or to print out current portions of the regulations. “Federal Aviation Regulations” is a commonly used term, as is “FAR,” but these are not correct legal citations and should not be used. The proper citation is “14 CFR part [part number]” or “14 CFR § [section number].”
- **Federal Docket Management System (FDMS)** — The online docket system (located at [www.regulations.gov](http://www.regulations.gov)) that enables interested persons to submit requests for exemptions, rulemaking, and other regulatory actions. Interested persons may also use the FDMS to submit comments to publications in the Federal Register. The FAA uses the FDMS for exemption and rulemaking projects.
- **Federal Register** — The daily Federal Register contains four categories of documents: regulations (rules), proposed rules, notices, and Presidential documents. Rules published in the Federal Register keep the CFR current. Proposed rules solicit public comment on an agency's rules and encourage public participation in the rulemaking process. Notices provide information of interest to the public

# Exemption Glossary (G – L)

- **Good Cause** — Reasons offered by a petitioner to waive publication of a summary of its petition in the Federal Register. When a petitioner requests that its petition for exemption from a regulation not be published in the Federal Register, the petitioner must show good cause for not publishing it. The FAA also may grant good cause even if the petitioner does not request it.
- **Letter Grant of Amendment** — A formal letter issued to amend a previously granted exemption.
- **Letter Grant of Extension** — A formal letter issued to extend the expiration date of a previously granted exemption.

# Exemption Glossary (P)

- **Person** — An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
- **Petition** — A formal letter requesting an action from the FAA that must be filed in accordance with part 11.
- **Precedent-setting** — The FAA Office of the Chief Counsel defines “precedent-setting” as the first time requested relief is granted from a regulatory section. Other exemptions that may be considered precedent-setting are those that provide relief from a particular regulation from which relief has already been granted, but with conditions different than in the original exemption.
- **Public Interest** — Something that benefits the public as a whole. Contrast with “private interest”— something that primarily benefits you.



# Exemption Glossary (R – S)

- **Regulation** — *See “Rule.”*
- **Request for Additional Information** — When a petition does not meet the requirements of part 11, the FAA Office of Rulemaking may prepare a “request for additional information” letter and send it to the petitioner. Petitions for exemption must comply with §§ 11.63 and 11.81. Petitions for reconsideration must comply with § 11.101.
- **Rule** — A regulation written by the FAA to enact a statute. The FAA may grant an exemption from a rule, but not from a statute.
- **Statute** — Also called an “act of Congress” or a “Public Law.” A statute is a law passed by Congress and signed by the President.