

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 36**

[Docket No. FAA-2003-15279; Notice No. 03-09]

RIN 2120-AH42

Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend two technical items to harmonize them with international standards and provide uniform noise certification standards for airplanes certificated in the United States and Joint Aviation Authorities (JAA) countries. This will help to simplify airworthiness approvals for import and export purposes. The revisions to these two items would apply only to a small number of older-technology airplanes.

DATES: Send your comments by July 7, 2003.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2003-15279 at the beginning of your comments, and you should send two copies of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard. You may also send comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing comments on these proposed regulations in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the address in this section. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Mehmet Marsan, AEE-100, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-7703; facsimile (202) 267-5594.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested individuals to take part in this rulemaking by sending written comments, data, or views. We also invite comments about the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain why you want to make any recommended change, and include supporting data. We ask that you send us two copies of your written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel about this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the web address in the **ADDRESSES** section.

Before acting on this proposal, we will consider all comments we receive by the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal because of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a preaddressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

- (1) Searching the Department of Transportation's electronic Docket Management System (DMS) web page (<http://dms.dot.gov/search>);
- (2) Visiting the Office of Rulemaking's web page at <http://www.faa.gov/avr/armhome.htm>; or
- (3) Accessing the Federal Register's web page at http://www.access.gpo.gov/su_docs/aces/aces140.html.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the docket number, or notice number of this rulemaking.

Background

Under 49 U.S.C. 44715, the Administrator of the FAA is directed to prescribe "standards to measure aircraft noise and sonic boom; * * * and regulations to control and abate aircraft noise and sonic boom." Title 14, part 36 of the Code of Federal Regulations (CFR) contains the FAA's noise standards and regulations that apply to the issuance of type certificates for all types of aircraft. The standards and requirements that apply to propeller-driven small airplanes and propeller-driven commuter category airplanes are found in § 36.501 and Appendix G to part 36. Appendix G addresses takeoff noise requirements for propeller-driven small airplanes and propeller-driven commuter category airplane certification tests conducted on or after December 22, 1988. The FAA added this appendix to part 36 in 1988 to require takeoff noise tests, instead of the level flyover test formerly required under Appendix F, for airplanes that had certification tests completed before December 22, 1988. Appendix F is no longer used.

On October 13, 1999, the FAA published a final rule (64 FR 55598) amending the noise certification standards for propeller-driven small airplanes. The rule, which harmonized the U.S. noise certification regulations and the European Joint Aviation Requirements for propeller-driven small airplanes, is based on the joint effort of the FAA, the JAA, and the Aviation Rulemaking Advisory Committee. However, two technical items, which appear in Appendix G to part 36, were left unharmonized with Annex 16, Volume 1, Chapter 10 of the International Civil Aviation Organization (ICAO) because we were not aware of the possible effect on exported older airplanes. These older airplanes predated current noise certification requirements or have already been noise certificated. On rare occasions, these airplanes may be required to perform a new noise test if they undergo a modification that could increase their noise level.

The two unharmonized technical items were filed with the ICAO. The ICAO includes these items in the national variances list for Annex 16, Volume I. These differences could result in foreign regulators conducting additional reviews, which the FAA and U.S. manufacturers must support, of any U.S.-made, propeller-driven small airplane noise certifications when the airplanes are exported. In practice, the existence of these differences means that all aircraft must undergo additional review by a foreign authority since it is