

Section 36.105

The FAA is proposing to add new § 36.105 entitled “Chapter 4 equivalency”. The purpose of this section is to codify findings of equivalency for airplanes certificated under part 36 as Stage 4 and those certificated under ICAO Chapter 4. In addition, all airplanes certificated as Stage 4 would be required to have a specified equivalency statement included in the airplane flight manual (AFM). These two items are intended to facilitate the operation of Stage 4 airplanes in locations where Chapter 4 is the recognized standard by establishing equivalency of compliance at certification. The FAA intends these provisions to help eliminate the number of questions that have arisen with Stage 3 and Chapter 3 airplanes.

Appendix A to Part 36

This appendix prescribes the conditions under which airplane noise certification tests must be conducted and describes the measurement procedures that must be used in the measurement of airplane noise during certification testing. The FAA is proposing to add a new paragraph to Appendix A, section A36.1.4, that specifies an acceptable alternative for noise measurement and evaluation for Stage 4 airplanes. This alternative for Stage 4 noise measurement and evaluation is Appendix 2 to ICAO Annex 16, Environmental Protection, Volume I, Aircraft Noise, Third Edition, July 1993, Amendment 7 that was effective March 21, 2002.

In 2002, the FAA amended its noise certification standards for subsonic jet airplanes and subsonic transport category large airplanes (67 FR 45194, July 8, 2002). The changes were based on the joint effort of the FAA, the European Joint Aviation Authorities (JAA), and Aviation Rulemaking Advisory Committee to harmonize the U.S. noise certification regulations and the European Joint Aviation Requirements for subsonic jet airplanes and subsonic transport category large airplanes. These changes provided a nearly uniform noise certification standard for airplanes certified in the United States and in the JAA countries. There were two exceptions in conducting noise tests that remain unharmonized.

The FAA anticipates that when CAEP meets again in 2004, these two exceptions will have been resolved and will not affect this rulemaking. The exception for sound pressure level, part 36, Appendix A, section A36.9.3.2.1, has been resolved at the working group

level as of October 2002. The exception for wind velocity, part 36, Appendix A, section A36.2.2.2(e), is currently being discussed in this working group. This proposed rule presumes that these two exceptions will no longer be at issue by the time the FAA publishes a final rule on Stage 4 certification.

Appendix B to Part 36

Part 36, appendix B, contains the maximum noise levels for transport category and jet airplanes, and the noise certification reference procedures and conditions. To comply with appendix B, an applicant must show that noise levels were measured and evaluated using the procedures of appendix A of this part, or an approved equivalent procedure. The FAA is proposing to amend section B36.1 to include an acceptable alternative for Stage 4 noise measurement and evaluation. The proposed alternative is Annex 16 Appendix 2. Section B36.5 would also be revised to include the maximum noise levels for Stage 4 airplanes.

Stage 4 Operation

Section 91.851

Section 91.851 contains definitions that apply to §§ 91.851 through 91.877, the Stage 3 operating rules for airplanes over 75,000 pounds. The FAA is proposing to add these new terms to § 91.851: “Stage 4 noise level,” “Stage 4 airplane,” and “Chapter 4 noise level.” The addition of these terms in the definition section coincides with their incorporation into the following operating rules.

Section 91.853

This section requires that after December 31, 1999, all airplanes over 75,000 pounds must be Stage 3. The FAA is proposing to add the phrase “or Stage 4” after the phrase “Stage 3” to include Stage 4 airplanes as acceptable to operate to or from any airport in the contiguous United States.

Section 91.855

This section prescribes the requirements for the operation of airplanes over 75,000 pounds in the contiguous United States on and since September 25, 1991. The FAA is proposing to add the phrase “or Stage 4” after the phrase “Stage 3” to include Stage 4 airplanes as acceptable to operate to or from any airport in the contiguous United States.

Section 91.859

This section allows an operator that is otherwise prohibited from operating to or from an airport in the contiguous United States, to apply for a special

flight authorization for the purpose of obtaining modifications to meet Stage 3 noise levels. The FAA is proposing to add the phrase “or Stage 4” in the title and the text to include airplane modifications to meet Stage 4.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the Public. We have determined that there is no new information collection associated with this proposed rule.

Economic Evaluation

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs each Federal agency proposing or adopting a regulation to proceed only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation).

However, for regulations with an expected minimal impact, the above-specified analyses are not required. The Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If it is determined that the expected impact is so minimal that the proposal does not warrant a full evaluation, a statement to that effect and the basis for it is included in the proposed regulation.

This proposed rule would establish a new Stage 4 noise standard for subsonic jet airplanes and subsonic transport category large airplanes. The proposed noise standard would apply to new type designs for which application is made on or after January 1, 2006.