

2. Section 36.1 is amended by adding new paragraphs (f)(9), (f)(10), and (f)(11) to read as follows:

§ 36.1 Applicability and definitions.

* * * *

(f) * * *
(9) A “Stage 4 noise level” means a noise level at or below the Stage 4 noise limit prescribed in section B36.5(d) of appendix B of this part.

(10) A “Stage 4 airplane” means an airplane that has been shown under this part not to exceed the Stage 4 noise limit prescribed in section B36.5(d) of appendix B of this part.

(11) A “Chapter 4 noise level” means a noise level at or below the Chapter 4 maximum noise level prescribed in Chapter 4 of the International Civil Aviation Organization (ICAO) Annex 16, Volume I, Amendment 7, dated March 21, 2002.

* * * *

3. Section 36.6 is revised by adding paragraphs (c)(3) and (d)(3) to read as follows:

§ 36.6 Incorporation by reference.

* * * *

(c) * * *
(3) International Standards and Recommended Practices entitled “Environmental Protection, Annex 16 to the Convention on International Civil Aviation, Volume I, Aircraft Noise”, Third Edition, July 1993, Amendment 7, effective March 21, 2002.

(d) * * *
(3) *ICAO publications.* International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada.

* * * *

4. Section 36.7 is revised by adding paragraphs (e)(4) and (f) to read as follows:

§ 36.7 Acoustical change: Transport category large airplanes and jet airplanes.

* * * *

(e) * * *
(4) If an airplane is a Stage 3 airplane prior to a change in type design, and becomes a Stage 4 after the change in type design, the airplane must remain a Stage 4 airplane.

(f) *Stage 4 airplanes.* If an airplane is a Stage 4 airplane prior to a change in type design, the airplane must remain a Stage 4 airplane after the change in type design.

5. Section 36.103 is amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 36.103 Noise limits.

* * * *

(b) Type certification applications between November 5, 1975 and December 31, 2005. If application is made on or after November 5, 1975, and before January 1, 2006, it must be shown that the noise levels of the airplane are no greater than the Stage 3 noise limit prescribed in section B36.5(c) of appendix B of this part.

(c) Type certification applications on or after January 1, 2006. If application is made on or after January 1, 2006, it must be shown that the noise levels of the airplane are no greater than the Stage 4 noise limit prescribed in section B36.5(d) of appendix B of this part. Prior to January 1, 2006, an applicant may seek voluntary certification to Stage 4 maximum noise level; if Stage 4 certification is chosen, the Stage 4 noise limit on changes in type design will apply.

6. Add new § 36.105 to read as follows:

§ 36.105 Chapter 4 equivalency.

(a) When the noise measurement and evaluation procedures of the International Civil Aviation Organization (ICAO), as described in Annex 16, Volume I, Chapter 4 are used to establish a Chapter 4 noise certification, the airplane is considered equivalent to Stage 4.

(b) For each airplane for which Stage 4 certification is sought, the Airplane Flight Manual or operations manual must include the following statement: “The following noise levels comply with part 36, Appendix B, Stage 4 maximum noise level requirements and were obtained by analysis of approved data from noise tests conducted under the provisions of part 36 Amendment [insert the appropriate part 36 amendment number]. The noise measurement and evaluation procedures used to obtain these noise levels have been found by the FAA to be equivalent to the Chapter 4 noise level required by the International Civil Aviation Organization (ICAO) in Annex 16, Volume I, Appendix 2, Amendment 7, effective March 21, 2002.”

Appendix A [Amended]

7. Section A36.1 is revised by adding paragraph A36.1.4 to read as follows:

Section A36.1 Introduction.

* * * *

A36.1.4 For Stage 4 airplanes, an acceptable alternative for noise measurement and evaluation is Appendix 2 to the International Civil Aviation Organization (ICAO) Annex 16, Environmental Protection, Volume I, Aircraft Noise, Third Edition, July 1993, Amendment 7, March 21, 2002. The Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51

approved this incorporation by reference. This document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada. Also, you may obtain documents on the Internet at www.ICAO.int/eshop/index.cfm. Copies may be reviewed at the FAA Office of the Chief Counsel, Rules Docket, Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, DC or at the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

Appendix B [Amended]

8. Section B36.1 is revised to read as follows:

Section B36.1 Noise Measurement and Evaluation

The procedures of appendix A of this part, or approved equivalent procedures, must be used to determine noise levels of an airplane. These noise levels must be used to show compliance with the requirements of this appendix. For Stage 4 airplanes, an acceptable alternative for noise measurement and evaluation is appendix 2 to the International Civil Aviation Organization (ICAO) Annex 16, Environmental Protection, Volume I, Aircraft Noise, Third Edition, July 1993, Amendment 7, March 21, 2002. The Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 approved this incorporation by reference. This document can be obtained from, and copies may be reviewed at the respective addresses listed in section A36.1.

9. Section B36.5 is revised to read as follows:

Section B36.5 Maximum Noise Levels

* * * *

(d) For a Stage 4 airplane, the flyover, lateral, and approach maximum noise levels are prescribed in chapter 4 of the International Civil Aviation Organization (ICAO) Annex 16, Environmental Protection, Volume I, Aircraft Noise, Third Edition, July 1993, Amendment 7, effective March 21, 2002.

PART 91—GENERAL OPERATING AND FLIGHT RULES

10. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506, 46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

11. Section 91.851 is revised to read as follows:

§ 91.851 Definitions.

For the purposes of § 91.851 through 91.877 of this subpart:

Chapter 4 noise level means a noise level at or below the Chapter 4 maximum noise level prescribed in