

Chapter 4 of the International Civil Aviation Organization (ICAO) Annex 16, Volume I, Amendment 7, dated March 21, 2002. Airplanes certificated to Chapter 4 are considered equivalent to Stage 4, and comply with all operating rules of this part.

*Contiguous United States* means the area encompassed by the 48 contiguous United States and the District of Columbia.

*Fleet* means those civil subsonic jet (turbojet) airplanes with a maximum certificated weight of more than 75,000 pounds that are listed on an operator's operations specifications as eligible for operation in the contiguous United States.

*Import* means a change in ownership of an airplane from a non-U.S. person to a U.S. person when the airplane is brought into the United States for operation.

*New entrant* means an air carrier or foreign air carrier that, on or before November 5, 1990, did not conduct operations under part 121 or 129 of this chapter using an airplane covered by this subpart to or from any airport in the contiguous United States, but that initiates such operation after that date.

*Operations specifications* means an enumeration of airplanes by type, model, series, and serial number operated by the operator or foreign air carrier on a given day, regardless of how or whether such airplanes are formally listed or designated by the operator.

*Owner* means any person that has indicia of ownership sufficient to register the airplane in the United States pursuant to part 47 of this chapter.

*Stage 2 airplane* means a civil subsonic jet (turbojet) airplane with a maximum certificated weight of 75,000 pounds or more that complies with Stage 2 noise levels as defined in part 36 of this chapter.

*Stage 2 noise levels* mean the requirements for Stage 2 noise levels as defined in part 36 of this chapter in effect on November 5, 1990.

*Stage 3 airplane* means a civil subsonic jet (turbojet) airplane with a maximum certificated weight of 75,000 pounds or more that complies with Stage 3 noise levels as defined in part 36 of this chapter.

*Stage 3 noise levels* mean the requirements for Stage 3 noise levels as defined in part 36 of this chapter in effect on November 5, 1990.

*Stage 4 airplane* means an airplane that has been shown not to exceed the Stage 4 noise limit prescribed in part 36 of this chapter. A Stage 4 airplane complies with all the operating rules of this part.

*Stage 4 noise level* means a noise level at or below the Stage 4 noise limit prescribed in part 36 of this chapter.

12. Section 91.853 is revised to read as follows:

**§ 91.853 Final compliance: Civil subsonic airplanes.**

Except as provided in § 91.873, after December 31, 1999, no person shall

operate to or from any airport in the contiguous United States any airplane subject to § 91.801(c) of this subpart, unless that airplane has been shown to comply with Stage 3 or Stage 4 noise levels.

13. Section 91.855(a) is revised to read as follows:

**§ 91.855 Entry and nonaddition rule.**

\* \* \* \* \*

(a) The airplane complies with Stage 3 or Stage 4 noise levels.

\* \* \* \* \*

14. Section 91.859 is revised to read as follows:

**§ 91.859 Modification to meet Stage 3 or Stage 4 noise levels.**

For an airplane subject to § 91.801(c) of this subpart and otherwise prohibited from operation to or from an airport in the contiguous United States by § 91.855, any person may apply for a special flight authorization for that airplane to operate in the contiguous United States for the purpose of obtaining modifications to meet Stage 3 or Stage 4 noise levels.

Issued in Washington, DC, on November 17, 2003.

**Paul R. Dykeman,**

*Deputy Director, Office of Environment and Energy.*

[FR Doc. 03-29147 Filed 11-25-03; 12:37 pm]

**BILLING CODE 4910-13-P**