

§ 36.1

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APPENDIX J TO PART 36—ALTERNATIVE NOISE CERTIFICATION PROCEDURE FOR HELICOPTERS UNDER SUBPART H HAVING A MAXIMUM CERTIFICATED TAKEOFF WEIGHT OF NOT MORE THAN 6,000 POUNDS

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SOURCE: Docket No. 9337, 34 FR 18364, Nov. 18, 1969, unless otherwise noted.

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SPECIAL FEDERAL AVIATION REGULATIONS SFAR No. 41

EDITORIAL NOTE: For the text of SFAR No. 41 see Part 21 of this chapter.

Subpart A—General

§ 36.1 Applicability and definitions.

(a) This part prescribes noise standards for the issue of the following certificates:

(1) Type certificates, and changes to those certificates, and standard airworthiness certificates, for subsonic transport category large airplanes, and for subsonic turbojet powered airplanes regardless of category.

(2) Type certificates and changes to those certificates, standard airworthiness certificates, and restricted category airworthiness certificates, for propeller-driven, small airplanes, and for propeller-driven, commuter category airplanes except those airplanes that are designed for “agricultural aircraft operations” (as defined in §137.3 of this chapter, as effective on January 1, 1966) or for dispersing fire fighting materials to which §36.1583 of this part does not apply.

(3) A type certificate and changes to that certificate, and standard airworthiness certificates, for Concorde airplanes.

(4) Type certificates, and changes to those certificates, for helicopters except those helicopters that are designated exclusively for “agricultural aircraft operations” (as defined in §137.3 of this chapter, as effective on January 1, 1966), for dispersing fire fighting materials, or for carrying external loads (as defined in §133.1(b) of this chapter, as effective on December 20, 1976).

(b) Each person who applies under Part 21 of this chapter for a type of airworthiness certificate specified in this part must show compliance with the applicable requirements of this part, in addition to the applicable airworthiness requirements of this chapter.

(c) Each person who applies under Part 21 of this chapter for approval of an acoustical change described in §21.93(b) of this chapter must show that the aircraft complies with the applicable provisions of §§36.7, 36.9, or 36.11 of

this part in addition to the applicable airworthiness requirements of this chapter.

(d) Each person who applies for the original issue of a standard airworthiness certificate for a transport category large airplane or for a turbojet powered airplane under §21.183 must, regardless of date of application, show compliance with the following provisions of this part (including appendix C):

(1) The provisions of this part in effect on December 1, 1969, for subsonic airplanes that have not had any flight time before—

(i) December 1, 1973, for airplanes with maximum weights greater than 75,000 pounds, except for airplanes that are powered by Pratt & Whitney Turbo Wasp JT3D series engines;

(ii) December 31, 1974, for airplanes with maximum weights greater than 75,000 pounds and that are powered by Pratt & Whitney Turbo Wasp JT3D series engines; and

(iii) December 31, 1974, for airplanes with maximum weights of 75,000 pounds and less.

(2) The provisions of this part in effect on October 13, 1977, including the stage 2 noise limits, for Concorde airplanes that have not had flight time before January 1, 1980.

(3) December 31, 1974, for airplanes with maximum weights of 75,000 lbs. and less.

(e) Each person who applies for the original issue of a standard airworthiness certificate under §21.183, or for the original issue of a restricted category airworthiness certificate under §21.185, for propeller-driven, commuter category airplanes for a propeller driven small airplane that has not had any flight time before January 1, 1980, must show compliance with the applicable provisions of this part.

(f) For the purpose of showing compliance with this part for transport category large airplanes and turbojet powered airplanes regardless of category, the following terms have the following meanings:

(1) A “Stage 1 noise level” means a takeoff, sideline or approach noise level greater than the Stage 2 noise limits prescribed in section C36.5(a)(2) of appendix C of this part.

(2) A “Stage 1 airplane” means an airplane that has not been shown under this part to comply with the takeoff, sideline, and approach noise levels required for Stage 2 or Stage 3 airplanes.

(3) A “Stage 2 noise level” means a noise level at or below the Stage 2 noise limits prescribed in section C36.5(a)(2) of appendix C of this part but higher than the Stage 3 noise limits prescribed in section C36.5(a)(3) of appendix C of this part.

(4) A “Stage 2 airplane” means an airplane that has been shown under this part to comply with Stage 2 noise levels prescribed in section C36.5 of appendix C of this part (including use of the applicable tradeoff provisions) and that does not comply with the requirements for a Stage 3 airplane.

(5) A “Stage 3 noise level” means a noise level at or below the Stage 3 noise limits prescribed in section C36.5(a)(3) of appendix C of this part.

(6) A “Stage 3 airplane” means an airplane that has been shown under this part to comply with Stage 3 noise levels prescribed in section C36.5 of appendix C of this part (including use of the applicable tradeoff provisions).

(7) A “subsonic airplane” means an airplane for which the maximum operating limit speed, M_{mo} , does not exceed a Mach number of 1.

(8) A “supersonic airplane” means an airplane for which the maximum operating limit speed, M_{mo} , exceeds a Mach number of 1.

(g) For the purpose of showing compliance with this part for transport category large airplanes and turbojet airplanes regardless of category, each airplane may not be identified as complying with more than one stage or configuration simultaneously.

(h) For the purpose of showing compliance with this part, for helicopters in the primary, normal, transport, and restricted categories, the following terms have the specified meanings:

(1) *Stage 1 noise level* means a takeoff, flyover, or approach noise level greater than the Stage 2 noise limits prescribed in section H36.305 of appendix H of this part, or a flyover noise level greater than the Stage 2 noise limits prescribed in section J36.305 of appendix J of this part.

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(2) *Stage 1 helicopter* means a helicopter that has not been shown under this part to comply with the takeoff, flyover, and approach noise levels required for Stage 2 helicopters as prescribed in section H36.305 of appendix H of this part, or a helicopter that has not been shown under this part to comply with the flyover noise level required for Stage 2 helicopters as prescribed in section J36.305 of appendix J of this part.

(3) *Stage 2 noise level* means a takeoff, flyover, or approach noise level at or below the Stage 2 noise limits prescribed in section H36.305 of appendix H of this part, or a flyover noise level at or below the Stage 2 limit prescribed in section J36.305 of appendix J of this part.

(4) *Stage 2 helicopter* means a helicopter that has been shown under this part to comply with Stage 2 noise limits (including applicable tradeoffs) prescribed in section H36.305 of appendix H of this part, or a helicopter that has been shown under this part to comply with the Stage 2 noise limit prescribed in section J36.305 of appendix J of this part.

[Doc. No. 13243, Amdt. 36-4, 40 FR 1034, Jan. 6, 1975 as amended by Amdt. 36-7, 42 FR 12370, Mar. 3, 1977; Amdt. 36-10, 43 FR 28419, June 29, 1978; Amdt. 36-11, 45 FR 67066, Oct. 9, 1980; Amdt. 36-13, 52 FR 1836, Jan. 15, 1987; Amdt. 36-14, 53 FR 3540, Feb. 5, 1988; 53 FR 7728, Mar. 10, 1988; Amdt. 36-15, 53 FR 16366, May 6, 1988; Amdt. 36-20, 57 FR 42854, Sept. 16, 1992]

§ 36.2 Special retroactive requirements.

(a) Notwithstanding §21.17 of this chapter, each person who applies for a type certificate:

(1) For an airplane covered by this part, irrespective of the date of application for the type certificate, or

(2) For a helicopter covered by this part, on or after March 6, 1986,

must show compliance with the applicable provisions of this part.

(b) Notwithstanding §21.101(a) of this chapter, each person who applies for an acoustical change to a type design specified in §21.93(b) of this chapter

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must show compliance with the applicable provisions of this part.

[Doc. No. 9337, 34 FR 18364, Nov. 18, 1969, as amended by Amdt. 36-14, 53 FR 3540, Feb. 5, 1988]

§ 36.3 Compatibility with airworthiness requirements.

It must be shown that the aircraft meets the airworthiness regulations constituting the type certification basis of the aircraft under all conditions in which compliance with this part is shown, and that all procedures used in complying with this part, and all procedures and information for the flight crew developed under this part, are consistent with the airworthiness regulations constituting the type certification basis of the aircraft.

[Doc. No. 9337, 34 FR 18364, Nov. 18, 1969, as amended by Amdt. 36-14, 53 FR 3540, Feb. 5, 1988]

§ 36.5 Limitation of part.

Pursuant to 49 U.S.C. 1431(b)(4), the noise levels in this part have been determined to be as low as is economically reasonable, technologically practicable, and appropriate to the type of aircraft to which they apply. No determination is made, under this part, that these noise levels are or should be acceptable or unacceptable for operation at, into, or out of, any airport.

§ 36.6 Incorporation by reference.

(a) *General.* This part prescribes certain standards and procedures which are not set forth in full text in the rule. Those standards and procedures are contained in published material which is reasonably available to the class of persons affected and has been approved for incorporation by reference by the Director of the Federal Register under 5 U.S.C. 552 (a) and 1 CFR Part 51.

(b) *Incorporated matter.* (1) Each publication, or part of a publication, which is referenced but not set forth in full-text in this part and which is identified in paragraph (c) of this section is hereby incorporated by reference and made a part of Part 36 of this chapter with the approval of the Director of the FEDERAL REGISTER.