

(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.

(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,

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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 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 here-

by incorporated by reference and made a part of Part 36 of this chapter with the approval of the Director of the Federal Register.

(2) Incorporated matter which is subject to subsequent change is incorporated by reference according to the specific reference and to the identification statement. Adoption of any subsequent change in incorporated matter is made under Part 11 of this chapter and 1 CFR Part 51.

(c) *Identification statement.* The complete title or description which identifies each published matter incorporated by reference in this part is as follows:

(1) *International Electrotechnical Commission (IEC) Publications.* (i) IEC Publication No. 179, entitled "Precision Sound Level Meters," dated 1973.

(ii) IEC Publication No. 225, entitled "Octave, Half-Octave, Third Octave Band Filters Intended for the Analysis of Sounds and Vibrations," dated 1966.

(iii) IEC Publication No. 651, entitled "Sound Level Meters," first edition, dated 1979.

(iv) IEC Publication No. 561, entitled "Electro-acoustical Measuring Equipment for Aircraft Noise Certification," first edition, dated 1976.

(v) IEC Publication No. 804, entitled "Integrating-averaging Sound Level Meters," first edition, dated 1985.

(2) *Society of Automotive Engineers (SAE) Publications.* (i) SAE ARP 866A, entitled "Standard Values at Atmospheric Absorption as a Function of Temperature and Humidity for Use in Evaluating Aircraft Flyover Noise," dated March 15, 1975.

(d) *Availability for purchase.* Published material incorporated by reference in this part may be purchased at the price established by the publisher or distributor at the following mailing addresses:

(1) *IEC publications.* (i) The Bureau Central de la Commission Electrotechnique, Internationale, 1, rue de Varembe, Geneva, Switzerland.

(ii) American National Standard Institute, 1430 Broadway, New York City, New York 10018.

(2) *SAE publications.* Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrentown, Pennsylvania 15096.