§ 91.857  Stage 2 operations outside of the 48 contiguous United States.

An operator of a Stage 2 airplane that is operating only between points outside the contiguous United States on or after November 5, 1990, must include in its operations specifications a statement that such airplane may not be used to provide air transportation to or from any airport in the contiguous United States.

§ 91.858  Special flight authorizations for non-revenue Stage 2 operations.

(a) After December 31, 1999, any operator of a Stage 2 airplane over 75,000 pounds may operate that airplane in nonrevenue service in the contiguous United States only for the following purposes:

(1) Sell, lease, or scrap the airplane;
(2) Obtain modifications to meet Stage 3 noise levels;
(3) Obtain scheduled heavy maintenance or significant modifications;
(4) Deliver the airplane to a lessee or return it to a lessor;
(5) Park or store the airplane; and
(6) Prepare the airplane for any of the purposes listed in paragraph (a)(1) thru (a)(5) of this section.

(b) An operator of a Stage 2 airplane that needs to operate in the contiguous United States for any of the purposes listed above may apply to FAA’s Office of Environment and Energy for a special flight authorization. The applicant must file in advance. Applications are due 30 days in advance of the planned flight and must provide the information necessary for the FAA to determine that the planned flight is within the limits prescribed in the law.

§ 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.

§ 91.861  Base level.

(a) U.S. Operators. The base level of a U.S. operator is equal to the number of owned or leased Stage 2 airplanes subject to §91.801(c) of this subpart that were listed on that operator’s operations specifications for operations to or from airports in the contiguous United States on any one day selected by the operator during the period January 1, 1990, through July 1, 1991, plus or minus adjustments made pursuant to paragraphs (a)(1) and (2).

(1) The base level of a U.S. operator shall be increased by a number equal to the total of the following—

(i) The number of Stage 2 airplanes returned to service in the United States pursuant to §91.855(f);
(ii) The number of Stage 2 airplanes purchased pursuant to §91.855(g); and
(iii) Any U.S. operator base level acquired with a Stage 2 airplane transferred from another person under §91.863.

(2) The base level of a U.S. operator shall be decreased by the amount of U.S. operator base level transferred with the corresponding number of Stage 2 airplanes to another person under §91.863.

(b) Foreign air carriers. The base level of a foreign air carrier is equal to the number of owned or leased Stage 2 airplanes that were listed on that carrier’s U.S. operations specifications on any one day during the period January 1, 1990, through July 1, 1991, plus or minus any adjustments to the base levels made pursuant to paragraphs (b)(1) and (2).

(1) The base level of a foreign air carrier shall be increased by the amount
§ 91.865 Phased compliance for operators with base level.

Except as provided in paragraph (a) of this section, each operator that operates an airplane under part 91, 121, 125, 129, or 135 of this chapter, regardless of the national registry of the airplane, shall comply with paragraph (b) or (d) of this section at each interim compliance date with regard to its subsonic airplane fleet covered by §91.801(c) of this subpart.

(a) This section does not apply to new entrants covered by §91.867 or to foreign operators not engaged in foreign air commerce.

(b) Each operator that chooses to comply with this paragraph pursuant to any interim compliance requirement shall reduce the number of Stage 2 airplanes it operates that are eligible for operation in the contiguous United States to a maximum of:

(1) After December 31, 1994, 75 percent of the base level held by the operator;
(2) After December 31, 1996, 50 percent of the base level held by the operator;
(3) After December 31, 1998, 25 percent of the base level held by the operator.

(c) Except as provided under §91.871, the number of Stage 2 airplanes that must be reduced at each compliance date contained in paragraph (b) of this section shall be determined by reference to the amount of base level held by the operator on that compliance date, as calculated under §91.861.

(d) Each operator that chooses to comply with this paragraph pursuant to any interim compliance requirement shall operate a fleet that consists of:

(1) After December 31, 1994, not less than 55 percent Stage 3 airplanes;
(2) After December 31, 1996, not less than 65 percent Stage 3 airplanes;
(3) After December 31, 1998, not less than 75 percent Stage 3 airplanes.

(e) Calculations resulting in fractions may be rounded to permit the continued operation of the next whole number of Stage 2 airplanes.

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