

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

(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 maximum noise level prescribed in Chapter 4, Paragraph 4.4, Maximum Noise Levels, of the International Civil Aviation Organization (ICAO) Annex 16, Volume I, Amendment 7, effective March 21, 2002. [Incorporated by reference, see §36.6].

(g) For the purpose of showing compliance with this part for transport category large airplanes and jet 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.

(5) *Maximum normal operating RPM* means the highest rotor speed corresponding to the airworthiness limit imposed by the manufacturer and approved by the FAA. Where a tolerance on the highest rotor speed is specified, the maximum normal operating rotor speed is the highest rotor speed for which that tolerance is given. If the rotor speed is automatically linked with flight condition, the maximum normal operating rotor speed corresponding with that flight condition must be used during the noise certification procedure. If rotor speed can be changed by pilot action, the highest normal operating rotor speed specified in the flight manual limitation section for power-on conditions must be used during the noise certification procedure.

[Doc. No. 13243, Amdt. 36-4, 40 FR 1034, Jan. 6, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §36.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### §36.2 Requirements as of date of application.

(a) Section 21.17 of this chapter notwithstanding, each person who applies for a type certificate for an aircraft covered by this part, must show that the aircraft meets the applicable requirements of this part that are effective on the date of application for that type certificate. When the time interval between the date of application for the type certificate and the issuance of the type certificate exceeds 5 years, the applicant must show that the aircraft meets the applicable requirements of this part that were effective on a date, to be selected by the applicant, not

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earlier than 5 years before the issue of the type certificate.

(b) Section 21.101(a) of this chapter notwithstanding, 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 requirements of this part that are effective on the date of application for the change in type design. When the time interval between the date of application for the change in type design and the issuance of the amended or supplemental type certificate exceeds 5 years, the applicant must show that the aircraft meets the applicable requirements of this part that were effective on a date, to be selected by the applicant, not earlier than 5 years before the issue of the amended or supplemental type certificate.

(c) If an applicant elects to comply with a standard in this part that was effective after the filing of the application for a type certificate or change to a type design, the election:

- (1) Must be approved by the FAA;
- (2) Must include standards adopted between the date of application and the date of the election;
- (3) May include other standards adopted after the standard elected by the applicant as determined by the FAA.

[Amdt. 36-54, 67 FR 45211, July 8, 2002; Amdt. 36-24, 67 FR 63195, Oct. 10, 2002]

### § 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 de-

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termined 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.

(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.