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NPRM Review/ Summary/ comments

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 36

[Docket No. FAA–2003–15279; Notice No. 03–09]

RIN 2120–AH42

Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

"The FAA proposes to amend two technical items to harmonize them with international standards and provide uniform noise certification standards for airplanes certificated in the United States and Joint Aviation Authorities (JAA) countries. This will help to simplify airworthiness approvals for import and export purposes. The revisions to these two items would apply only to a small number of older technology airplanes."

The NPRM is for older technology aircraft in the United States to be standardized to the rules of international flight noise regulations. The Unfunded Mandates Reform Act of 1995 (the Act) is intended, among other things, to curb the practice of imposing

unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action''. This NPRM does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply. Under 49 U.S.C. 44715, the Administrator of the FAA is directed to prescribe ''standards to measure aircraft noise and sonic boom; * * * and regulations to control and abate aircraft noise and sonic boom.'' Title 14, part 36 of the Code of Federal Regulations (CFR) contains the FAA's noise standards and regulations that apply to the issuance of

type certificates for all types of aircraft. The standards and requirements that apply to propeller-driven small airplanes and propeller-driven commuter category airplanes are found in § 36.501 and Appendix G to part 36. Appendix G addresses takeoff noise requirements for propeller-driven small airplanes and propeller-driven commuter category airplane certification tests conducted on or after December 22, 1988. The FAA added this appendix to part 36 in 1988 to require takeoff noise tests, instead of the level flyover test formerly required under Appendix F, for airplanes that had certification tests completed before December 22, 1988. Appendix F is no longer used. On October 13, 1999, the FAA published a final rule (64 FR 55598) amending the noise certification standards for propeller-driven small airplanes. The rule, which harmonized the U.S. noise certification regulations and the European Joint Aviation Requirements for propeller driven small airplanes, is based on the joint effort of the FAA, the JAA, and the Aviation

Rulemaking Advisory Committee. However, two technical items, which appear in Appendix G to part 36, were left unharmonized with Annex 16, Volume 1, Chapter 10 of the International Civil Aviation Organization (ICAO) because we were not aware of the possible effect on exported older airplanes. These older airplanes predated current noise certification requirements or have already been noise certificated. On rare occasions, these airplanes may be required to perform a new noise test if they undergo a modification that could increase their noise level. The two unharmonized technical items were filed with the ICAO. The ICAO includes these items in the national variances list for Annex 16, Volume I. These differences could result in foreign regulators conducting additional reviews, which the FAA and U.S. manufacturers must support, of any U.S.-made, propeller-driven small airplane noise certifications when the airplanes are exported. In practice, the existence of these differences means that all aircraft must undergo additional review by a foreign authority since it is not clear which airplanes encompass the differences in their noise certifications. This proposed rule would harmonize the two technical items to eliminate the differences and the need for the additional reviews. The two unharmonized items, which are the subject of this proposed rule, are as follows:

(1) The use of ''maximum continuous power'' during the second segment of the noise certification test flight path is allowed under current section G36.111. However, the ''power'' definition in Annex 16, Chapter 10, section 10.5.2 for the second segment is defined as ''maximum power''. Since the ''maximum continuous power'' is typically lower than the maximum or takeoff power described in ICAO, the two items are not considered harmonized.

(2) For fixed pitch type propellers, current section G36.201 specifies a simplified data correction procedure if the engine test power is within 5 percent of the reference power. The ICAO Annex 16, Volume 1, Chapter 10 does not have a corresponding simplified data correction procedure. In keeping with U.S. obligations under the Convention on International Civil Aviation, it is the FAA's policy to comply with ICAO Standards and Recommended Practices to the maximum extent practicable. We propose to revise the two unharmonized technical items in Appendix G to part 36 to make them the same as ICAO Annex 16, Volume I, Chapter 10, regarding propeller-driven small airplane noise certification regulation. The proposed revisions better represent the intent of the original noise certification standards, which was to certify propeller-driven small airplanes at takeoff power. This proposed rule would complete harmonization between current Appendix G to part 36 of 14 CFR and Annex 16.

My comments on this NPRM are simply not to go forward with it due to the excessive amounts of moneys that it will cost the owners to spend on their older aircraft or aircrafts. Some of the aircrafts with older technology should be kept original. In doing so it keeps the aircraft more valuable. The sound of some aircraft engines, for example a radial engine is nice to hear but might be loud to others.