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The actions being taken are required by Pub. L. 97–110 enacted December 26, 1981. These actions facilitate implementation of the 1980 simplification act and do not impose any additional burden or liability. Therefore, publication of the changes for public comment and a delay in their effective date are neither necessary nor required under 5 U.S.C. 553 (b) and (d), and immediate implementation is in the public interest.

(2) *Text of amendments.* In consideration of the foregoing and pursuant to the authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604) as amended by Pub. L. 96–221, 94 Stat. 170 (March 31, 1980) and Pub. L. 97–110, 95 Stat. 1513 (December 26, 1981), the Board amends its regulations as follows:

1. The Board delays from April 1, 1982, to October 1, 1982, the mandatory effective date for compliance with simplified Regulations Z and M and the expiration of pre-simplification Regulation Z (12 CFR Part 226), appendices, supplements, Board and staff interpretations, and state exemptions. The April 1, 1981, effective date for optional compliance with simplified Regulations Z and M as described in 46 FR 20848 (April 7, 1981) remains unchanged.

2. The Board amends simplified Regulation Z (12 CFR Part 226) as described in 46 FR 20848 (April 7, 1981) by changing the date in footnote 31a to § 226.14 and footnote 45a to § 226.22 from "April 1, 1982," to "October 1, 1982."

3. The Board delays from April 1, 1982, to October 1, 1982, rescission of § 226.5 (b) through (e), Board Interpretations §§ 226.502, 226.503 and 226.505, and Supplement I to pre-simplification Regulation Z (12 CFR Part 226), as described at 44 FR 77139 (December 31, 1979) and 45 FR 56795 (August 26, 1980). The January 10, 1980, effective date for revisions to § 226.5 and Supplement I, and new § 226.8 (r) and (s) remains unchanged.

(3) *Authority.* Sec. 105 of the Truth in Lending Act as amended by section 605, Pub. L. 96–221, 94 Stat. 170 (15 U.S.C. 1604). Board of Governors of the Federal Reserve System, acting by the Secretary of the Board pursuant to delegated authority under 12 CFR 265.2(a), December 31, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82–429 Filed 1–6–82; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 20026; Amdt. No. 21-56]

Aircraft Noise Requirements; Amendment to Definition of "Acoustical Change" to Permit Temporary, Limited Engine/Nacelle Intermix for Turbojet Engine Powered, Transport Category Large Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the definition of "acoustical change" in the aircraft noise certification rules as applied to turbojet engine powered, transport category large airplanes. The amendment permits the temporary installation and use (intermix) of different engines or nacelles changes or both, on a particular airplane for a 90 day period without further documentation of the noise levels, provided that the airplane is brought back into conformance with an acoustically certificated configuration for that airplane within 90 days of the initial change.

Under the previous rule, any voluntary change in type design of an airplane that might increase noise was an "acoustical change" and after the design change the airplane could not exceed specified noise levels. Thus, it was frequently necessary for aircraft manufacturers or operators to show that each possible engine/nacelle configuration combination complied with applicable noise levels, even if that configuration was only installed temporarily. They were also required to provide complete airplane flight manual materials approved by the FAA for each affected airplane. Those processes imposed a considerable manpower and paperwork obligation on the part of the manufacturer, the operator, and the FAA. The FAA's review showed that potential increase in aircraft noise would be minimal and, thus, that the requirement was unduly restrictive. Accordingly, this amendment allows type design changes, that are limited to the engine, or nacelle, or both, where the airplane may be operated without such compliance for a period of not more than 90 days.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Richard N. Tedrick, Noise Policy and Regulatory Branch (AEE–110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591 telephone: (202) 755–9027.

SUPPLEMENTARY INFORMATION:

I. Regulatory History

In accordance with FAR Part 11.25(c), the Air Transport Association of America (ATA) petitioned the FAA on January 4, 1980, for an exemption from FAR Part 21.93(b) and for an appropriate rule change to allow unlimited intermix on its members' operating fleets for a period of up to 90 days. A summary of that petition was published in the **Federal Register** for public information and comment on March 6, 1980 (45 FR 14590).

On January 26, 1981, the Federal Aviation Administration (FAA) published a Notice of Proposed Rulemaking, Notice No. 81–3 (46 FR 8347), proposing to amend the definition of "acoustical change" in the aircraft noise certification rules as applied to turbojet engine powered, transport category large airplanes. The notice proposed permitting the temporary installation and use (intermix) of different engines or nacelles on a particular airplane for a 90 day period without further documentation of the noise levels, provided that the airplane is brought back into conformance with an acoustically certificated configuration for that airplane within 90 days of the initial change. Interested persons were invited to comment on the proposals contained in that notice by March 27, 1981. All comments received were given full consideration in the promulgation of this amendment. Except as discussed below, this amendment adopts the proposals in Notice No. 81–3 without substantive change.

Pursuant to section 611(b)(1) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1431) the FAA has consulted with the Secretary of Transportation and the U.S. Environmental Protection Agency (EPA) prior to the adoption of this amendment. An environmental assessment regarding this amendment has been prepared in accordance with applicable environmental review procedures. This amendment was submitted to the EPA in accordance with section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h–7).

Part 36 of the Federal Aviation Regulations "Noise Standards: Aircraft Type Certification" (34 FR 18355; November 18, 1969), which became effective December 1, 1969, originally prescribed noise measurement, evaluation, and level requirements for

the issuance of type certificates, and changes to those certificates, for subsonic transport category large airplanes and for subsonic turbojet engine powered airplanes regardless of category and weight. That regulation initiated the regulatory noise abatement program of the FAA under the statutory authority of Public Law 90–411 (July 21, 1968), which added section 611 to the Federal Aviation Act of 1958 (the "FA Act").

II. Synopsis of the Amendment

The purpose of this amendment is to change § 21.93(b) of the FARs (14 CFR Part 21) to amend the definition of "acoustical change" as applied to turbojet engine powered, transport category large airplanes. The amendment is based upon a recommended change to the rule submitted in a petition for rulemaking under FAR Part 11 by ATA dated January 4, 1980. A summary of that petition was published in the **Federal Register** for public information and comment on March 6, 1980 (45 FR 14590). Section 21.93(b) previously defined "acoustical change" as any voluntary change in the type design of an airplane that might increase the noise levels of the airplane.

The petition requested an amendment to § 21.93(b) so that temporary (less than 90 day) engine/nacelle intermixes for maintenance purposes on turbojet engine powered, transport category large airplanes would not be classified as "acoustical changes" and, thus, not be governed by the applicable requirements of § 36.7 of Part 36. Petitioner's reasons for the amendment indicate that granting of the petition would have a minimum effect on individual airplane noise and an even lesser effect on national fleet noise level. Results would include significant cost savings, reduced spares inventory, better allocation of manpower resources, and reduced workload and paperwork burden on industry and Government.

III. Aircraft Noise Rules

Public Laws 90–411, 92–574, 95–609, and 96–193 were enacted to provide the statutory basis for promulgating regulations providing present and future relief and protection to the public health and welfare from noise and sonic boom from civil aircraft. Under section 611 of the FA Act, the FAA, after consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, is responsible for the adoption and amendment of rules which prescribe the necessary standards and regulations.

Since the adoption of FAR Part 36 in 1969, the FAA has issued a number of proposed amendments to its provisions and, subsequent to notice and public procedure, adopted those amendments which have been found to be consistent with the provisions of section 611 of the FA Act. Those amendments have increased the protection of the public health and welfare regarding noise and sonic boom. In addition to the FAR Part 36 airplane noise certification rules, the FAA has adopted rules governing how airplanes should be operated for noise control purposes. On March 28, 1973, the FAA published an amendment to Part 91 (Amendment 91–112; 38 FR 8051) to prohibit unauthorized operation of civil aircraft at supersonic speeds over the United States. Amendment 91–134 (41 FR 52388; November 29, 1976), amended Part 91 for noise abatement purposes to require that a pilot in command of a civil turbojet-powered airplane use the lowest authorized flap setting consistent with safety. Amendment 91–136 (41 FR 56046; December 23, 1976) added Subpart E to Part 91 to require phased compliance with the Part 36 noise limits by U.S. registered, civil subsonic turbojet engine powered airplanes with maximum weight of more than 75,000 pounds having standard airworthiness certificates and engaged in air commerce in the United States.

IV. Need for Regulation

The need for this amendment stems from difficulties in complying with the current acoustical change provisions of FAR § 21.93(b) when, for operational purposes, the airline operators must "intermix" engine configurations. The current rules require that each such configuration must be fully certificated for both safety (airworthiness) and noise, even though many configurations would only be employed for short periods. The FAA has determined that while the safety requirements are appropriate and necessary, the amount of paperwork burden on both industry and government for certificating temporary configurations for noise is unwarranted. Docket comments have also pointed out that the current rule is costly to the operators because it prohibits the use of certain spares that are otherwise approved from the airworthiness standpoint.

Industry data and FAA-sponsored research indicated that the increase in aircraft noise would be minimal and not have a significant impact. The FAA conducted an environmental assessment which resulted in a Finding of No Significant Impact. A copy of that finding is available in the public docket.

V. Comments and Responses

The FAA received 12 comments from interested persons including local governmental bodies, the aviation industry, aircraft owners, and airplane operators in response to Notice No. 81–3. Most commenters supported the proposal; however, several issues were raised. For example, suggestions were made concerning a specific language change and extending the time limit. Thus, the comments and FAA's response to them are discussed as follows:

Specific Language Change

Eight comments were received which expressed concern that the language in the notice did not correctly reflect the intent of the ATA's petition. Specifically, commenters questioned the design changes being limited to an "engine or nacelle change." The commenters recommended using the language suggested by the ATA in its original edition which was "engine and/or nacelle changes."

The FAA has given full consideration to the "and/or" provision. After reviewing the commenters' recommendations, the FAA has further clarified its intent by changing the wording from "or" to "engine or nacelle changes or both." In doing so, the definition of "acoustical change" provides increased flexibility in the use of airworthiness approved 90-day engine/nacelle intermixes.

Time Limits

Three comments were received on this feature of the proposal, with one supporting the 90-day time limitation.

Another commenter expressed his opinion that the ATA's petition included the time limit as a concession to environmental pressures. The commenter also mentioned that perhaps there was a need for a relaxed limit of 180 or 360 days, and that the environmental degradation would not be noticeable even with widespread exercise of this relaxed provision.

The third commenter proposed an additional relief by extending the maximum period for which an airplane may be out of conformance from 90 to 180 days. That commenter contends that the noise impact will be very slight and most probably not be discernible to the human ear. Also, the need for temporary intermix operation does not happen very often during the life of an airplane. It usually is related to either the introductory phase of new airplanes into an existing fleet and possibly to engine upgrade programs. So according to the commenter, even a 180 day period will

in fact only represent a very minor portion of the total life of an airplane.

The FAA believes that the 90 days proposed for temporary engine/nacelle intermixes is a sufficient time period. The FAA agrees with the petitioner that the paperwork and documentation requirements for the temporary design changes covered by the proposal are grossly disproportionate to the noise benefits they preserve for a short period such as 90 days or less. However, the proposed exception must be carefully prescribed to limit its impact on aircraft noise emissions to those clearly shown to be unwarranted in fulfilling the rule's intended purposes. Thus, the proposed exception would apply only if an engine/nacelle change accomplished on an individual airplane is temporary—that is, the airplane is brought back into conformance with an acoustically certificated configuaration for that airplane within 90 days after the initial change. Implementation is controlled through the Airplane Flight Manual and installation documentation approvals.

Present Regulation Should Remain Unchanged

One comment was received that stated that the present regulation should remain unchanged. The commenter is concerned in particular with the increase in noise levels at John F. Kennedy Airport in New York. The commenter addressed the fact that the FAA, using several airlines' data on their B-727 aircraft, estimated that the cumulative Day-Night Noise Level (Ldn) for those airplanes would usually rise an average less than 0.1 decibels at a medium size hub airport. The actual Ldn level could be higher or lower depending on the number of airplanes using intermixes at the airport during any given period. Since JFK is a large size hub airport, the commenter concludes that it can reasonably be assumed that the noise level there will rise considerably more than estimated. That commenter also stated that the more important noise measurement is the single event measure, not cumulative impact analysis.

The FAA appreciates the views expressed in this comment. The purpose of analyzing noise is to evaluate its effect on humans. To do this, numerous specialized measurement techniques and noise units have been developed over the years. For aviation noise analyses, the FAA has determined that the cumulative noise measures be used for all noise analyses. The single event measure, A-weighted sound level dB(A) in decibels is appropriate only as a supplement to cumulative impact analysis. In addition, studies have shown that the increase in aircraft noise from this action will be minimal; in some cases the noise resulting from intermix will be reduced. The overall effect will be no measurable increase in cumulative aircraft noise.

The FAA is aware that the estimated number for increased noise levels depends on the number of airplanes operating under this amendment. However, the need for temporary intermix operation does not occur very often during the life of an airplane. Thus, the definition of "acoustical changes" is being amended to apply to configurations that will be used for maintenance purposes.

Noise Suppression Equipment

One comment was received that suggested expanding design changes to include changes to noise suppression equipment, not covered by the intermix of engines and nacelles.

In order to properly respond to this comment the FAA would need a further explanation of the commenter's intent. So far, the FAA has not received any data on this subject. In addition, this issue was not presented in the NPRM and this action is limited to the scope of that notice.

VI. Analysis of the Amendment

This action amends § 21.93(b) of Part 21 of the FARs (14 CFR Part 21) which contains the definition of "acoustical change" in the aircraft noise certification rules as applied to turbojet engine powered, transport category large airplanes. The following discussion outlines the changes to § 21.93(b) of Part 21 of the Federal Aviation Regulations.

Section 21.93(b) is amended to allow the provision concerning acoustical changes to permit, under specified conditions, the intermixing of engines or nacelles changes or both, on an affected airplane. It does not affect any other applicable requirements for certification of type design or airworthiness, or for operating the affected aircraft—only those governing noise level certification. This section approves 90 day intermixes, and contemplates the reinstallation of a complying engine/nacelle combination at or before the end of the 90 days period.

Therefore, the objective of this revised paragraph is (1) to allow unlimited intermix of engines and/or nacelles for maintenance purposes up to a period of 90 days without triggering the acoustical change requirements, and (2) to thereby provide relief to operators, manufacturers, and the FAA without significant aircraft noise impact.

Adoption of the Amendment

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

§ 21.93 [Amended]

Accordingly, § 21.93 of Part 21 of the Federal Aviation Regulations (14 CFR 21) is amended, effective February 8, 1982, as follows:

1. Paragraph (b) is amended by removing the words "paragraph (b)(3)" and adding the words "paragraphs (b)(2) and (b)(3)" in place thereof.

2. Paragraph (b)(2) is amended by adding the following new sentence following the words "(regardless of category)":

* * * * *

(b) * * *

(2) * * * For airplanes to which this paragraph applies, 'acoustical changes' do not include changes in type design that—

(i) Are limited to engine or nacelle changes or both; and

(ii) Specify that the airplane may not be operated, under the change in type design, for any period of more than 90 days unless compliance with the applicable acoustical change provisions of Part 36 of this chapter is shown for that change in type design."

(Secs. 313(a), 601(a), 603, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(a), 1423 and 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), E.O. 11514, March 5, 1970; and 14 CFR 11.45)

Note.—As cited above, the FAA has determined that this amendment will result in a reduction of costs to both the Government and the public. It, therefore, is not a "major rule" under Executive Order 12291 and is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Further, it is certified that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act as relatively few small entities will be affected and the effect on them should be minimal. A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Washington, D.C., on December 12, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 82-294 Filed 1-6-82; 8:45 am]

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