

service, on or since November 5, 1990, shall submit an annual report to the FAA, Office of Environment and Energy, on its compliance with the Hawaiian operations provisions of 49 U.S.C. 47528. Such reports shall be submitted no later than 45 days after the end of a calendar year. All progress reports must provide the information through the end of the calendar year, be certified by the operator as true and complete (under penalty of 18 U.S.C. 1001), and include the following information—

(1) The name and address of the air carrier or foreign air carrier;

(2) The name, title, and telephone number of the person designated by the air carrier or foreign air carrier to be responsible for ensuring the accuracy of the information in the report; and

(3) The information specified in paragraph (c) of this section.

(c) The following information must be included in reports filed pursuant to this section—

(1) For operations conducted between the contiguous United States and the State of Hawaii—

(i) The number of Stage 2 airplanes used to conduct such operations as of November 5, 1990;

(ii) Any change to that number during the calendar year being reported, including the date of such change;

(2) For air carriers that conduct inter-island turnaround service in the State of Hawaii—

(i) The number of Stage 2 airplanes used to conduct such operations as of November 5, 1990;

(ii) Any change to that number during the calendar year being reported, including the date of such change;

(iii) For an air carrier that provided inter-island turnaround service within the state of Hawaii on November 5, 1990, the number reported under paragraph (c)(2)(i) of this section may include all Stage 2 airplanes with a maximum certificated takeoff weight of more than 75,000 pounds that were owned or leased by the air carrier on November 5, 1990, regardless of whether such airplanes were operated by that air carrier or foreign air carrier on that date.

(3) For operations conducted between the State of Hawaii and a point outside the contiguous United States—

(i) The number of Stage 2 airplanes used to conduct such operations as of November 5, 1990; and

(ii) Any change to that number during the calendar year being reported, including the date of such change.

(d) Reports or amended reports for years predating this regulation are required to be filed concurrently with the next annual report.

[Doc. No. 28213, 61 FR 66185, Dec. 16, 1996]

§§ 91.879–91.880 [Reserved]

§ 91.881 Final compliance: Civil subsonic jet airplanes weighing 75,000 pounds or less.

Except as provided in § 91.883, after December 31, 2015, a person may not operate to or from an airport in the contiguous United States a civil subsonic jet airplane subject to § 91.801(e) of this subpart that weighs less than 75,000 pounds unless that airplane has been shown to comply with Stage 3, Stage 4, or Stage 5 noise levels.

[Docket FAA–2015–3782, Amdt. 91–349, 82 FR 46132, Oct. 4, 2017]

§ 91.883 Special flight authorizations for jet airplanes weighing 75,000 pounds or less.

(a) After December 31, 2015, an operator of a jet airplane weighing 75,000 pounds or less that does not comply with Stage 3 noise levels may, when granted a special flight authorization by the FAA, operate that airplane in the contiguous United States only for one of the following purposes:

(1) To sell, lease, or use the airplane outside the 48 contiguous States;

(2) To scrap the airplane;

(3) To obtain modifications to the airplane to meet Stage 3, Stage 4, or Stage 5 noise levels.

(4) To perform scheduled heavy maintenance or significant modifications on the airplane at a maintenance facility located in the contiguous 48 States;

(5) To deliver the airplane to an operator leasing the airplane from the owner or return the airplane to the lessor;

(6) To prepare, park, or store the airplane in anticipation of any of the activities described in paragraphs (a)(1) through (a)(5) of this section;

(7) To provide transport of persons and goods in the relief of an emergency situation; or

(8) To divert the airplane to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (a)(1) through (a)(7) of this section.

(b) An operator of an affected airplane may apply for a special flight authorization for one of the purposes listed in paragraph (a) of this section by filing an application with the FAA's Office of Environment and Energy. Except for emergency relief authorizations sought under paragraph (a)(7) of this section, applications must be filed at least 30 days in advance of the planned flight. All applications must provide the information necessary for the FAA to determine that the planned flight is within the limits prescribed in the law.

[Doc. No. FAA–2013–0503, 78 FR 39583, July 2, 2013, as amended by Docket FAA–2015–3782, Amdt. 91–349, 82 FR 46132, Oct. 4, 2017]

§§ 91.884–91.899 [Reserved]

Subpart J—Waivers

§ 91.901 [Reserved]

§ 91.903 **Policy and procedures.**

(a) The Administrator may issue a certificate of waiver authorizing the operation of aircraft in deviation from any rule listed in this subpart if the Administrator finds that the proposed operation can be safely conducted under the terms of that certificate of waiver.

(b) An application for a certificate of waiver under this part is made on a form and in a manner prescribed by the Administrator and may be submitted to any FAA office.

(c) A certificate of waiver is effective as specified in that certificate of waiver.

[Doc. No. 18334, 54 FR 34325, Aug. 18, 1989]

§ 91.905 **List of rules subject to waivers.**

- Sec.
- 91.107 Use of safety belts.
- 91.111 Operating near other aircraft.
- 91.113 Right-of-way rules: Except water operations.
- 91.115 Right-of-way rules: Water operations.
- 91.117 Aircraft speed.
- 91.119 Minimum safe altitudes: General.
- 91.121 Altimeter settings.
- 91.123 Compliance with ATC clearances and instructions.
- 91.125 ATC light signals.
- 91.126 Operating on or in the vicinity of an airport in Class G airspace.
- 91.127 Operating on or in the vicinity of an airport in Class E airspace.
- 91.129 Operations in Class D airspace.
- 91.130 Operations in Class C airspace.
- 91.131 Operations in Class B airspace.
- 91.133 Restricted and prohibited areas.
- 91.135 Operations in Class A airspace.
- 91.137 Temporary flight restrictions.
- 91.141 Flight restrictions in the proximity of the Presidential and other parties.
- 91.143 Flight limitation in the proximity of space flight operations.
- 91.153 VFR flight plan: Information required.
- 91.155 Basic VFR weather minimums
- 91.157 Special VFR weather minimums.
- 91.159 VFR cruising altitude or flight level.
- 91.169 IFR flight plan: Information required.
- 91.173 ATC clearance and flight plan required.
- 91.175 Takeoff and landing under IFR.
- 91.176 Operations below DA/DH or MDA using an enhanced flight vision system (EFVS) under IFR.
- 91.177 Minimum altitudes for IFR operations.
- 91.179 IFR cruising altitude or flight level.
- 91.181 Course to be flown.
- 91.183 IFR radio communications.
- 91.185 IFR operations: Two-way radio communications failure.
- 91.187 Operation under IFR in controlled airspace: Malfunction reports.
- 91.209 Aircraft lights.
- 91.303 Aerobatic flights.
- 91.305 Flight test areas.
- 91.311 Towing: Other than under § 91.309.
- 91.313(e) Restricted category civil aircraft: Operating limitations.
- 91.515 Flight altitude rules.
- 91.707 Flights between Mexico or Canada and the United States.
- 91.713 Operation of civil aircraft of Cuban registry.

[Doc. No. 18334, 54 FR 34325, Aug. 18, 1989, as amended by Amdt. 91–227, 56 FR 65661, Dec. 17, 1991; Docket FAA–2013–0485, Amdt. 91–345, 81 FR 90175, Dec. 13, 2016; Docket FAA–2016–9154, Amdt. 91–348, 82 FR 39664, Aug. 22, 2017]