

*Nacelle angle* is defined as the angle between the rotor shaft centerline and the longitudinal axis of the aircraft fuselage.

*Tiltrotor* means a class of aircraft capable of vertical take-off and landing, within the powered-lift category, with rotors mounted at or near the wing tips that vary in pitch from near vertical to near horizontal configuration relative to the wing and fuselage.

*Vertical takeoff and landing (VTOL) mode* means the aircraft state or configuration having the rotors orientated with the axis of rotation in a vertical manner (*i.e.*, nacelle angle of approximately 90 degrees) for vertical takeoff and landing operations.

$V_{CON}$  is defined as the maximum authorized speed for any nacelle angle in VTOL/Conversion mode.

*VTOL/Conversion mode* is all approved nacelle positions where the design operating rotor speed is used for hover operations.

*VTOL mode RPM* means highest range of RPM that occur for takeoff, approach, hover, and conversion conditions.

[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 at [www.govinfo.gov](http://www.govinfo.gov).

### § 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 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. 44715, the noise levels in this part have been determined 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

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these noise levels are or should be acceptable or unacceptable for operation at, into, or out of, any airport.

[Doc. No. 9337, 34 FR 18364, Nov. 18, 1969, as amended by Docket FAA–2015–3782, Amdt. 36–31, 82 FR 46129, Oct. 4, 2017]

### § 36.6 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the locations in this paragraph (a) and may be obtained from the sources detailed in paragraphs (a)(1) through (12) of this section.

(1) The U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

(2) Federal Aviation Administration New England Regional Headquarters, 12 New England Executive Park, Burlington, MA 01801.

(3) Federal Aviation Administration Eastern Region Headquarters, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

(4) Federal Aviation Administration Southern Region Headquarters, 1701 Columbia Avenue, College Park, GA 30337.

(5) Federal Aviation Administration Great Lakes Region Headquarters, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018.

(6) Federal Aviation Administration Central Region Headquarters, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

(7) Federal Aviation Administration Southwest Region Headquarters, 2601 Meacham Boulevard, Fort Worth, TX 76137.

(8) Federal Aviation Administration Northwest Mountain Region Headquarters, 1601 Lind Avenue SW, Renton, WA 98055.

(9) Federal Aviation Administration Western Pacific Region Headquarters, 15000 Aviation Boulevard, Hawthorne, CA 92007.

(10) Federal Aviation Administration Alaskan Region Headquarters, 222 West 7th Avenue, #14, Anchorage, AK 99513.

(11) Federal Aviation Administration European Office Headquarters, 15 Rue de la Loi, Third Floor, B–1040, Brussels, Belgium.

(12) The National Archives and Records Administration (NARA). For information on the availability of this information at NARA, call 202–741–6030 or go to <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>.

(b) International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec, H3C 5H7, Canada. <http://www.icao.int/publications/Pages/default.aspx>.

(1) International Standards and Recommended Practices, Annex 16 to the Convention on International Civil Aviation, Environmental Protection, Volume I, Aircraft Noise, Third Edition, July 1993, Amendment 7 effective March 21, 2002, IBR approved for § 36.1(f), and appendices A and B to part 36.

(2) International Standards and Recommended Practices, Annex 16 to the Convention on International Civil Aviation, Environmental Protection, Volume I, Aircraft Noise, Seventh Edition, July 2014, Amendment 11–B, applicable January 1, 2015, IBR approved for § 36.1(f) and appendices A and B to part 36.

(c) International Electrotechnical Commission (IEC) 3 Rue de Varembe, Case Postale 131, 1211 Geneva 20, Switzerland, <http://www.iec.ch/standardsdev/publications/?ref=menu>.

(1) Publication No. 179, Precision Level Sound Meters, (IEC 179) 1973, IBR approved for appendix F to part 36.

(2) Publication No. 561, Electroacoustical Measuring Equipment for Aircraft Noise Certification, first edition, 1976, (IEC 561), IBR approved for appendices G and J to part 36.

(3) Publication No. 651, Sound Level Meters, first edition, 1979, (IEC 651), IBR approved for appendices G and J to part 36.

(4) Publication No. 804, Integrating-averaging Sound Level Meters, first edition, 1985, (IEC 804), IBR approved for appendix J to part 36.

(5) Publication No. 61094–3, Measurement Microphones—Part 3: Primary Method for Free-Field Calibration of