

Aviation Group Client Update

Date: July 3, 2013

Contact: Shelley A. Ewalt
Of Counsel
sewalt@mklawnyc.com
+1 703 399 6078

FAA IMPLEMENTS STAGE 3 NOISE REQUIREMENTS

The Federal Aviation Administration (FAA) has published a [Final Rule](#) which implements noise provisions that were written into the FAA Modernization and Reform Act of 2012 (“the Act”). Section 506 of the Act prohibited jet airplanes weighing less than 75,000 pounds from operating in the contiguous United States after December 31, 2015 unless they meet Stage 3 noise levels. The Act has been codified into law at [49 U.S.C. § 47534](#).

Operators who fly airplanes that do not meet Stage 3 noise requirements may choose to install noise-reduction technologies, or replace with an airplane that is Stage 3 compliant. Currently, the only airplanes for which hushkits are available are the Gulfstream II and III. There are approximately 217 Gulfstream II and IIIs registered in the United States.

The FAA stated that of the 599 total airplanes affected by the ban, 382 cannot be made Stage 3 compliant because there is no noise-reducing technology available for the type of airplane. In that case, operators have three options: (1) sell the airplane for operations outside the 48 contiguous United States; (2) salvage the airplane for parts; or (3) scrap the airplane. At least eight countries however, have also banned airplanes that are not Stage 3 compliant.

After the ban takes effect, there are a few exceptions where non Stage 3 compliant airplane will be allowed to operate: (1) to sell, lease, or use the airplane outside the U.S.; (2) to scrap the airplane; (3) to obtain modifications to meet Stage 3; (4) to perform heavy maintenance or significant modifications outside the U.S.; (5) to deliver or return the airplane to a lessor; (6) to prepare, park, or store the airplane; and (7) to provide emergency transport of persons or goods.

The Final Rule becomes effective on September 3, 2013, and comments are being accepted until August 1, 2013. If you have any questions or would like further information regarding this Final Rule, please contact our office.

* * * * *

McBreen & Kopko’s Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors’ rights.