

Industry and the public would be protected from the irresponsible exercise of that authority by the appeals permitted either to an impartial board or to the courts, as the case may be.

We would strenuously object to the ATA proposal prohibiting an action to amend, modify, suspend, or revoke an airworthiness certificate for noise abatement or sonic boom purposes. If an aircraft in operation by a carrier ceases to conform to its type certificate, an action against the airworthiness certificate should be available.

4. There are some serious technical deficiencies in the ATA bill. The bill would authorize the prescribing of standards only for "the measurement of aircraft noise and sonic boom." It will be necessary not only to establish standards for the measurement of noise but also to prescribe allowable noise emission levels which aircraft must meet. Measurement alone is insufficient. We also think the finding required to support the standard, that it is "necessary and appropriate to encourage progress in aircraft noise abatement," is too vague. We think the objective is to control and abate aircraft noise and this should be the finding necessary to support a standard. Of course, in any rule-making action, the test of reasonableness will also be present.

ATA expressed concern about the procedural protection of H.R. 3400. It is clear that section 1006 (which provides for appeal to the courts of decisions by the Board) will apply to actions taken against certificates for reasons of noise abatement and sonic boom under the proposed section 611. We believe it is unnecessary to repeat the provisions of section 1006 in section 611.

In summary, the Department would support a bill which (1) authorized the Secretary to prescribe and amend standards for the measurement of aircraft noise and sonic boom, and to prescribe standards, rules, and regulations as necessary to provide for the control and abatement of aircraft noise and sonic boom; (2) authorized the Secretary to apply such standards, rules, and regulations to the issuance of an aircraft type certificate, regardless of the date of the application for the certificate; (3) authorized the Secretary to amend, modify, suspend, or revoke type certificates and airworthiness certificates for noise or sonic boom purposes; and (4) authorized the National Transportation Safety Board to amend, modify, or reverse an order of the Secretary on a finding that the control and abatement of aircraft noise or sonic boom and the public interest did not require affirmation of the order. A bill incorporating these features would be acceptable to the Department and would be largely consistent with the position taken by ATA.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report for the consideration of the Committee.

Sincerely yours,

JOHN L. SWEENEY,
Assistant Secretary for Public Affairs.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 12, 1968.

HON. HARLEY O. STAGGERS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 14146, 90th Congress, a bill "To amend the Federal Aviation Act of 1958 to authorize the establishment of aircraft noise standards and the use of such standards in aircraft type certification, and for other purposes". The Department of the Air Force has been designated to express the views of the Department of Defense.

The Department of Defense is vitally interested in aircraft noise abatement and is presently conducting active research related to noise reduction systems and methods. Supersonic flight, however, introduces a noise source—the sonic boom—for which noise reduction techniques or procedures are extremely limited. The requirement for supersonic equipment and its use on a continually expanding scale is an absolute military necessity. The provisions of this bill imply application to any and all aircraft and, being broad in scope, pose an unacceptable constraint on the flexibility of ground and air operation of military aircraft.

The Department of Defense, therefore, would oppose H.R. 14146 unless it were