

read the bill there is nothing in the bill which limits it to future aircraft designs. If that result is not what is intended, there should be no objection to clarification of the kind that our substitute bill provides, which makes it clear that any existing airworthiness certificate shall not be recalled and made subject to a more stringent noise standard than one already imposed.

Procedurally, on amendment, suspension, and revocation, under the act for safety purposes, you now have the opportunity to answer the charges of the Administrator and to be heard. H.R. 3400 for some strange reason does not give that right.

If you have that right even for safety certification which involves human life, then there certainly is no reason to withhold it for mere noise annoyance. It is even more puzzling why, in addition to denial of hearing before the Administrator, H.R. 3400 would even deny hearing on appeal. We think that those provisions ought to be corrected, and the substitute bill would do so.

Finally, in the provision for appeal to the Safety Board, H.R. 3400 has some curious anomalies. For instance, the only way in which the Safety Board can reverse a noise certification standard would be by first finding, and this is stated more or less in a double negative, that safety does not require affirmation. This somewhat inverted statement has the effect, first of all, of providing only a hypothetical remedy. As we see it the only time this could ever happen would be if the Administrator first prescribed a certificated noise level, the aircraft was manufactured and operated, and it was then discovered that it could not attain that noise level safely in actual operations.

If the Administrator sought to cure that situation by raising the prescribed noise level, then the Board would be obliged to find that safety requires affirmation of the order. But this is a purely hypothetical case, because if this were to happen, there wouldn't be any appeal. As we see it, this provision of H.R. 3400 is essentially meaningless or, at least, hypothetical. We think that the appeals standard ought to be related to the actual intention of the bill, which is to provide for reversal on considerations of noise factors. The substitute bill would cure this problem.

Finally, there is no provision for judicial review, which we think there ought to be. There is no reason why there shouldn't be judicial review of an order of the Board here, just as there is for present safety certification procedures.

One additional comment—there is an apparently erroneous reference in the bill to "Title V, Safety Regulation of Civil Aeronautics," which obviously should be title VI.

The conclusion is, gentlemen, that we think appropriate noise and sonic boom conditions ought to be included in the certification of aircraft. We think reduction of aircraft noise at the source will be promoted by having noise certification authority in the Federal Government. We think that such certification ought to be applied wherever it is technically feasible and economically justifiable, and that it can contribute to the alleviation of the noise problem.

We therefore believe that Congress should amend the act so as to authorize and require the Administrator to promulgate reasonable standards for noise and sonic boom where necessary and appropriate