

This failure of the appeal provisions to mesh with the first part of the bill has probably resulted from a literal borrowing of the existing language of section 609 of the Act, applying to appeals from safety certification. That language fits the subject of the statute, which is the appeal of safety certification. It does not fit the subject of H.R. 3400, which is the appeal of noise certification.

The substitute bill would conform the language to the situation being dealt with, so as to authorize the Board to reverse an order modifying a noise or sonic-boom certification only if it finds that "the encouragement of progress in noise abatement or sonic boom abatement do not require affirmation of the Administrator's order." In parallel fashion, the substitute bill would require the same preliminary determination by the Administrator before he would be authorized to issue such an order to amend, modify, suspend or revoke a noise (or sonic boom) certification. This is a more rational statutory standard for both amendment and appeal of noise-certification than the confusing safety test of H.R. 3400.

6. *Judicial review of Board action*

Existing provisions of the Act guarantee that a person substantially affected by an order of the Board on appeal of amendment of a safety certification is entitled to judicial review of the said order under Section 1006 of the Act, and that the Administrator shall be made a party to such proceedings.

But for reasons which are not clear, under the noise-certification procedures proposed by H.R. 3400, persons affected by the Board's order on appeal are not assured of a right to judicial review and statutory joinder of the Administrator as a party.

No justification appears for denying judicial review to persons adversely affected by such action of the Board on appeal. The substitute bill would extend the existing judicial review provisions of the Act to these noise and sonic boom certification procedures on appeal.

7. *Erroneous citation*

In Section 2 of H.R. 3400 reference is made to "TITLE V—SAFETY REGULATION OF CIVIL AERONAUTICS". The reference is apparently a typographical error. The correct center heading should apparently read: "TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS".

CONCLUSION

The airlines agree that appropriate noise and sonic boom conditions should be included in the certification of new aircraft. Reduction of aircraft noise at the source, if technically feasible and economically justifiable, could contribute to alleviation of the aircraft noise problem.

We therefore believe that Congress should amend the Federal Aviation Act so as to authorize and require the FAA Administrator to promulgate and amend reasonable standards for the measurement of aircraft noise and sonic boom, where necessary and appropriate to encourage progress in aircraft noise abatement, and to issue aircraft type-certificates under the Act only upon a determination that an aircraft meets such noise or sonic boom standards.

PROPOSED LANGUAGE FOR BILL ON AIRCRAFT NOISE STANDARDS, SUBMITTED BY THE AIR TRANSPORT ASSOCIATION OF AMERICA

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958, as amended, is further amended by adding a new section 611 as follows:

"AIRCRAFT NOISE STANDARDS

"SEC. 611. (a) The Administrator is empowered and directed to prescribe and amend reasonable standards for the measurement of aircraft noise and sonic boom if he finds such action necessary and appropriate to encourage progress in aircraft noise abatement. Prior to issuing an aircraft type certificate under section 603(a)(2), the Administrator shall find that the aircraft for which such certificate is sought meets such noise standards.