

"AMENDMENT, MODIFICATION, SUSPENSION, AND REVOCATION

"(b) The Administrator may issue an order amending, modifying, suspending, or revoking an aircraft-type certificate if he determines that such action is necessary and appropriate to encourage progress in aircraft noise or sonic boom abatement and that the public interest requires such action. Prior to taking such action the Administrator shall advise the person or persons whose aircraft type certificate would be affected as to the reasons relied on by the Administrator, and shall provide such persons an opportunity to answer and to be heard as to why such certificate shall not be amended, modified, suspended, or revoked. Any person whose aircraft-type certificate is affected by such an order of the Administrator may appeal the Administrator's order to the National Transportation Safety Board, and the Board may, after notice and hearing, amend, modify, or reverse the Administrator's order if it finds that the encouragement of progress in aircraft noise abatement or sonic boom abatement and the public interest do not require affirmation of the Administrator's order. In the conduct of its hearings the Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the Board shall stay the effectiveness of the Administrator's order. Any persons substantially affected by the Board's order may obtain judicial review of such order under the provisions of section 1006, and the Administrator shall be made a party to such proceedings.

"(c) Nothing contained in subsections (a) and (b) of this section shall be deemed to empower the Administrator to amend, modify, suspend, or revoke any airworthiness certificate for purposes of aircraft noise or sonic boom abatement, nor shall the Administrator be empowered to take any action not consistent with the primacy of safety."

Mr. FRIEDEL. I want to thank you, Mr. Stephen. It is a comprehensive statement and I can assure you that the committee when we go into executive session will consider your substitute bill and the proposed amendments. They will all be considered.

Mr. STEPHEN. Thank you. I would like to say, Mr. Chairman, that I am accompanied here by Mr. William Becker, who is assistant vice president-operations, for the Air Transport Association who can answer any operations questions which anyone might have.

Mr. FRIEDEL. Mr. Devine, any questions?

Mr. DEVINE. No. Mr. Stephen, I, too, think this is a very comprehensive statement and certainly spells out how the certificated carriers have spent a great deal of time and money and effort to alleviate this noise problem and I think you recognize what this problem is and we are all seeking a solution to it.

Mr. STEPHEN. Thank you, sir.

Mr. FRIEDEL. Mr. Kuykendall.

Mr. KUYKENDALL. Are you of the opinion that the problem or future problem of sonic boom—let's assume of course that with commercial aircraft this will be a future problem—should be taken up in this same legislation as the normal noise problem?

Is not that an entirely different problem geographically and otherwise?

Mr. STEPHEN. I agree, Mr. Kuykendall. As a matter of fact, I did refer to the fact that in the airlines' view sonic boom is a distinct problem from aircraft noise. In the first place aircraft noise is a localized problem. It is identified with airports, the immediate environs of an airport. This is not true of sonic boom.

In fact, as Secretary Boyd stated the other day, there will be no sonic boom problem identified with the airport. It wouldn't be permitted. It couldn't be used even on an operational basis if the law did allow it because no one could run that risk of liability. The