

After reading this NPRM for noise restrictions on general aviation aircraft, I must express my displeasure with this rule.

The NPRM starts with a synopsis of the proposal that gives background on the proposed rulemaking. It is stated that a task group was created in 1995 to study the environmental impact of propeller-driven small airplane noise. It is not clear why the noise of small airplanes was deemed worthy of such a study, and whether similar studies were conducted for other modes of transportation at this time, or if general aviation was singled out randomly. In the second paragraph of the synopsis of the proposal, it is stated "The task group was also asked to recommend remedies to reduce environmental impact depending on the study results..." This implies that the task group was told that there was a problem with the noise levels of small aircraft before they actually did a study to determine the environmental impact of propeller driven small airplane noise. It seems therefore that the task group was biased from the beginning of their study and were only going to come up with a conclusion that is sympathetic with the FAA's ulterior political motives to match the FAA's regulations with the JAA's. This is not good scientific process, and is in fact a case of the government ensuring that their studies results match their current agenda.

The main benefit of this proposed rule, as given repeatedly in the Federal Register, is the fact that it would provide more uniform noise certification standards for airplanes certificated in the United States and in the JAA countries. This would supposedly simplify the airworthiness approvals for import and export purposes. I find it hard to imagine a scenario where this rule would help an applicant for either a TC or STC when it came to imports and exports. Already under current rules, the JAA certified aircraft would meet the FAA noise restrictions easily, so there should be no import and export problems there. For an FAA certified aircraft built here in the United States, the applicant already has to comply with the JAA rules if it is desired to export the aircraft to those countries, and they may show compliance with both the FAA and JAA rules simultaneously if they desire, so there is no advantage for the applicant here. The only thing this rule serves to do is make it more difficult for an applicant to certify a product in the United States. If the FAA really wanted to make importing and exporting small aircraft easier, it would ask the JAA to relax their standards to be the equivalent of ours. Why does the FAA assume that we should be required to change our standards to harmonize with Europe? Why is this a good thing? Why should we care how loud some Europeans think our aircraft should be? I certainly don't. The current European regulations have stifled the general aviation community over there for years. The JAA has regulated the small aircraft business to the point that flying has become cost prohibitive for the average person, and even the above average person. Thousands of Europeans come to our country to learn to fly because the industry has not been regulated to death here, yet. It is cheaper for them to actually move to our country for several months and learn to fly than it is to attempt to learn in their own countries. This proposed rulemaking is just another step toward overregulating general aviation in the USA.

I read a few of the comments on this rulemaking, and although I disagree entirely with this rule, I do believe that Brian Meyer from Hartzel offered very good advise as to allowing an applicant for a STC to show compliance through unchanged accoustical levels. It seems that if an engine or propeller change on an aircraft would either make no change or even reduce its accoustical properties, even if the change did not bring an existing model of aircraft into compliance with the proposed regulation noise levels, it would be a good thing. Mr. Meyer's proposal would allow small businesses to continue to develop innovative STC's on existing aircraft.

I also must sympathize with June Maule, who wrote a comment against the proposed rule. Here is an example of a fantastic aircraft that has been in production for decades that the government is suddenly going to decide is too loud for their liking. Maule's choices will be, spend large amounts of money to find a way to decrease the noise that their aircraft produces, reduce the noise by reducing the horsepower and thus the performance of the aircraft (this seems like an option that is very much against the FAA's policy of increasing safety), or discontinue making new aircraft. In the Federal Register for this rule, it is stated that the FAA believes that very few, if any, small entities that apply for STC's could be rejected as a result of the proposed rule, and they would incur minimal costs. How does the Federal government have the right to decide that it is alright to allow their new rules to inflict any hardship on any business in existence, be they large or small? It's unethical and immoral. This point angers me incredibly, that the Federal government believes it is okay that "small entities" can be adversely affected.

It is further stated in the NPRM that the FAA solicits comments with respect to the rule and requests that all comments be accompanied by clear documentation. How is it that the commenters are being held to different standards than the original writer of the rulemaking was held. All statements in the proposal are broad, general, and without documentation provided. The very statement "The FAA believes that very few...small entities would incur minimal, if any, costs." This is a matter of the FAA's opinion. There is no proof presented to back up this opinion. The FAA too often regulates based on their opinion of economic impact, and are too often proven to have an incorrect opinion after the rules are put into affect.

In summary, I have found from the NPRM that the study that called for the proposed rule was biased from the beginning, and therefore flawed; the FAA believes that aircraft should be regulated in a manner similar to the regulations now in place in Europe, despite the fact that general aviation is cost prohibitive for the majority of European people; despite the FAA's claims, this rule would not simplify airworthiness approvals for import and export purposes, but would only serve to increase the burden of American businesses that produce aircraft and aircraft modifications; and that the FAA has not shown any proof to support their "belief" that the proposed rule would not significantly affect small entities in the United States, nor that it is okay for them to inflict any harm on said small entities. The final point I'd like to make is that this rule in no way increases the safety of small aircraft, and could potentially decrease safety by making it cost prohibitive to create performance enhancing modifications to existing aircraft through STC's and through the possibility that new TC'd aircraft would need to sacrifice performance in an effort to minimize noise. The FAA has no right to enact and enforce rules that could adversely affect the economics of any private company, large or small, when those rules do nothing to make flying safer.

Sincerely,

Jason Kepler