

New E.P.A. Rule Would Exclude Most Concorde

WASHINGTON, Jan 16 (UPI)—Drastically revising its proposal for supersonic transport noise regulations, the Environmental Protection Agency recommended a new rule today that would ban all but two of the first 16 Concorde from this country.

The new proposal supplants one made a year ago that would have exempted all 16 planes in the initial Concorde production run from any United States SST noise controls.

A British Aircraft Corporation spokesman said adoption of the proposal would place retroactive requirements on the Anglo-French Concorde that had never been placed on American aircraft and would cause "a major diplomatic incident."

The Transportation Department said that it would treat the E.P.A. proposal as a formal "notice of proposed rule-making," holding a public hearing on it. In addition, a department spokesman said, the proposal will be considered in a ruling to be issued within three weeks on initial United States landing rights for the Concorde.

There are no domestic regulations at present governing SSST noise, but environmentalists are fighting to block commercial Concorde service to this country by making the planes meet the noise standards for subsonic jetliners. The new proposal would, in essence, accomplish that.

It is up to the Federal Aviation Administration to set noise standards for the SST, as it did in 1969 for the subsonics, if any are adopted.

Russell E. Train, head of the E.P.A., sent the new proposal to John McLucas, F.A.A. administrator, with a letter saying the change was designed to conform with the environmental agency's new policy of opposing the Concorde.

F.A.A. Gets Train's Letter

"Our newly proposed rule . . . would have the practical effect of applying the same noise level requirements to each supersonic transport category airplane which did not have any flight time before Dec. 31, 1974, as are now applicable to each subsonic transport category airplane which did not have any flight time before Dec. 31, 1974," he said.

The British aircraft spokesman said that only two production Concorde and four pre-production prototypes had flown before the cutoff date Mr. Train proposed.

British Airways and Air France are seeking permission to start this spring making four Concorde flights a day to New York and two a day to Washington.

Environmentalists oppose the flights because of the Concorde's takeoff and landing noise, which they say would be from two to eight times that of subsonic jets. They also

cite its pollution, inefficient use of fuel and potential damage to the upper atmospheric ozone layer.

William T. Coleman Jr., Secretary of Transportation, is considering arguments from both sides and has promised to rule on the British and French applications by Feb. 4.

The British aircraft spokesman said that it was impossible to make the Concorde's engines any quieter. He noted that Congress, in passing a 1968 law requiring the F.A.A. to set noise standards for subsonic jetliners, said all such regulations

must be "technically feasible, economically reasonable and appropriate to the type [of plane]."

Neither America's auto industry nor its aircraft industry had been ordered to meet technologically impossible environmental requirements, the spokesman said, yet "that is what the E.P.A. is asking of us."

He said that the new proposal appeared illegal and predicted it would never be adopted because "it is a basic tenet of American law that you do not require the impossible."