

September 19, 2005

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW.
Washington, DC 20590-0001

**Re: Docket No. TSA-2005-21866; Ronald Reagan Washington National Airport:
Enhanced Security Procedures for Certain Operations**

The National Business Aviation Association (NBAA) represents over 7,000 owners and operators of nearly 10,000 aircraft used to support the transportation needs of America's businesses. The ability to access the Federal system of airports to provide rapid, time-sensitive, safe and secure transportation is fundamental to the use of these aircraft. Restricting access to airports not only significantly reduces the value of these aircraft, but, as we have seen, also negatively affects the economy of the restricted airport.

NBAA welcomes the Transportation Security Administration's (TSA) proposal to restore general aviation access to Ronald Reagan Washington National Airport (DCA). The long-awaited plan signals the end of one of the last remaining post-9/11 restrictions and hopefully the beginning of a more access-driven approach to general aviation. While this plan signals a good first step toward restoring full access to DCA, NBAA remains concerned about the significant burden that this rule places on the business aviation community and the on-going economic impact of the restrictions to the local region.

Good First Step – Significant Burdens Remain

DCA has been closed to non-commercial aircraft since September 11, 2001. Over the following four years, the industry and government have made several attempts at restoring general aviation access DCA, only to have those efforts stopped at the last minute by unknown government officials. This interim final rule (IFR) is truly the first step taken by the government to identify a process to qualify aircraft operators seeking access to DCA.

While we acknowledge the positive first step that this IFR represents, the regulatory burden placed on business aircraft operators exceeds that currently required by the scheduled airlines flying into DCA today. NBAA strongly requests that the TSA review opportunities to expand this program to additional direct-access airports, provide additional slots, expand the hours of operation and broaden the covered types of operations as quickly as possible.

As the government restored commercial service to DCA on October 4, 2001, eight cities were approved to offer commercial flights on six airlines into DCA. On October 26, the government added 18 additional cities and eight airlines. On January 2, 2002, 14 cities were added; on February 1, 2002, 10 cities were added; finally, on March 1, 2002, 19 cities were added restoring access to every city with non-stop service prior to 9/11. NBAA believes that a similar review and expansion of this IFR should occur, on a similar timeline, for general aviation operations at DCA.

The IFR limits operation of participating aircraft to an average of four-slots per hour over a 12-hour period; 48 total slots between 7:00 am and 7:00 pm. NBAA believes that as more companies participate in this program that there will quickly be a need to increase the number of slots. NBAA asks that as operations approach the daily slot limit, TSA expand the number of daily slots up to the general aviation slot limit approved by the Federal Aviation Administration (FAA) for DCA. Additionally, expand the hours of operation to coincide with those of the airport.

NBAA also believes that the TSA should rapidly review the applicability of this program to operators of business aircraft other than those specifically identified in the IFR. The TSA should not artificially determine an aircraft operator's ability to meet the stringent requirements of the IFR. Rather, the Agency should allow operators to apply and determine if the capability exists. NBAA remains concerned that overly prescriptive rules such as those proposed in this IFR eliminate flexibility by both the aircraft operator and the government.

Negative Economic Impact Continues Until Full Access Restored

In 2004, HLB Decision Economics conducted a study that found that restricting general aviation at DCA costs the industry and the local economy an average of \$6 million per month¹. It is unlikely that those monthly cost burdens have decreased, resulting in an extrapolated total loss for the industry and the local economy of over \$280 million.

Allowing general aviation aircraft operators to access DCA will help to reduce the continuing negative affect of this restriction, both locally and on the industry.

¹ The Economic Costs of Restricting General Aviation Access to Ronald Reagan Washington National Airport and TFRs (Temporary Flight Restrictions) Since September 11, 2001, HLB Decision Economics, Inc., March 2004

Specific Suggestions for Modification

Aircraft operators that will follow the requirements of this IFR often use aircraft that can fly across the country and across the globe. Often, it may be the only aircraft operated by a particular company. Meeting some aspects of this IFR will impose significant challenges for some aircraft operators. NBAA offers the following suggestions for specific paragraphs of the IFR:

1. §1562.23 Aircraft Operator and Passenger Requirements, paragraph (e)(12) requires the aircraft operator to ensure that no prohibited items are aboard the aircraft. In many cases, the aircraft contains internal and external lockable storage locations where the operator could securely store prohibited items during flights into and out of DCA. NBAA recommends that the TSA allow aircraft operators to store prohibited items in a lockable location within the aircraft or in a location not accessible in flight and require the armed security officer (ASO) to carry the key, if required, to that lockable location during flights into and out of DCA.
2. The Armed Security Officer nomination process has resulted in a low number of qualified individuals participating in the program. NBAA recommends that the TSA change the requirement for a nomination by a Fixed Base Operator (FBO) or aircraft operator to allow a sufficient number of individuals to participate in the program.

Access is Key

NBAA appreciates the commitment and effort of the TSA and the Department of Homeland Security to coordinate the necessary resources to begin this process. We believe that the business aviation community will effectively demonstrate its ability to comply with stringent and sophisticated security requirements through this IFR. NBAA looks forward to working with the TSA as it implements the IFR and reviews the requirements for DCA access.

Thank you for inviting our comments and please let us know if we can offer any additional information.

Very truly yours,



Douglas Carr
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Safety and Regulation