



U.S. Department
of Transportation

Federal Aviation
Administration

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

FEB 6 2009

Mr. Andrew V. Cebula
Executive Vice President
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, MD 21701

Dear Mr. Cebula:

Thank you for your January 28 letter expressing your concerns with the "Washington, DC Metropolitan Area Special Flight Rules Area" final rule, which was published in the Federal Register on December 16, 2008, and will become effective on February 17.

In your letter, you referred to the Office of Management and Budget's (OMB's) January 21 Memorandum requesting heads of Executive departments and agencies to consider extending for 60 days the effective dates of regulations that have been published in the Federal Register but have not taken effect. Your letter asked us to extend the February 17 effective date of the Washington, DC, Special Flight Rules Area (DC SFRA) final rule and reopen the comment period in accordance with OMB's Memorandum.

As you know, the final rule codifies temporary restrictions that were put in place through the Notice To Airmen (NOTAM) system in 2003. The DC SFRA is part of a layered system to address ongoing concerns that extremists may use aircraft to carry out terrorist activities. While we acknowledge that many stakeholders asked us to share threat information and provide details, we could not release classified security information in the final rule. Although we could not share intelligence information when developing the final rule, we took steps to address the aviation community's concerns. Through the 2007 NOTAM, we reduced the size and shape of the original DC Air Defense Identification Zone and modified many of the associated procedures. We also made improvements to internal FAA procedures for processing flight plans. Those modifications, which we believe provided relief to the aviation community, were included in the final rule.

In addition, we prepared a detailed Regulatory Flexibility Analysis of the impact on small entities, including an analysis of alternatives, and sought comments on that document from the Small Business Administration prior to submitting it to OMB for formal review. In developing the final rule, we worked closely with Federal law enforcement and security agencies to balance

the economic and operational burdens with national security needs to the maximum extent possible.

We have consulted with representatives from the Departments of Transportation, Homeland Security, and Defense; the Homeland Security Council; and OMB to discuss whether the effective date of the DC SFRA final rule should be extended and the comment period be reopened. We have determined that the final rule will go into effect as scheduled on February 17.

Thank you again for your letter regarding this issue.

If I can be of further help, please contact me or Pamela Hamilton-Powell, Director, Office of Rulemaking, at (202) 267-9677.

Sincerely,



Lynne A. Osmus
Acting Administrator