



NATIONAL AIR
TRANSPORTATION
ASSOCIATION

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May 20, 2002

Public Docket Office
U.S. Department of Transportation
400 Seventh Street, SW
Room PL-401
Washington, DC 20590-0001

Re: Docket No. FAA-2002-12261; Reduced Vertical Separation Minimum in Domestic United States Airspace – Request for Comment Period Extension

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before Congress, federal agencies and state governments. NATA's 2,000 member companies own, operate and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry that provides services to the general public, airlines, general aviation, and the military.

NATA supports Reduced Vertical Separation Minimum (RVSM) implementation; however, the association continues to be concerned that implementation of domestic RVSM (DRVSM) poses significant economic and operational impacts for the Part 135 on-demand air charter industry. NATA believes, therefore, that an extension of the comment period on the proposed rule is warranted.

While there is some support for the operational benefits derived from DRVSM implementation at FL 290-410 beginning in 2004, that support is not universal among affected operators and NATA is concerned about the implications such action will have on domestic turbine-powered aircraft if implemented in the timeframe proposed. NATA has serious concerns with the DRVSM cost-benefit and regulatory flexibility analyses in that the FAA has concluded that the impact to small business is insignificant.

Estimates show that at least 7,000 small turbine-powered aircraft, many of which are listed on a Part 135 air carrier certificate, will be impacted by this rule. As the FAA is aware, the vast majority of the nearly 3,000 Part 135 certificate holders are small businesses. Clearly, there are a large number of small businesses impacted by the proposed DRVSM rule.

Initial review of RVSM compliance costs reveals staggering expenses for these small businesses. Many older turbojets could experience RVSM certification costs of \$200,000-300,000. Such a figure could represent as much as one-half of the total value of the aircraft. Additionally, some individual aircraft simply may be unable to meet the tolerances required for approval, regardless of the time and funds invested. These aircraft currently operate in the future DRVSM airspace and do not materially contribute to either delays or congestion - if any - in the en route airspace environment. Furthermore, there are several aircraft no longer receiving support from their manufacturer, which may then require the operator to develop their own engineering data and obtain a supplemental type certificate for the RVSM equipment installation. Again, NATA is concerned that the FAA has not considered these costs in its analysis.

The FAA's solution to this problem is that these aircraft can simply operate below RVSM airspace if they are unable to obtain RVSM approval. However, it is unclear whether the FAA has taken into account the increased costs associated with operating those aircraft at below-optimum altitudes in its cost-benefit analysis. The non-RVSM aircraft will experience increased fuel consumption which will then require more en route refueling stops. These additional stops compound the problem for these operators by adding more operational cycles to the airframe and powerplants, resulting in more frequent maintenance checks than at present. NATA does not believe this additional fiscal burden has been accounted for by the FAA.

These certification costs and the very real possibility - after the costs are incurred - that a specific aircraft may still be unable to obtain certification mean that operators could be forced to retire aircraft earlier than anticipated, thereby imposing another significant and unnecessary burden on this industry segment. Overwhelmingly, this industry is comprised of small businesses still recovering from the effects of the September 11 terrorist attacks.

Therefore, to allow a thorough review of the FAA's economic and small business impact conclusions and preparation of a comprehensive analysis for submission to the regulatory docket, NATA requests an extension of the comment period for an additional 90 days. NATA appreciates the opportunity to comment on these issues. We stand ready to work with you and your staff to address these mutual concerns.

Sincerely,



Joseph E. (Jeb) Burnside
Vice President