



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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BY FIRST CLASS MAIL AND FACSIMILE TO 202-493-5032

March 10, 2006

Federal Aviation Administration
National Freedom of Information Act Staff, ARC-40
800 Independence Avenue, SW
Washington, DC 20591

To Whom It May Concern:

This is a request made on behalf of the Aircraft Owners and Pilots Association (AOPA) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. As you may be aware, AOPA's membership includes more than 400,000 pilots throughout the United States, including many who are interested in the ongoing rulemaking proceedings regarding the FAA's proposal to make the Washington Air Defense Identification Zone permanent, FAA Docket No. FAA-2004-17005. To that end, AOPA hereby requests copies of the following records, which are under the control of the Department of Transportation and the Federal Aviation Administration:

1. Any and all transcripts or other recordings of the public meetings on January 12, 2006 at the Sheraton Columbia Hotel in Columbia, Maryland announced by a notice in the Federal Register on December 13, 2005, 70 FR 73674-75.
2. Any and all transcripts or other recordings of the public meetings on January 18, 2006 at the Washington Dulles Airport Marriott in Dulles, Virginia announced by a notice in the Federal Register on December 13, 2005, 70 FR 73674-75.
3. Any and all materials presented by participants at the public meetings on January 12, 2006 at the Sheraton Columbia Hotel in Columbia, Maryland announced by a notice in the Federal Register on December 13, 2005, 70 FR 73674-75.

4. Any and all materials presented by participants at the public meetings on January 18, 2006 at the Washington Dulles Airport Marriott in Dulles, Virginia announced by a notice in the Federal Register on December 13, 2005, 70 FR 73674-75.

AOPA is willing to accept this information in electronic, paper, or other identified format and to pay any reasonable fees associated with this request.

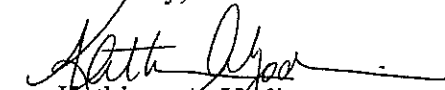
In addition to the above records requests under FOIA, AOPA requests that the information requested above be made part of the public docket in connection with the FAA's rulemaking. AOPA believes that the FAA must make this information publicly available to comply with relevant statutory and regulatory law. For instance, the FAA's December 13, 2005 Notice of Public Meetings specifically indicated that the materials that are the subject of these requests would be "included in the public docket, unless protected by disclosure." However, a review of the docket for the FAA's proposed rulemaking makes clear that some of the requested information has been removed from the public docket, and the remainder has never been included in the public docket.

The failure to include the requested information in the public docket may also raise concerns that the meetings were impermissible *ex parte* communications because the comments made at those meetings are not available for inspection by all members of the public. FAA and Department of Transportation regulations prohibit such *ex parte* contacts during the comment period for a proposed rule. Inclusion of the records of the meetings on the public docket could eliminate concerns about *ex parte* communications because those records would then be available for inspection by the public.

Finally, FOIA requires that the FAA make certain records electronically available to the public. Among the records subject to this FOIA requirement are records that an agency has provided in response to a FOIA request and that are likely to be the subject of substantially similar requests for information. Given the wide interest in the FAA's ADIZ proposal, AOPA believes that the records requested above will be the subject of a number of similar FOIA requests such that the FAA should make all transcripts and other information provided at the January 12 and 18, 2006 public meetings electronically available on the Department of Transportation's Docket Management System.

If you have any questions regarding the requests contained in this letter, please do not hesitate to contact my office.

Sincerely,


Kathleen A. Yodice
Counsel to AOPA

cc: Anthony Fazio, Director, FAA Office of Rulemaking
DOT Docket Management System