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FRANK J. COSTELLO

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April 16, 2008

**By Electronic Mail**

Thomas A. Ryan, Esq.  
McDermott Will & Emery  
2049 Century Park East, 38th Floor  
Los Angeles, CA 90067-3218

**Re: Burbank FAR Part 161 Application for a Proposed Curfew**

Dear Mr. Ryan:

We represent the National Business Aviation Association, Inc. ("NBAA") with respect to the FAR Part 161 proposal prepared for the Burbank-Glendale-Pasadena Airport Authority ("Burbank") by Jacobs Consultancy.

NBAA intends to submit comments on the Part 161 proposal, both in the current proceedings being conducted by Burbank and when/if the proposal is submitted to the FAA. In order to fully analyze that proposal, NBAA and its consultants, GRA Inc., require access to the data underlying that proposal, namely: the flight schedules relied upon for noise modeling; Technical Report #2 which was relied upon for modeling residential property values, hedonic modeling and related analyses; the report on operator interviews conducted in July 2006; and explanations and/or Excel files showing how GA costs, cargo costs and costs to passengers and airlines were computed. Absent that data, it will be difficult and perhaps impossible to analyze many of the conclusions presented in the proposal.

On April 9, 2008, Frank Berardino of GRA Inc., submitted a request for such data to Max Wolfe of Jacobs Consultancy. On April 13, Mr. Wolfe responded that he could not release the information because it was "under attorney/client privilege," and that he would forward the request to your attention. A copy of that email exchange is attached.

The data that Mr. Berardino requested on behalf of NBAA does not reflect any communications between Burbank and counsel, or which otherwise would fall within the scope of that privilege. Moreover, no other privilege, such as work product, is applicable. FAA will itself require Burbank to provide substantial evidence for the claims made in the Part 161 proposal, which will require Burbank to submit to FAA (and allow interested parties, such as NBAA, to access) the data that was utilized by Jacobs Consultancy in its preparation.

Accordingly, we look forward to receiving the requested data from Burbank on an expedited basis. Burbank has set a deadline of May 14 for comments. We would expect that this data would be provided to Mr. Berardino by no later than the end of this week, April 18.

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If you have any questions, please feel free to call me or Jol Silversmith at the number above.

Sincerely,

/Frank J. Costello/

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Frank J. Costello  
Jol A. Silversmith  
Counsel for the National Business Aviation Association, Inc.

Attachment