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FAA-97-6673-4a

FEDERAL AVIATION ADMINISTRATION
PUBLIC MEETING
ON THE PROPOSED RULE FOR
CERTIFICATION OF SCREENING COMPANIES

April 6, 2000
Fritz Lanham Federal Building
819 Taylor Street, Room 1A03
Fort Worth, Texas

ORIGINAL

APPEARANCES

MEETING

CHAIRPERSON:

Judy S. Courbois
Analyst
Office of Rule Making
Airmen & Airspace Rules Division

Karl Shrum
Manager
Office of Civil Aviation Security
Policy & Planning
Civil Aviation Security Division

Scott Cummings
Civil Aviation Security Specialist
Office of Civil Aviation Security
Policy & Planning Division
Civil Aviation Division

Mardi R. Thompson
Senior Attorney
Office of the Chief Counsel
Regulations Division

Thomas C. Smith
Manager
Office of Aviation Policy & Plans
Operations Regulatory Analysis Branch

P R O C E E D I N G S

1
2 JUDY S. COURBOIS: Good morning, ladies
3 and gentlemen. My name is Judy Courbois, and I'd
4 like to welcome all of you to this public meeting.
5 The purpose of this meeting is to solicit comments
6 on the proposed rule on certification of screening
7 companies.

8 I'd like to introduce the FAA panel
9 members and then go-over meeting procedures. At the
10 end of the table is Tom Smith, Manager, Office of
11 Aviation Policy and Plans. Next is Scott Cummings,
12 Civil Aviation Security Specialist, Civil Aviation
13 Security Division, Office of Civil Aviation Security
14 Policy and Planning. Next is Mardi Thompson, Senior
15 Attorney, Regulations Division, Office' of the Chief
16 Counsel. Seated next to Ms. Thompson is Karl Shrum,
17 Manager of Civil Aviation Security Division, Office
18 of Civil Aviation Security Policy and Planning.

19 Again, my name is Judy Courbois, and I am
20 an analyst in the Airmen and Airspace Rules
21 Division, Office of Rulemaking and I will be serving
22 as the program facilitator.

23 The panel members are here to listen to
24 the presentations by the members of the public, and
25 to ask the presenters questions for clarification if

1 needed. A court reporter will prepare a verbatim
2 transcript of the meeting. Copies of the complete
3 transcript will be available after April 19, 2000,
4 and can be ordered directly from the court reporter.
5 A copy of the transcript also will be placed in the
6 public docket. Ordering information is available at
7 the registration table. Other documents available
8 at the registration table include the Notice of
9 Proposed Rulemaking on the certification of
10 Screening companies, the notice announcing this
11 meeting and extending the comment period, the agenda
12 for this meeting, and a general information sheet.

13 This meeting is open on a space-available
14 basis to each person who registers at the door. An
15 attendee list will be prepared and placed in the
16 docket. If you have not registered, please do so at
17 the break.

18 We request that anyone who wishes to make
19 a presentation, please inform the staff at the
20 registration table and we will add your name to the
21 agenda. Speakers are cautioned to limit their
22 comments to issues directly pertaining to the
23 certification of screening companies, notice of
24 proposed rulemaking and the draft regulatory
25 evaluation associated with this rulemaking.

1 Because these proceedings are being
2 conducted in a public forum, sensitive security
3 information pertaining to air carrier and air
4 transport -- airport security programs cannot be
5 discussed at this meeting. If you would like to
6 make comments that include or reference national
7 security information or sensitive security
8 information, you should send your comments to the
9 following address:

10 Federal Aviation Administration
11 Office of Civil Aviation Security Operations
12 Attention: FAA Security Control Point
13 Docket no. FAA-1999-6673
14 800 Independence Avenue, Southwest
15 Washington, D.C. 20591

16 You may contact Scott Cummings, in the
17 Office of Civil Aviation Security Policy and
18 Planning, at (202)267-9468, for guidance on the
19 procedures for submitting this type of information.

20 Let me summarize the format and procedures
21 for this meeting. I will call on each speaker in
22 the order they have signed up on the agenda. If I
23 call on a speaker and the speaker is not here at the
24 time, I will go on to the next speaker.

25 After each presentation, members of the

1 panel may have some follow-up questions. Their
2 questions are intended to clarify or focus on
3 particular elements or concepts expressed in the
4 presentation and to offer you further opportunity to
5 elaborate on those areas. These questions are not
6 intended to be a cross-examination. In the event
7 questions are asked beyond clarification, I will
8 exercise the prerogative of the chair and interrupt.
9 Comments, questions or statements made by the panel
10 members are not intended to be and should not be
11 considered as a position of the FAA.

12 You are reminded that issues other than
13 those dealing with the proposed rule are not under
14 consideration during this meeting. I will terminate
15 all discussions that are not fruitful.. We will then
16 move on to the next speaker.

17 If anyone wishes to make additional
18 written comments either on the proposed rule or the
19 draft regulatory evaluation, please submit your
20 comments to Docket No. FAA 1999-6673. The docket on
21 the NPRM will remain open for written comments until
22 May 4th, 2000.

23 We have not received any advanced requests
24 to make a presentation, so I will open the floor to
25 anyone who would like to present comments. If you

1 would like to make a statement or comment, please
2 raise your hand and I will ask you to come to the
3 podium.

4 Does anyone on the panel have anything to
5 say?

6 KARL SHRUM: I want to thank those of you
7 who took the time and trouble -to come here today and
8 attend what we had hoped to be a listening session
9 and interactive dialogue of the people affected by
10 this rule.

11 I'm afraid the best I can do at this point
12 is state for the record-that when we initially
13 proposed the rule we received a request from the Air
14 Transport Association and the Regional Airline
15 Association to extend the comment period and provide
16 additional opportunity for listening sessions to the
17 industry. Both because this is a very large and
18 complex rule also it affects a number of businesses,
19 screening companies that the FAA has not previously
20 regulated directly and may not be familiar with the
21 rulemaking process.

22 And also because, as we have stated in the
23 regulatory ⁴ evaluation cost benefit analysis to this
24 rule, FAA can estimate, but without additional data
25 cannot conclusively determine what the impact of

1 this rule will be on small businesses. We were
 2 especially concerned about the impact on small
 3 business, the previously unregulated parties. We
 4 wanted to give them every opportunity to step
 5 forward and say how this rule would impact them and
 6 if at all possible provide data to be used by the
 7 economists to actually calculate that effect.

8 FAA mailed notice of this -- the
 9 additional listening sessions, the one in
 10 San Francisco on the 4th and the one today here in
 11 Fort Worth on the 6th, to every air carrier required
 12 to have a security program and to every screening
 13 company that we know of. At the listening session
 14 in San Francisco, and again this is no reflection on
 15 those present, no air carrier, no screening company
 16 representatives were present as speakers or
 17 attendees. Regrettably, we have no speakers at all
 18 today. I find this puzzling but will not speculate
 19 as-to the whys and wherefores of this outcome.

20 FAA provided this opportunity. Apparently
 21 this opportunity has now been lost. I'll leave it
 22 at that.

23 JUDY S. COURBOIS: Anyone else? Okay.
 24 Once again, if anyone wishes to make additional
 25 written comments on the proposed rule, please submit

1 your comments to Docket No. FAA-1999-6673. Comments
2 should be mailed or delivered in duplicate to:

3 The US Department of Transportation Dockets
4 Document No. FAA-1999-6673
5 400 7th Street, Southwest
6 Room Plaza 401
7 Washington, D.C. 20590 .

8 Or submit them electrically to: dms.dot.gov.

9 The docket on this proposed rule will
10 remain open for written comments until May 4th,
11 2000.

12 I would like to remind everyone that the
13 verbatim transcript of this meeting will be
14 available after April 19th, 2000.

15 I'd like to thank everyone for your
16 cooperation. The time is now 9:15. Let the record
17 show that this public meeting is now adjourned.

18 (Public meeting concluded at 9:15 a.m.)
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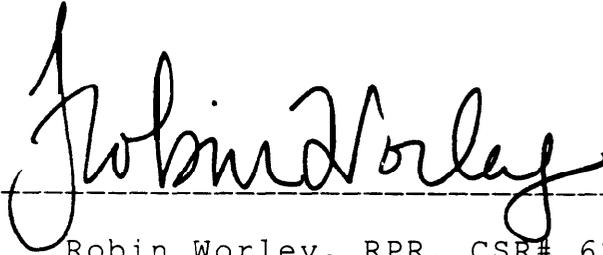
1 FEDERAL AVIATION ADMINISTRATION
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4 CERTIFICATION OF SCREENING COMPANIES

5 I, Robin Worley, Certified Shorthand Reporter
6 in the State of Texas, do hereby certify that the
7 transcript of the Public Meeting is a true record of
8 the proceedings.

9 I further certify that the original transcript
10 was submitted on the date below to Phaneuf
11 Associates Incorporated on or before April 7, 2000.

12 I further certify that the charge for the
13 preparation of the completed transcript and any copy
14 of exhibits is \$ 85⁰⁰.

15 Certified on this the 6th day of April, 2000.

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19 Robin Worley, RPR, CSR# 6237

20 Merit Court Reporters

21 600 Oil & Gas Building

22 Fort Worth, Texas 76102

23 (817) 336-3042 Metro 654-4006

24
25 Job No. 000406RLW My Certification Expires 12/31/00