

Elliott Aviation Flight Services, Inc. is a division of a privately held concern (Elliott Aviation, Inc., headquartered in Moline, Illinois.) in the upper Midwest. Our Operating Certificate is based in Des Moines, Iowa and covers the operations in our company's four locations: Moline, Illinois; Des Moines, Iowa; Eden Prairie, Minnesota and Omaha, Nebraska. At present we operate 18 aircraft of a wide variety of types and we employ 25 flight crewmembers. Operations are conducted under both FAR 135 as well as FAR 91.

Elliott Aviation is very supportive of, and vitally interested in the TSA's efforts to enhance security. To that end we have some concerns about efficiently attaining compliance in a timely fashion, as there are several aspects of the rule that are vague, or subject to a variety of interpretations. Among those:

- Some of our operations are outside the scope of FAR 135 and fall into Far Part 91. In such conditions we are told informally that the rules in Part 1544 don't apply to the FAR Part 91 operations, yet there is to date no formal statement in this regard.

- Do the subject rules apply to the aircraft that weight less than 12,500 pounds when the certificate operates other aircraft that ore at or over this weight?

- The subject rules have a compliance date of June 24, 2002, (the criminal background checks excepted). When might we expect some guidance with which to formulate a plan, gain approval of the plan and implement it? At this writing there are approximately 8 weeks in which to accomplish this.

- As it concerns the rule's requirement for the selection of a Ground Security Coordinator at each airport served, we face a daunting challenge in that we operate at many hundreds of possible airports throughout the country, albeit infrequently. Perhaps an alternate means of meeting the objective of this requirement could be served by allowing the Pilot in Command of the Aircraft to fill that role.

- There is some clarification needed on the requirements for law enforcement at Part 1544 airports where our flights might, (likely), operate to and from facilities that are outside the Secured Terminal Area at these airports.

- There appears to be a conflict with FAR 135 on the as it relates to the carriage of firearms. How are we to resolve this?

- The requirement that a Federal Air Marshall be present when request is a bit confusing. Under what circumstances and by whom would such a Marshall be requested. Further, as most passenger compliments on our flights are known to each other, an Air Marshall would be very conspicuous.

- As our employees are required to receive training on the program, it is imperative that we be provided with the length, content and format of the training so required in order to be in a state of compliance by the rule's deadline for compliance.

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TSA Requirements

- The requirement for "Contingency Plans". Much more clarification and guidance is needed very soon to enable us to comply within the compliance date set forth in the rule.

- Threat Response requirements that the flight crew be notified immediately may often be impossible due to communications equipment limitations. No such ability is currently required by the existing regulations.

Elliott Aviation is desirous of developing a plan to ensure our compliance with this important measure and is ready to commit significant resources to that end.

However, with incomplete information and much that appears subject to interpretation, we are becoming concerned about our ability to comply with the rule in the time remaining before the compliance date.

We remain at your disposal to discuss any or all of the points listed above should you require an expanded explanation of them.

Sincerely,  
Elliott Aviation Flight Services, Inc.

Donald H. Jay  
Vice President and General Manager