



Docket Management Systems  
U. S. Department of Transportation  
Room Plaza 401  
400 Seventh St., SW  
Washington, DC 20590

April 23, 2002

Re: Docket Number TSA-2002-11604  
Security Programs for Aircraft 12,500 Pounds or More

The National Business Aviation Association represents the aviation interest of over 7,100 companies that own or operate more than 9,150 aircraft. Included in this number are many operators that will be affected by this rule. NBAA appreciates the opportunity to comment on Security Programs for Aircraft 12,500 pounds or more.

On behalf of its Members, NBAA respectfully submits the following comments regarding the proposal:

- Program requirements are not described in sufficient detail. A sample program or template for use by affected operators would assist with compliance.
- Designation of a Ground Security Coordinator (GSC) will be very costly and logistically difficult given the nature of the Part 135 business. Part 135 operators, sometimes on very little advance notice, serve thousands of airports. NBAA recommends that the Pilot In Command be allowed to be the designated GSC at locations away from the certificate holder's base of operations.
- Under 1544.217, there is a requirement to have a law enforcement officer (LEO) available to respond to incidents. Some clarification is necessary. Does this require full-time presence of a LEO? Or can a local LEO be called in should there be an incident? If the former is the case, NBAA has serious concerns about the availability of such an LEO and the financial burden to the operator.
- As with the security plan above, a sample contingency plan or template should be provided to insure compliance with 1544.301.
- A definition of "immediately," as specified in 1544.303, needs to be spelled out along with the allowable amount of time for this notification.
- The compliance date for 1544.230, Fingerprint-Criminal History Records Checks (CHRC): Flightcrew members, is December 6, 2002, yet the authority to conduct

those checks has not been granted by the FBI and the processing agency has not been identified.

- Cost for the required CHRC should be borne by the Federal government since the proposed procedures are designed to protect national interests.
- 1544.237, Flight deck privileges, refers to the restriction of flight deck access for aircraft that have a door. The definition of a door requires clarification. Many aircraft operated under Part 135 have doors, curtains or partitions that are designed for privacy and not as a means to restrict flight deck access.
- Please clarify the use of the word “restrict” in 1544.237. Is the intention to “prohibit” flight deck access?
- In many approved and authorized Part 135 single-pilot operations, a passenger may occupy any other seat on the flight deck. Is this allowed under 1544.237?
- An ambiguity exists with previous regulations. Historically, aircraft have been categorized as above 12,500 pounds, and 12,500 pounds and below. This rule *includes* 12,500 pounds. We recommend that the rule be re-written utilizing the previous (standard) classifications. It is possible that an operator may unknowingly be in non-compliance because of this inconsistency.
- If Transportation Security Regulations are in conflict with current and existing Federal Aviation Regulations, which set of regulations take precedence? An example would be the carriage of weapons as allowed under Part 135.119. This appears to be in conflict with 1544.201.

Given the number of issues requiring resolution, the National Business Aviation Association, respectfully request the Secretary delay implementation and compliance dates of the proposed rule. Adequate time will be required to consider that all process/programs are available for additional comment and all ambiguities are resolved. NBAA would welcome the opportunity to be a part of any future review process.



Jack Olcott  
President  
NATIONAL BUSINESS AVIATION ASSOCIATION, INC.  
1200 EIGHTEENTH ST. NW  
SUITE 400  
WASHINGTON, DC 20036-2527  
(202) 783-9000  
(202) 331-8363 FAX