

All,

The TSA has issued a Notice of Proposed Rulemaking (NPRM) that seeks to apply new security requirements to all aircraft weighing more than 12,500 pounds, including privately owned and operated Part 91 aircraft. In addition, TSA proposes airports serving large aircraft to adopt mandatory security requirements.

Among many of the requirements contained within the proposal, the major provisions for aircraft operators include criminal history record checks (CHRC) and security threat assessments (STA) for flight crew, checking passenger names against the TSA's "No-Fly" and "Selectee" lists, development of a security program, and biennial auditing of the security program. Additionally, the proposal would require approximately 320 airports designated by the Department of Transportation (DOT) as "reliever" airports and airports that regularly serve scheduled or public charter operations in large aircraft to adopt a "partial" airport security program that would include specific training, record retention, personnel and notification requirements.

We have until February 27th to make comment on this NPRM which is a rule that can cripple aviation at least as much as the user fee proposals. This is a very invasive and restrictive rule that threatens to probe our private businesses and lives in ways that are very possibly unconstitutional and at the very least so intrusive as to limit the mobility of our aviation industry. The TSA is applying many of the same or similar restrictions that unknown passengers have to comply with at the airline security checkpoints even though we are dealing with family, friends and business associates that we are very familiar with.

I would ask that each and every one of you study the NPRM, determine how this will impact your business or flight department and begin developing comments. NBAA will be holding regional meetings for the purpose of developing constructive comments and waiting for these meetings may be beneficial. TSA will hold several meetings to receive public comment but participants will need to already be prepared with comments at those meetings. I will advise you all of those meetings as soon as they are confirmed.

I would also ask that you make other aviators aware of this proposal which on the face of it only applies to large aircraft. As we all know, regulatory rules of this sort can be put in place and later interpreted or amended to include much more than just large aircraft as currently defined by TSA.

This is not a process that can be addressed by a one page white paper which could be used by everyone to comment. Instead, it needs to be a deliberate review of the proposal and the areas requested by TSA for comment. Any robo comments will be considered as one comment by TSA regardless of how many people comment.

Instead, I would recommend the following:

1. Please go to this website for resources to prepare your comments...
<http://web.nbaa.org/public/ops/security/lasp/>
2. Review the NBAA DETAILED Analysis of the TSA's Plan and the NBAA List of Major Concerns in TSA's Proposal.
3. Then download the preview of the NPRM, <http://web.nbaa.org/public/ops/security/lasp/LASP-NPRM-Preview-20081001.pdf>, also on the NBAA link above, and read through it as closely as you can...
4. Use the NBAA Worksheet: Questions Raised By TSA in Its Proposal to work up comments in response to the requests by TSA...

5. If you are able, I would encourage you to attend one of the NBAA regional workshops and also, the TSA Comment town meetings if they are scheduled in your area.

6. Once you have prepared an informed comment, go to the NBAA link, click on the box enclosing Regulations.gov to view the comments that have already been made and MAKE YOUR OWN COMMENTS...

I realize that this is not the simple click and submit that we all would like to have, but it is EXTREMELY IMPORTANT that you are aware of the areas that may concern you and believe me there are many to comment on...

I have attached to this letter some of the resources NBAA has made available and I will continue to update you all with the most current information and scheduled meetings. You will need to go to the website as indicated above to review the actual document. If you find this overwhelming, always feel free to contact me at any time with any questions as to the process or the issue.

This is as important an issue as we may ever have to comment on and I ask that you make the effort to inform yourself in order to make a meaningful comment...

Most humbly yours,
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