



Large Aircraft Security Program

Background

Unveiled by the Transportation Security Administration (TSA) in October 2008, the Large Aircraft Security Program (LASP) would govern operations for all aircraft weighing more than 12,500 pounds and require operators of those aircraft to implement an approved security program. The LASP proposal would, for the first time ever, require security programs for thousands of privately operated general aviation aircraft and ultimately seek to combine a number of security programs currently in place for general aviation, including the Twelve-Five Standard Security Program (TFSSP), into a single, uniform program.

The current TFSSP, required since 2004, applies only to operators of aircraft with a maximum certificated takeoff weight (MTOW) of more than 12,500 pounds in operations for compensation or hire. These flights are typically

conducted under Federal Aviation Regulation (FAR) Part 135 and are frequently referred to as “charter” flights. The proposed LASP would expand requirements similar to those currently found in the TFSSP to all operators of aircraft with a MTOW of more than 12,500 pounds regardless of the type of operation, federal regulation operating rules, or mission.

The TSA’s current security programs for the types of aircraft affected by the proposed LASP, including the TFSSP, apply to approximately 650 aircraft operators. This proposed regulation would extend those requirements to over 10,000 aircraft operators flying over 15,000 aircraft.

The LASP would also impose new requirements on over 300 general aviation airports and additional requirements on aircraft with a MTOW over 100,309.3 pounds (replacing the existing Private Charter Standard Security Program [PCSSP]), and aircraft with a MTOW over 12,500 pounds in all-cargo operations.

Overview of LASP Requirements

Aircraft Operators

The proposed LASP would require all operators of aircraft with a MTOW of more than 12,500 pounds to:

- Ensure flight crew members undergo

TALKING POINTS

- ❖ The TSA has proposed regulation without providing the public with justification of the necessity of increased security on general aviation aircraft operators.
- ❖ The TSA’s current security programs for the types of aircraft affected by LASP apply to approximately 650 aircraft operators. The LASP would extend those requirements to over 10,000 aircraft operators flying over 15,000 aircraft.
- ❖ TSA and industry groups have been meeting to discuss the shortcomings of the LASP program and to develop methods to increase the outstanding security record of general aviation.
- ❖ Ask Members of Congress to write the TSA and request that the LASP be withdrawn.



fingerprint-based criminal history record checks and security threat assessments;

- Conduct watch-list matching of passengers through TSA-approved watch-list matching service providers;
- Undergo a biennial audit of compliance; and
- Comply with the prohibited items list.

Airports

Airports designated as reliever airports by the Department of Transportation and 40 additional airports designated by the TSA would be required to implement a TSA-approved partial security program. In its most basic form, a partial security program includes:

- Designation and training of an Airport Security Coordinator (ASC);
- Description of law enforcement support to comply with CFR 1542.215(b);
- Training program for law enforcement, if required by CFR 1542.217(c)(2);
- Maintenance of records;
- Procedures for distribution, storage, and disposal of Security Directives, Security Sensitive Information, etc.;
- Procedures for posting public advisories; and
- Incident management procedures.

NATA Position

NATA is concerned that the TSA has proposed a vast expansion of regulation without providing the public with justification of the necessity for increased security on general aviation aircraft operators. The public should be permitted to review the agency's justification for this rule. The Administration Procedure Act/Regulatory Flexibility Act requires a federal agency to weigh the costs of a proposed regulation against the anticipated benefits. The public has been unable to validate the TSA's pronouncement that the

benefits of this proposed rule in fact outweigh the costs because of the agency's unwillingness to share data. Furthermore, a Government Accountability Office (GAO) report released on March 29, 2009, revealed that the TSA has not followed federal internal control standards to assist it in implementing the Department of Homeland Security's (DHS) risk management framework for all modes of transportation. Specifically, the TSA is lacking an organizational structure that allows the agency to direct and control operations to achieve agency objectives. While specific TSA proposals such as the LASP weren't mentioned, the GAO report stated that the TSA work with the DHS to validate its risk management approach, conduct comprehensive risk assessments, and establish related internal controls. The DHS concurred with all of the GAO recommendations.

On February 26, 2009, NATA submitted its formal comments to the TSA regarding the LASP. The comments focused on the impact that the LASP proposed rule will have on aircraft operators and airports as well as numerous issues the notice of proposed rulemaking (NPRM) raises that lie outside the scope of the proposed rule. Areas of concern addressed by NATA include:

Airport Operators

- Weight Threshold Justification
- Implementation
- Liability for Compliance
- Applicability
- CHRCs and STAs
- STA Expiration
- Watch List Service Providers
- Watch List Matching Costs
- Secure Flight
- Watch List Matching on International Flights

- Master Passenger List
- Third-Party Audits
- Privacy Notices
- Prohibited Items List

Airports

- Applicability
- Airport Security Coordinator
- ASC at Multiple Locations
- Training of Law Enforcement
- Program Development and Implementation

Issues Outside the Scope of This Rulemaking

- Positive Pilot Identification
- Aircraft Owners
- Airports

Overall, this NPRM demonstrates a troubling lack of knowledge and understanding of the general aviation community by the TSA. The proposed rule is a very discouraging outcome after years of work at the agency, during which the industry offered assistance to provide an effective, feasible means to address the TSA's concerns. These offers of assistance were repeatedly declined by the TSA, and the resulting proposal reflects the agency's refusal to work with the industry.

NATA and other members of the industry have begun meeting with the TSA to discuss the shortcomings of the LASP program and to develop more appropriate methods to increase the already outstanding security record of general aviation.

To view NATA's comments on the LASP, please visit our Web site at:

www.nata.aero