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Docket Management System
U.S. Dept. of Transportation
1200 New Jersey Ave. SE
West Building Ground Floor W 12-140
Washington, DC 20590

Mr. Celio Young
Office of Security Operations, TSA-29
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598

Subject: Docket No. TSA-2004-17131; Comments to TSA Notice of Proposed Rulemaking for Aircraft Repair Station Security

Dear Mr. Young:

The Aerospace Industries Association (AIA) represents the nation's leading manufacturers and suppliers of civil, military and business aircraft, helicopters, unmanned aircraft systems, space systems, aircraft engines, missiles, materiel and related components, equipment, services and information technology. Many AIA member companies operate maintenance and repair stations in the United States and abroad. The following comments are submitted on behalf of AIA members in response to the Transportation Security Administration (TSA) Notice of Proposed Rulemaking (NPRM) for Aircraft Repair Station Security (49 CFR Parts 1520 and 1554, published on November 18, 2009).

General Comments on the NPRM

AIA fully supports risk-based initiatives to maintain a safe and secure air transportation system. As part of that effort, AIA helped develop language in section 611 of H.R. 2115, "Vision 100 – Century of Aviation Reauthorization Act," which was passed in 2003 and mandated TSA to develop and publish a final rule for repair station security by August 2008. AIA understands the great challenge TSA faced developing this rule. Unfortunately, the eighteen month delay has created adverse consequences for industry with the stoppage of new certificates for foreign repair stations.

AIA will continue to support TSA on these efforts and encourage the use of industry subject matter experts to ensure the issuance of a final rule which reflects the realities of the industry. Additionally, we urge TSA to work closely with the Federal Aviation Administration (FAA) on the completion of this rule to ensure the highest level of civil aviation security while balancing FAA regulations, and any new requirements, as promulgated under 14 CFR Parts 1, 21, 43 and 45.

Aviation is a global industry. AIA member companies sell their products to customers around the world. The ability of a company to support its product in the field is a significant consideration in fleet procurement. For this and other reasons, U.S. companies often establish repair stations overseas. These facilities are subject to approval by one or more aviation authorities, such as the FAA, or the host government, or both.

Companies often seek FAA approval for their foreign repair stations even when work will not be done on U.S.-registered aircraft, because FAA approval is viewed as the “gold standard.” The ability to locate such facilities on the basis of business considerations is a crucial element in a globally competitive industry. It also ensures that high-quality maintenance is available to the customer in order to maintain the airworthy condition of aircraft, which is fundamental to flight safety. It is critical that TSA proceed with this rulemaking in a manner that ensures aviation security while not hindering the ability of industry to maintain its products and services.

Specific Comments to the NPRM

As written, the NPRM leaves much to the interpretation of individual readers. In order to ensure consistent interpretation, it is suggested TSA include specific requirements as offered in the preamble of the NPRM. For example, the following areas are covered in the preamble but not reflected within the regulation:

- differences relating to aircraft and their components above 12,500 pounds
- on and off airport repair station requirements
- military and government exceptions
- background checks (to align with foreign law requirements)
- risk factors

Part 1520 – Protection of Sensitive Security Information

AIA generally supports the desire to include a repair station security program as Sensitive Security Information (SSI). However, it is difficult to comment on the proposed requirements as they are not discussed in the proposed rule. Careful review of this section is required to prevent conflict between those companies with existing information protection and enhanced controls that limit dissemination of information to non-essential personnel and add protections against public disclosure.

The definition should be clear as to what constitutes SSI under the security program for owners of repair stations. For instance, not all company policies and procedures should fall under the

SSI. AIA recommends the TSA pay particular attention to the comments and concerns offered by industry members in their direct submissions on this NPRM and in TSA's direct communication with the repair station owners.

Part 1554 – Aircraft Repair Station Security

Part 1554 will be an entirely new regulation which must contain a greater level of detail than what is currently provided. The entire section needs a thorough review to ensure the regulation contains the scope, detail and clarity TSA intends. Much of the needed details are included in the preamble section of this NPRM and needs to be reflected in the regulation.

In order to ensure the final regulation covers all reasonable intents of TSA, balances FAA regulations, and acknowledges existing security programs, the Aircraft Repair Station Security regulation needs to outline specific requirements.

AIA members have offered detailed recommendations and solutions to rewrite sections of this proposed rule in direct submissions and conversations with TSA. It is strongly recommended that TSA pay particular attention to the recommendations for Part 1554.

Furthermore, TSA should continue coordinating with FAA and call on industry subject matter experts in the final stages to complete this rulemaking process.

Summary

As stated above, AIA supports TSA's efforts to strengthen aviation security measures. We trust that TSA will give due consideration to the comments provided here and individual comments submitted by AIA member companies. AIA also understands the great challenge TSA faces in meeting the Congressional mandate and stand ready to coordinate industry subject matter expert assistance in the final drafting of this rule.

Finally, AIA appreciates the opportunity to provide these comments to the subject NPRM. We look forward to our continued work together towards the common goal of ensuring a safe and secure aviation system.

Thank you for your time and consideration. For additional assistance, please contact ranee.carr@aia-aerospace.org.

Sincerely,



Daniel K. Elwell

