

Safety, Security and Quality Services

TSA'S LARGE AIRCRAFT SECURITY PROGRAM (LASP)

Notice of Proposed Rulemaking (NPRM)





PROPOSED REGULATED PARTIES

Proposed Regulated Parties – Aircraft Operators

- ◆ Regulation would apply to all U.S. registered aircraft with MTOW over 12,500 pounds, *regardless of FAR operating rules and mission*, including:
 - Part 91 private operations
 - Part 91 corporate operations
 - Part 91(K) fractional program operations
 - Part 135 on-demand or scheduled charter operations*
 - Part 125 operations in large airplanes that are configured for 6,000 lbs. or more of payload capacity or 20 or more passenger seats, not for compensation or hire
 - Training, repositioning, demonstration, aeromedical, cargo, and all other types of flights – no mission (except specific government flights) is exempt
- ◆ **Part 135 operations in aircraft with MTOW over 12,500 pounds are currently subject to the Twelve Five Standard Security Program (TFSSP) or Private Charter Standard Security Program (PCSSP)**
- ◆ **LASP would combine and replace TFSSP and PCSSP, expanding the scope to include ALL aircraft with MTOW over 12,500 pounds**

TSA estimates this proposed rule will affect approximately 10,000 operators, flying over 15,000 aircraft!

Proposed Regulated Parties – General Aviation Airports

- ◆ **Regulation would apply to 315 GA airports:**

- Reliever airports as defined by DOT (270 for 2009)
- 45* others
- Proposal is left open to apply to additional airports, as public comment is solicited on definition of “regular use” by aircraft over MTOW 100,309.3 and whether other types of airports should be required to have partial programs

* The NPRM specifies 315 airports, but uses dated DOT data for reliever airports. Therefore, the NPRM discusses all reliever airports plus 42 unnamed airports.



PROPOSED REGULATION – MAJOR COMPONENTS

Proposed Regulation – Important Points

- ◆ **Proposed regulation would apply regardless of aircraft’s location, not just within U.S. airspace**
- ◆ **TSA suggested business principals undergo background checks**
- ◆ **Businesses owning aircraft must be “legitimate” – TSA mentions Dun and Bradstreet**

Proposed Regulation – Aircraft Operators

◆ Main components – all operations:

- Criminal history records checks (CHRC) for all crewmembers and specified employees
- Designation of Aircraft Operator Security Coordinators, Ground Security Coordinators, and In-Flight Security Coordinators
- Watch list matching of passengers
- Biennial audit from third party auditor
- Security training for specified employees
- Procedures for handling security threats and incidents
- Carriage of Federal Air Marshals (FAMs)
- Procedures for handling Sensitive Security Information (SSI)
- No items listed on Prohibited Items List may be accessible to passengers

◆ Additional components – cargo:

- Additional training
- Screening/inspection of cargo for stowaways, explosives, etc.

◆ Additional components – extra large:

- Screening of all passengers and accessible belongings

Proposed Regulation – CHRC

- ◆ **Security Threat Assessment (STA) and fingerprint-based CHRC for:**
 - Crewmembers
 - Employees with security-sensitive functions

- ◆ **Disqualifying offenses**
 - 1544.229(d) lists disqualifying offenses
 - NPRM outlines appeals process

- ◆ **New: STA/CHRC only valid for 5 years**

Proposed Regulation – Security Coordinators

- ◆ **Each aircraft operator would be required to name one Aircraft Operator Security Coordinator (AOSC) and an alternate**
 - 24 hour contacts for TSA
 - Responsible for overall security oversight for the operator

AND

- ◆ **One Ground Security Coordinator (GSC) and one In-Flight Security Coordinator (ISC) *per flight***
 - GSC responsible for aircraft security prior to takeoff
 - ISC responsible for aircraft security after takeoff
 - Current requirement is for 2 separate individuals

Proposed Regulation – Watch List Matching

- ◆ **Each operator would be required – through a Watch List Service Provider (WLSP) - to compare passenger names to the No Fly and Selectee Lists**
- ◆ **New concepts in LASP include:**
 - Master Passenger List (MPL): One-time name submittal and continuous vetting for frequent passengers
 - Watch List Service Provider (WLSP): Proposed name for entities approved by TSA to perform watch list matching for aircraft operators
 - No requirement to submit to WLSP for international flights if already filing Electronic Advance Passenger Information System (eAPIS) through Customs

Proposed Regulation – Watch List Service Providers

- ◆ **Newly regulated entities and would be required to:**
 - Demonstrate specified technical abilities in secure environment
 - Adopt and implement system security plan
 - Demonstrate ability to collect data and transmit watch list results
 - Successful undergo “suitability assessment” by TSA (verification of citizenship of primaries, validity of business entity, etc)
 - Subject covered employees to STAs/CHRCs
 - Adopt a TSA-approved security program, including:
 - *Proper handling of Sensitive Security Information (SSI)*
 - *Training for covered employees*
 - *Detailed procedures for conducting watch list matching, including procedures for reporting name “hits” to TSA for adjudication*
 - *Submission to inspection by TSA*

- ◆ **Possible issues: privacy for personal information; system security**

Proposed Regulation – Third Party Auditors

- ◆ **Newly regulated entities and would be required to:**
 - Successful undergo “suitability assessment” by TSA (verification of citizenship of primaries, validity of business entity, etc)
 - Adopt a TSA-approved security program, including:
 - *Proper handling of Sensitive Security Information (SSI)*
 - *Record retention requirements*
 - *Submission to inspection by TSA*

- ◆ **Each auditor would be required to demonstrate:**
 - Certification or accreditation from an organization recognized by TSA (proposed: IBAC, ISO, request recommendations for others)
 - At least 5 years of experience in inspection or auditing
 - Three professional references
 - Knowledge and ability to assess compliance with Federal statutes and regulations
 - Successful completion of STA/CHRC

- ◆ **Possible issues: Outsourcing oversight?**

Proposed Regulation – FAMs and Other Misc.

- ◆ **Each operator would be required to:**
 - Transport a FAM upon TSA request
 - Allow DOD commercial air carrier evaluators access to the flight deck
 - Participate in the Voluntary Provision of Emergency Services (basically limits liability for certain individuals providing emergency assistance aboard an aircraft)

Proposed Regulation – Implementation for Aircraft Operators

- ◆ **Proposed effective date: 60 days following publication of final rule**
- ◆ **Proposed implementation schedule:**
 - Geographic basis, dividing country in to 5 segments
 - Six phase approach – each of 5 geographic segments, then final phase would incorporate aircraft operators that currently hold a security program (TFSSP or PCSSP)
 - Each phase would take approximately 4 months

Proposed Regulation – Airports Partial Program

- ◆ **CFR 1542 outlines security requirements for airports**
- ◆ **LASP would expand CFR 1542 to 315 GA airports**
- ◆ **Partial Security Program, as defined by CFR 1542 Subpart B, includes:**
 - Designation of Airport Security Coordinator
 - Description of law enforcement support
 - Training program for specified law enforcement personnel
 - Records retention
 - Procedures for distribution, storage, and disposal of security-related documents, including Security Directives and other SSI
 - Incident management procedures
 - Additional proposal in LASP for Airport Security Coordinator training
- ◆ **Proposal also requests comment on requiring vulnerability self assessments for airports, but does not specify which airports**

Unanswered Questions

- ◆ **Who's the "aircraft operator" – Registered owner? Lienholder? Beneficial owner? Pure 91 management company? Part 135 certificate holder?***
- ◆ **Golf clubs, ski poles, steak knives?**
- ◆ **45 (42) mystery airports?**
- ◆ **Airport implementation schedule?**
- ◆ **Privacy notifications for passengers?**
- ◆ **Background checks for business principals?**
- ◆ **And many more...**

*This is (almost) addressed for Part 91(K) fractional program management companies. TSA chose to follow FAA's lead on 91(K) operational control concepts, in that the aircraft owner and program manager are jointly responsible for compliance.

Current Status...

- ◆ To be continued...

SH&E Aviation Safety & Security Services, Please Contact:

Ms. Lindsey McFarren
Manager – Safety and Security Systems
Email: info@sh-e.com

SH&E

an ICF International Company

sh-e.com

icfi.com

ICF
INTERNATIONAL

LONDON

+44 20 7242 9333
london@sh-e.com

NEW YORK

212 656 9200
newyork@sh-e.com

BOSTON

617 218 3500
boston@sh-e.com

WASHINGTON, DC

202 572 9400
washington@sh-e.com

LOS ANGELES

310 471 9118
losangeles@sh-e.com

PORTLAND

503 265 3212
cam@sh-e.com

CHICAGO

503 265 3217
cam@sh-e.com

ICF CORPORATE HEADQUARTERS

Fairfax, VA • 703 934 3000
info@icfi.com

ADDITIONAL ICF OFFICES

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