

February 18, 2010

Docket Management System,  
U.S. Department of Transportation,  
1200 New Jersey Avenue SE  
West Building Ground Floor,  
Room W12-140,  
Washington, DC 20590-0001

### **Re: Docket No. TSA-2004-17131, Aircraft Repair Station Security**

The National Business Aviation Association (NBAA) represents the interests of 8,000 Member companies involved in the operation and support of general aviation aircraft. NBAA and its Member companies have helped to develop many voluntary enhancements to security that have measurably increased their layered approach to security while reducing their security risk profile.

Many of NBAA's Member companies possess a variety of authorizations issued by the Federal Aviation Administration to support the operation and maintenance of their aircraft. This includes operations and maintenance inspectors in addition to repair station certificates.. NBAA appreciates the opportunity to submit these comments for consideration.

### **TSA Approach**

In developing this proposal, TSA has clearly investigated very visible segments of the repair station community. According to the proposal, nearly half of the inspections occurred at repair stations located outside of the United States. This hopefully provided the Agency with helpful observations about existing security measures in place at repair stations.

NBAA is encouraged that the TSA has recognized that a "one-size-fits-all" approach for repair station security would create significant burdens for a variety of companies. Additionally, as stated within the proposal other repair station characteristics such as proximity to an airport and type of work performed should be elements that help to determine compliance measures.

NBAA's review of TSA's proposal has identified three areas that we believe require additional consideration by the Agency prior to the development of a final rule.

### **Off Airport Repair Stations**

TSA identified approximately 3,000 repair stations not located at an airport. NBAA agrees with the Agency that employees of repair stations located off-airport have little to

no access to aircraft. Repair station employees seeking access to an aircraft would be subject to the same stringent screening and clearance requirements in place for other members of the public seeking access to aircraft.

Additionally, the controls over the chain of custody and the processes mandated by the FAA to ensure that the fit, form and function of a repaired or newly installed piece of equipment meets manufacturer and FAA standards nearly eliminate the possibility of undetected sabotage.

Because of these existing processes and inherent security measures, NBAA believes the final rule should not apply to off-airport repair stations. Most of the repair station companies located off-airport would qualify as small businesses. As the Agency knows, applying additional regulatory burdens to small businesses requires an additional level of regulatory and economic justification

TSA's own analysis identifies the lower risks posed by off-airport repair stations. We believe that minimizing the burden on these repair stations will strike an appropriate balance between the minimal risks posed by these businesses and the regulatory burden contemplated in this proposal

### **On Airport Businesses**

Access to an aircraft undergoing repair presents a different risk profile than a component repair station located off airport. Airport security programs already require that on-airport tenants, including repair stations, implement security measures appropriate for their area of the airport.

The requirements of the repair station final rule should compliment, not conflict with, requirements already in place for airport security. Additionally, any inspections conducted to determine compliance with airport security requirements or repair station security requirements should satisfy both. Inspections require that employees be pulled from other duties which imposes a financial burden. TSA should structure its oversight and compliance program to minimize any additional inspection burden placed on these on-airport repair stations.

### **“Private” Repair Stations**

Not clearly obvious in the list of TSA repair station visits was whether TSA visited “private” repair stations. For the purposes of these comments, private repair stations include companies with repair station certificates used only for work on company aircraft, where no fee is charged for the completed work or involve third-party aircraft.

Many private repair stations hold a limited repair station license that allows them to return certain components or systems to service after a repair. This license allows the company to reduce the amount of work conducted by a third-party and increases the

oversight of maintenance conducted on those aircraft.

These private repair stations do not have separate facilities with separate employees or separate entrances. The company houses the aircraft and maintenance facility in the same location. Often, the Part 145 repair station element of the operation is a designated workbench. Other non-repair station work continues all around the designated workbench.

It would be nearly impossible to effectively segregate the limited amount of Part 145 repair station activity from other non-repair station work in the manner proposed by the TSA. Companies operating aircraft have a known, checked group of individuals with access to the aircraft hangar and repair facilities. These hangars already possess access controls to prevent unauthorized access. It remains unclear how these additional requirements would materially affect the security posture of a private repair station.

TSA remains concerned about unknown persons gaining access to an aircraft undergoing repair. In the case of private repair stations, there are simply no unknowns. Company controlled maintenance on its own aircraft present no risk to the security of the operation. NBAA recommends that the TSA develop a process to identify and exclude private repair stations from the final rule. It appears clear from Congressional mandates and TSA analysis, that unknown individuals working on aircraft present the highest risk. Many of NBAA's Members conduct repair work on their own aircraft which should present the least amount of risk.

### **Weight Threshold**

TSA proposes to exclude repair stations that only conduct work on aircraft weighing 12,500 pound or less or are located at airports that only serve aircraft weighing 12,500 pounds or less. NBAA believes that TSA should consider the following information before development of its final rule.

Since the release of the Large Aircraft Security Program proposal in October of 2008, there have been numerous, productive discussions about the weight threshold of an aircraft that should require additional security measures. Many of those discussions have been based on data that until now has never been publicly released for analysis. NBAA believes that TSA needs to incorporate the lessons learned from previous weight-centric discussions to this proposal. It would be problematic for TSA to implement varying weight-based security measures across a broad spectrum of aviation activity.

The issue of weight becomes even more challenging for off-airport component repair stations. Many repair stations perform work on components that can then be used on an wide variety of aircraft, both large and small. Many times, the repair station does not know the type of aircraft where the repaired component will eventually be installed. An

attitude indicator, an altimeter, an engine accessory or a seat belt can find their way into many types of aircraft with little commonality. NBAA recommends that the TSA develop uniform weight considerations, as previously discussed.

### **Other Comments**

As a member of the general aviation community, NBAA wants to ensure that we support businesses that assist our Members in the operation and support of their aircraft. We want to recognize and support the recommendations made by the Aircraft Electronics Association, General Aviation Manufacturers Association, Aircraft Owners and Pilots Association and National Air Transportation Association. NBAA believes that each organization brings a unique perspective to the table which the TSA should carefully consider.

NBAA and our Member companies would like to continue assisting the TSA with the development of reasonable and effective security measures. Please let us know if we can provide any additional information. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Douglas Carr". The signature is fluid and cursive, with the first name being more prominent.

Douglas Carr  
Vice President  
Safety, Security & Regulation