March 14, 2012

Transportation Security Agency (TSA)
General Aviation Branch
Attn: Kerwin Wilson
601 Sth 12th Street
TSA 28
Arlington, VA 20598

To Whom It May Concern:

On behalf of the flight instruction community, the National Association of Flight Instructors respectfully petitions the Transportation Security Agency to consider a change to the current Regulation Title 49, Part 1552.23 with regard to the recurrent training requirements for flight schools”.

NAFI suggest the following change be made:

Current Regulation Title 49, Part 1552. (d):

   (d) Recurrent security awareness training program. (1) A flight school must ensure that each flight school employee receives recurrent security awareness training each year in the same month as the month the flight school employee received initial security awareness training in accordance with this subpart.

Proposed Regulation Title 49, Part 1552. (d):

   (d) Recurrent security awareness training program. (1) A flight school must ensure that each flight school employee receives recurrent security awareness training within the preceeding 24 calendar months in accordance with this subpart.

This change would allow instructors to bring their TSA Flight School Security Awareness Training requirements into the same schedule of compliance with their FAA flight instructor certificate renewal.

NAFI recognizes the importance of flight instructors in security awareness at airports they operate and the effect this can have on overall aviation security. As providers of training, they are some of the most regularly visible and present individuals who can help monitor activities at airports throughout the country. NAFI believes that this change will increase the number of instructors who are familiar with this training requirement and their compliance level.
NAFI believes this will enhance the compliance of instructors with the requirement, offer more options for coverage of materials, greater collaboration between instructors in local security issues, and will not result in any reduction in awareness of current safety or security concerns.

NAFI recognizes that the definition of a "flight school" in accordance with the regulation is as follows:

"Flight school means any pilot school, flight training center, air carrier flight training facility, or flight instructor certificated under 14 CFR part 61, 121, 135, 141, or 142; or any other person or entity that provides instruction under 49 U.S.C. Subtitle VII, Part A, in the operation of any aircraft or aircraft simulator."

This definition foists "self-training" requirements upon many independent flight instructors who do not operate in collaboration with, or as a direct employee of, a business providing flight training. In these cases, the re-current training in which instructors participate is generally completed by taking an online course (most commonly using the DHS Flight School Security Awareness Training for Aircraft and Simulators, found at http://download.tsa.dhs.gov/fssa/training/). While this option should remain available for instructors along with customized, proprietary curricula as developed by training providers in accordance with the regulatory requirements for content, NAFI believes that recent changes in FAA guidance may offer additional opportunities to enhance compliance levels and to incorporate more variety in the training received by independent instructors.

A recent change to the FAA's Advisory Circular 61.83G, which covers "Nationally Scheduled FAA-Approved, Industry Conducted Flight Instructor Refresher Course" guidance that was released on 9/30/2011 includes two required topical areas that directly address security concerns for the flight instructor. These topics include the following:

**Security Related Special Use Airspace: What’s Going on Where, and How to Stay Clear.**
Several significant airspace changes have resulted from the events of 9/11. Pilots in training depend on their instructors to guide them through the intricacies of the new and changing airspace regulations, and to make them aware of the consequences of violating those airspaces. “Floating” temporary flight restrictions (TFR), particularly common during election years, are a significant challenge for pilots. Regulations regarding powerplants and stadiums are now in place. Instructors must have thorough knowledge about concepts entirely new to many General Aviation (GA) pilots, such as the Washington, DC, Flight Restricted Zone (FRZ) and Special Flight Rules Area (SFRA), formally the air defense identification zone (ADIZ). In addition, all pilots must be made
fully aware of intercept procedures. The consequences of violating airspaces have become much more severe and often allow little flexibility with respect to enforcement.

Transportation Security Administration (TSA): What Flight Instructors Have to Know to Stay Out of Trouble.
The TSA now has a role in flight training. Consequently, flight instructors should know which airman certificates the TSA is interested in. Instructors must also be aware of the requirements for citizenship documentation, recordkeeping, foreign student processing, flight instructor and flight school security awareness training, and more. Not following the TSA guidelines properly can have serious consequences both for the student and for the flight instructor.

The Flight Instructor Renewal Course (FIRC) is a method of CFI renewal that is utilized by a significant percentage of the instructors and the inclusion of this material will ensure that they will receive training each time that they complete one of these courses. FIRC providers can be encouraged to make sure they include training and documentation of the training in a proper manner in accordance with current Regulation Title 49 § 1552.25. Many flight instructors acting independently, may not receive training from a traditional business operator and as a result have been less likely to be aware of the recurrency and documentation requirements that are required. NAFI believes that the transition to a biennial Flight School Security Awareness training requirement and documentation will enhance the compliance ratio of instructors who may provide instruction through its inclusion in these courses. Additionally, many FIRCs are conducted in person and include a gathering of instructors from a local area. This meeting can offer an opportunity for FIRC providers to encourage discussion of specific local issues in security and safety considerations.

Any questions regarding the requested changes to the current rules can be made to myself directly, at the above contact information, via email at jblair@nafinet.org, or also please feel free to contact me on my cellular phone at 269-275-7959.

We look forward to your consideration of this change and its potential inclusion in upcoming rulemaking efforts.

Respectfully,

Jason E. Blair
Current Regulation:

Title 49: Transportation

§ 1552.23 Security awareness training programs.

(a) General. A flight school must ensure that—

(1) Each of its flight school employees receives initial and recurrent security awareness training in accordance with this subpart; and

(2) If an instructor is conducting the initial security awareness training program, the instructor has first successfully completed the initial flight school security awareness training program offered by TSA or an alternative initial flight school security awareness training program that meets the criteria of paragraph (c) of this section.

(b) Initial security awareness training program. (1) A flight school must ensure that—

(i) Each flight school employee employed on January 18, 2005 receives initial security awareness training in accordance with this subpart by January 18, 2005; and

(ii) Each flight school employee hired after January 18, 2005 receives initial security awareness training within 60 days of being hired.

(2) In complying with paragraph (b)(2) of this section, a flight school may use either:

(i) The initial flight school security awareness training program offered by TSA; or

(ii) An alternative initial flight school security awareness training program that meets the criteria of paragraph (c) of this section.

(c) Alternative initial security awareness training program. At a minimum, an alternative initial security awareness training program must—

(1) Require active participation by the flight school employee receiving the training.

(2) Provide situational scenarios requiring the flight school employee receiving the training to assess specific situations and determine appropriate courses of action.
(3) Contain information that enables a flight school employee to identify—

(i) Uniforms and other identification, if any are required at the flight school, for flight school employees or other persons authorized to be on the flight school grounds.

(ii) Behavior by clients and customers that may be considered suspicious, including, but not limited to:

(A) Excessive or unusual interest in restricted airspace or restricted ground structures;

(B) Unusual questions or interest regarding aircraft capabilities;

(C) Aeronautical knowledge inconsistent with the client or customer's existing airman credentialing; and

(D) Sudden termination of the client or customer's instruction.

(iii) Behavior by other on-site persons that may be considered suspicious, including, but not limited to:

(A) Loitering on the flight school grounds for extended periods of time; and

(B) Entering “authorized access only” areas without permission.

(iv) Circumstances regarding aircraft that may be considered suspicious, including, but not limited to:

(A) Unusual modifications to aircraft, such as the strengthening of landing gear, changes to the tail number, or stripping of the aircraft of seating or equipment;

(B) Damage to propeller locks or other parts of an aircraft that is inconsistent with the pilot training or aircraft flight log; and

(C) Dangerous or hazardous cargo loaded into an aircraft.

(v) Appropriate responses for the employee to specific situations, including:

(A) Taking no action, if a situation does not warrant action;

(B) Questioning an individual, if his or her behavior may be considered suspicious;
(C) Informing a supervisor, if a situation or an individual's behavior warrants further investigation;

(D) Calling the TSA General Aviation Hotline; or

(E) Calling local law enforcement, if a situation or an individual's behavior could pose an immediate threat.

(vi) Any other information relevant to security measures or procedures at the flight school, including applicable information in the TSA Information Publication “Security Guidelines for General Aviation Airports”.

(d) Recurrent security awareness training program. (1) A flight school must ensure that each flight school employee receives recurrent security awareness training each year in the same month as the month the flight school employee received initial security awareness training in accordance with this subpart.

(2) At a minimum, a recurrent security awareness training program must contain information regarding—

(i) Any new security measures or procedures implemented by the flight school;

(ii) Any security incidents at the flight school, and any lessons learned as a result of such incidents;

(iii) Any new threats posed by or incidents involving general aviation aircraft contained on the TSA Web site; and

(iv) Any new TSA guidelines or recommendations concerning the security of general aviation aircraft, airports, or flight schools.