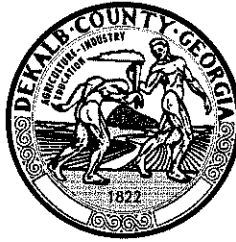


DeKalb County



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February 18, 2009

Docket Management Facility
US Dept of Transportation
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Room W12-140
Washington DC 20590-0001

Subj: Notice of Proposed Rule Making (NPRM) *Large Aircraft Security Program, Other Aircraft Operator Security Program, and Airport Operator Program*
Federal Register, TSA Docket 2008-0021, October 30, 2008

The comments below are submitted in accordance with the NPRM referenced above:

There is no demonstrable evidence that shows general aviation aircraft are a threat to national security any more than trains, pleasure boats on the inland waterways, metropolitan transit buses, or trucks on the interstate. Because commercial service aircraft were used in the WTC / Pentagon attacks does not translate to general aviation aircraft being used in a similar manner. Because general aviation aircraft at small flight schools were used by the hijackers to train or become familiar with flying does not translate to the use of general aviation aircraft in a terrorist attack. It has been demonstrated that the C-172 or Cirrus flying into a building either inadvertently or on purpose does very little damage. It has not been recognized by TSA that the more sophisticated the aircraft (the heavier the aircraft; turbine versus single-engine piston powered) the more secure the aircraft become. It has not been recognized by the TSA the more vetting of the crew is conducted as the aircraft becomes more secure. It has not been recognized by the TSA that as the aircraft becomes more secure, the more vetting of the passengers occurs. It has not been recognized by the TSA that the facilities housing the aircraft become more secure along with the aircraft being more secure.

There is no congressional / federal mandate to implement what is proposed in the NPRM.

Cutting & pasting specific requirements from the commercial service airports is not practical and shows a complete lack of understanding of the difference between general aviation and commercial service airports. This apparent lack of understanding not only overlooks the differences between commercial and non-commercial / general aviation operations and but overlooks vast differences between GA airports as well.

The use of the 12,500 aircraft weight limit being applicable as a viable terrorist tool is a total misrepresentation and misuse of this category of aircraft that has been applied only as a certification requirement under the Federal Aviation Regulations (FARs). The TSA is bastardizing the applicability of this weight for security purposes for which it was never intended. To date, there has never been a "Force = 's Mass X's Acceleration" (F-MA) analysis on what types /

models / series of aircraft might prove to be viable threats from a hardware / kinetic energy only perspective.

It is naïve to think the requirements now being proposed for the GA reliever and Partial Airport Security Program (PASP) airports will not be transposed in some manner down to smaller and smaller GA airports.

It is naïve to think that TSA will not lower or totally eliminate any consideration of aircraft weight and apply this to all general aviation aircraft and therefore to all general aviation airports.

There is no demonstrable evidence that supports general aviation airports located in a large metropolitan statistical areas (MSAs) are more of a threat to that MSA than an outlying, smaller, general aviation airport whether that airport is designated in the National Plan of Integrated Airport Systems (NPIAS) as a “reliever” or not. The commercial service aircraft used in the attacks on the WTC and Pentagon did not originate from the Washington or New York City areas. There is no reason to believe that just because a general aviation airport is located in Atlanta or Los Angeles that that aircraft will be used in a terrorist attack on that same metropolitan area. Hence, it is naïve to think the requirements now being proposed for the GA reliever and Partial Airport Security Program (PASP) airports will not be transposed in some manner down to smaller and smaller outlying GA airports.

The TSA is seeking to regulate without even establishing the possible vulnerability of GA airports. The TSA stated on numerous occasions at numerous forums that it was going to undertake a vulnerability assessment of general aviation airports. To date, this has not been accomplished. Yet the TSA is now seeking to regulate GA airports that service GA aircraft weighing more than 12,500 pounds without accomplishing this vulnerability assessment beforehand.

To date, there appears to be no vetting the NPRM through the FAA for ability of airports / airport sponsors to comply with grant assurances for the receipt of AIP funds. The NPRM may cause some airports / communities to violate their grant agreements because the airport cannot meet the requirements set forth in the NPRM.

The NPRM is an unfunded mandate. The estimated cost of implementation for LEO’s (approximately 80 officers) requiring training only is between \$80,000 to \$100,000 at this airport. This is for initial training only. This does not include any costs for recurrent training and/or training for new / replacement officers coming into and out of the local police precinct.

- The above costs do not include the equipping of police vehicles with radios, etc that allow the responding officer to access the airport / airport movement area(s).
- The estimate does not include the records keeping requirement for the police department and/or airport documenting training.

There is no provision for the background screening, vetting, and costs associated with all personnel being allowed access to Sensitive Security Information (SSI). Consequently, while there will be costs, these costs cannot be estimated at this time, because the scope of access is not defined, and the number of personnel who might be granted access is not defined.

There is no provision for the storage, dissemination, and implementation, and documented destruction of SSI material. Consequently, while there will be costs associated with initial training for persons handling this material in the very least, the total impact of these costs cannot be estimated at this time.

The TSA's list of the general aviation "reliever" airports is nonsensical and arbitrary at best. There are numerous GA airports within the MSA for Atlanta that are not included on this list. These airports routinely handle aircraft weighing more than 12,500 pounds.

There was no out-reach prior to publishing the NPRM unlike the Aviation Security Advisory Committee (ASAC) General Aviation Airport Task Force that led to the publishing of the Info Pub A-001, Security Guidelines for General Aviation Airports published in May, 2004.

The quoted comments from Mr. John Sammon, Assistant Administrator, Transportation Sector Network Management, TSA made during the 10:00-10:30 *Aviation Security Policy Overview* session at the Eighth Annual AAAE/TSA/DHS Aviation Security Summit on December 10, 2008 are as follows: We (the TSA) desire to "engage folks on a continuous basis"; "partnerships"; "stakeholder involvement"; "looking for operationally effective security"; "ask what are the smart things to do rather than check-the box security". It is requested the TSA apply these comments to the LASP NPRM and evaluate the aggressive publication of the NPRM in light of these comments made recently by a senior member of the TSA.

The NPRM ignores all the security measures and actions put into place on a voluntary basis post 9/11 by the entire general aviation community.

The NPRM excludes general aviation airports from the necessity to meet the requirements of a Secure Area (1542.201), AOA (1542.203), or SIDA (1542.205). This says there is no requirement to prevent & detect unauthorized entry on the part of the airport. It is naïve to believe some or all of these requirements will not be made mandatory for certain "categories" of GA airports. It is required the TSA explain this apparent gap in light of the access and vetting requirements specified for aircraft operators.

The implementation of this NPRM will allow local communities to arbitrarily restrict the operational viability of the airport. For years, general aviation airports located in urban / suburban areas have been fighting attempts to diminish the operational use and value of the local airport. Santa Monica airport is a prime example. This NPRM will circumvent those requirements established by the FAA for access to the airport as a public use facility.

Instead of working to engender understanding and cooperation by the various affected parties in the GA community, TSA has taken an "in-your-face", aggressive action by making unwarranted and ill considered recommendations in the form of a Notice of Proposed Rulemaking (NPRM). Under its mandate, the Aviation Security Advisory Committee (ASAC) established a subcommittee post-9/11 to investigate security concerns involving general aviation airports and the general aviation communities. This sub-committee was called the ASAC General Aviation Airport Task Force. This group was made up on various members of the GA community (AAAE; GAMA; NBAA; NATA; EAA; US Parachute Assn; ACI; HAI; AOPA; FAA; and TSA). The effort was recognized as a collaborative working group established to address issues of concern with general aviation security, and it resulted in the publication the *Security Guidelines for General Aviation Airports*, Info Pub A-001, dated May, 2004. No such effort was even attempted by TSA prior to the issuance of the NPRM.

The PDK Airport is the home base for Angel Flight of Georgia. This is a highly effective, greatly respected volunteer-powered program that supplies air transportation in general aviation aircraft for chronically ill patients and their families to fly into and out of the Atlanta area for critical, life-saving medical care. While most of these flights are accomplished in aircraft weighing less than 12,500 pounds, "large" aircraft weighing more than 12,500 are sometimes offered for this service. **Without**

specific, well thought out, and applicable waivers, the offering of these aircraft will be even more limited or non-existent.

The state of Georgia has recently opened the Paulding County Regional Airport as another GA reliever airport for the ATL MSA. The opening of such a facility is almost unheard of in today's environment not only in Georgia but throughout the country. The implementation of the NPRM has the opportunity to make this investment moot for Paulding County and to scuttle years of work and a financial investment well into the millions of dollars.

At the TSA listening session held recently in ATL, GA, the TSA representatives told the crowd this NPRM was not going to be applicable to foreign registered aircraft.

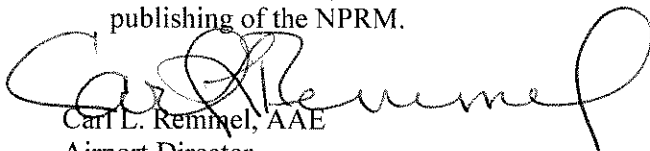
Specific exemptions need to be considered for aircraft belonging to EAA, the CAF and others that weigh more than 12,500 pounds that are used to give rides in the hopes of keeping these historic aircraft flying and as visible reminders of the sacrifices of others made for this country.

The implementation of the rules and regulations involving the use of Reagan National in Washington, DC by general aviation aircraft shows the GA community what arbitrary regulations implemented by the TSA can do to the general aviation economic viability of an airport.

The NPRM, Reason for The Proposed Rule, pages 145 & 146, states in part that “- - - this portion of the aviation industry may be vulnerable to exploitation by terrorists. Except for limited security requirements for certain classes of GA aircraft, TSA does not currently require security programs for many GA aircraft operators. This situation presents a security risk”.

- The preceding paragraph to this quote speaks to aircraft “the same size and weight of the commercial operators that TSA regulates, meaning they potentially and effectively could be used to commit a terrorist act”. This very statement itself seems to be directed to aircraft the size and weight of which were used to attack the WTC and Pentagon and seems to obviate the artificially established weight limit of 12,500 pounds.

- The TSA Office of Intelligence Civil Aviation Threat Assessment dated December 30, 2008, states in part “- - - there is little evidence to suggest that terrorists are turning their attention specifically to the general aviation sector - - -”. This assessment was written subsequent to the publishing of the NPRM.



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