

Advocacy Recommends That TSA Consider Costs; Alternatives to its Proposed Aircraft Repair Station Security Rule

On February 19, 2010, the U.S. Small Business Administration's Office of Advocacy (Advocacy) submitted comments to the Transportation Security Administration (TSA) on TSA's *Proposed Aircraft Repair Station Security Rule* [74 Fed. Reg. 59874 (November 18, 2009)]. TSA's proposed rule would require domestic and foreign aircraft repair stations certificated by the Federal Aviation Administration (FAA) to adopt and implement a standard security program developed by TSA, comply with TSA security directives, allow inspections, maintain records, and respond to deficiencies. The proposal is intended to reduce the likelihood of a terrorist attack via a certificated repair station.

Following publication of the proposed rule, several small aircraft repair station representatives contacted Advocacy and expressed concern with the proposed rule. Accordingly, Advocacy hosted a small business roundtable on January 7, 2010 to discuss the proposed rule, obtain small business input, and consider alternatives. Advocacy's comments and recommendations to TSA are reflective of the discussion during the roundtable and in subsequent conversations with small entity representatives.

A complete copy of Advocacy's letter to TSA is available at: www.sba.gov/advo/laws/comments/.

- Small business representatives would like TSA to consider alternative approaches to the proposed rule that would reduce the economic impact on small business, including exempting small repair stations that are not located at commercial airports or that do not have access to aircraft, adopting a risk-based, tiered approach based on the size of and proximity to the aircraft, and aligning the threshold levels in TSA's repair station rule with its forthcoming Large Aircraft Security Program rule based on the agency's threat determination.
- Small business representatives are concerned that they are being asked to comment on TSA's standard security program, but they do not have access to it and do not know what it will cost or entail in practice. These representatives are also concerned that without clear guidance, small repair stations could face conflicting interpretations as to what the repair station must do to comply.
- Small business representatives are concerned that TSA has understated the cost and complexity of the rule, and would like TSA to provide further clarification on handling and control of sensitive security information (SSI). Further, small business representatives would like TSA to provide an expedited, third-party appeal process in the event of the revocation of an FAA certificate for an immediate threat to security.
- Small business representatives praised TSA for recognizing the diverse nature of the industry and trying to provide flexibility, but would like TSA to consider the operational needs of non-traditional and "hybrid" operations that are co-located at other facilities or perform multiple functions.

For more information about rule, please visit Advocacy's Web page at www.sba.gov/advo or contact Bruce Lundegren, Assistant Chief Counsel, at (202) 205-6144 (or bruce.lundegren@sba.gov).