



## AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798  
Telephone (301) 695-2000 • FAX (301) 695-2375  
www.aopa.org

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September 28, 2004

Docket Management System  
U. S. Department of Transportation  
Room Plaza 401  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590

**Re: Final Rule - TSA-2004-19147 Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees**

The Aircraft Owners and Pilots Association (AOPA), representing over 400,000 pilots, petitions the Transportation Security Administration (TSA) to suspend the compliance deadline of October 20, 2004, for the sections of the *Flight Training for Aliens and Other Designated Individuals: Security Awareness Training for Flight School Employees Interim Final Rule (Docket Number 2004-19147)* that applies to flight schools that provide, and individuals who apply for, flight training and recurrent training in the operation of aircraft with a maximum certificated takeoff weight of 12,500 pounds or less.

AOPA makes this request because it is vital that the affected aviation community be given time to understand the rule, develop and submit responses to the TSA and for the Agency to evaluate these and, where appropriate, change the rule. AOPA contends that the rule's requirements are impossible to accomplish by the October 20 compliance date for flight training and recurrent training in aircraft that weigh 12,500 pounds or less. The rapid compliance is further compounded by the large number of pilots and businesses potentially impacted. There are more than 650,000 U.S. certificated pilots; 3,400 independent flight schools; 88,728 flight instructors (66,000 are considered active); 93,700 flight students and 85,000 resident aliens with U.S. pilot certificates. All of these individuals and entities would be subject to this new regulation.

This rule was published without prior notice and there was no opportunity for review and comment by the affected parties. While AOPA recognizes the Congressional deadline for issuing the rule within 60 days on enactment of Public Law 108-176 Vision 100 – Century of Aviation Reauthorization Act, the TSA has neither met that goal nor issued a sound regulatory requirement.

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AOPA is also concerned about the privacy and civil rights issues for U.S. citizens associated with the requirements of the rule. For example, providing permanent copies of personal information to flight instructors, who have a one-time interest, is inappropriate. Additionally, the TSA can inspect these records at anytime to see what U.S. Citizens expressed an interest in flight training.

While AOPA does not oppose the intent of the rule and recognizes the importance of preventing terrorists from using aircraft to attack the U.S., we believe this rule goes beyond the scope of authority granted by Congress in Section 612 of "Vision 100," the FAA reauthorization act as it pertains to training in the smaller category of aircraft.

AOPA requests that the TSA suspend the compliance date as outlined in this petition and work with the industry to develop constructive ideas for implementing a rule that meets the congressional intent and minimizes its impact on pilots and the flight training community.

Sincerely,



Andrew V. Cebula  
Sr. Vice President  
Government & Technical Affairs