

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



Transportation
Security
Administration

Docket No. TSA-2004-19147

In the Matter of Flight Training Providers and Individuals Subject to 49 CFR part 1552.

Grant of an Exemption from the Requirements for the Recurrent Security Awareness Training to occur in the month the Recurrent Security Awareness Training is due, as indicated in 49 CFR 1552.23 (d)(1).

SUMMARY:

This exemption is in response to comments received from flight training providers, and flight school owners and operators concerning the restrictive nature of the annual recurrent security awareness training requirement in 49 Code of Federal Regulations (CFR) 1552.23 (d)(1). In order to facilitate more efficient recurrent security awareness training, the Transportation Security Administration (TSA) is issuing the following exemption for flight schools and flight training providers, including independent Certified Flight Instructors (CFIs) by modifying this requirement to allow recurrent security awareness training to be accomplished within 1 calendar month before and 1 calendar month after the month that the individual's recurrent security awareness training is due. If the recurrent security awareness training takes place in the month before or the month after it is due, it is considered to have taken place in the month it is due.

BACKGROUND:

On September 20, 2004, TSA published an interim final rule (IFR) that requires flight school employees who have contact with students to receive initial security awareness training. Initial security awareness training first became available via the internet in late October of 2004. The target date for completion of initial training was January 18, 2005 but technology limitations prevented many independent CFIs from completing the training on time.

The rule also requires that flight schools including independent CFIs attend annual recurrent security awareness training in the same month when it is due. TSA received comments from flight school operators, owners, and independent CFIs suggesting the timeframe for completing recurrent security awareness training was too restrictive. Owners and operators are under the opinion that providing recurrent training to all their subject employees at the same time each year would be more efficient for their training departments. Allowing the first recurrent training to be

accomplished within 1 calendar month before and 1 calendar month after the month that the individual's recurrent security awareness training is due will provide sufficient flexibility for individuals and training departments. In addition, this exemption should simplify flight school training record keeping and reduce the costs associated with complying with the recurrent security awareness training requirement.

Under 49 U.S.C. § 114(r), TSA may grant an exemption from a regulation prescribed in carrying out the agency's duties if the agency determines that the exemption is in the public interest.

After considering the comments received from the interested and affected parties noted above, TSA has determined that a consistent approach for the completion of recurrent security awareness training is in the public interest, so that training efficiency can be enhanced. This would be more efficient for training departments, for purposes of determining and scheduling follow up recurrent training dates.

Exemption:

Accordingly, TSA is granting an exemption from 49 CFR 1552.23(d)(1) to all flight training providers (flight schools and independent CFIs). The flight school or independent CFI may provide flight school security awareness training to an individual, up to 1 calendar month before and 1 calendar month after the month that the individual's recurrent security awareness training course is due. If the recurrent security awareness training takes place in the month before or the month after it is due, it is considered to have taken place in the month it is due. This exemption is subject to the following conditions and limitations:

1. This exemption will remain in effect until further notice by TSA.
2. This exemption applies only to the requirements for Recurrent Flight School Security awareness training in 49 CFR 1552.23(d)(1).

If you have any questions regarding this notice, please contact:

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