

Aviation Group Client Update

Date: January 13, 2014

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TSA ISSUES AIRCRAFT REPAIR STATION SECURITY FINAL RULE

On [January 13, 2014](#), the Transportation Security Administration (TSA) issued a Final Rule for security requirements for repair stations located outside of the United States. According to TSA, there are approximately a total of 707 repair stations located outside the United States certificated by FAA under part 145 as of August 2013.

In the Final Rule, TSA has eliminated its prior proposal that repair stations outside the U.S. be required to adopt and implement security programs. Additionally, in order to be consistent with FAA terminology, TSA will use the terms “repair station located within the United States” and “repair station located outside the United States” rather than the terms “domestic” and “foreign”.

The Final Rule contains the following requirements:

- **Application.** The regulations apply to FAA Part 145 repair stations located outside of the U.S., unless they are located on a U.S. or foreign government military base. All repair stations regardless of location are subject to inspection and Security Directives (SD). However, only certain repair stations are required to carry out security measures on a regular basis.
- **TSA Inspection Authority.** Repair stations must allow TSA and other authorized Department of Homeland Security (DHS) officials to enter, conduct inspections, and view and copy records in order to enforce TSA’s security responsibilities. With respect to repair stations not required to carry out security measures on a regular basis (i.e., those not on or adjacent to an airport), TSA does not intend to inspect the facilities, except (1) for compliance with SDs or TSA airport security programs, and (2) to respond to security information provided by U.S. or foreign governments.
- **Implementation of Security Measures.** The security measures will apply to repair stations that are on or adjacent to certain airports. A repair station is “on airport” if it is on an air operations area (AOA) or security identification display area (SIDA) of an airport (or the commensurate security restricted area outside of the U.S.). A repair station is considered

to be “adjacent” to an airport if there is an access point between the repair station and an airport that permits large aircraft to transit between the repair station and the airport.

- Security Measures. Certain repair stations must: (1) designate a point of contact(s) to carry out specified responsibilities; (2) prevent the unauthorized operation of large aircraft capable of flight that are left unattended; (3) verify background information of those individuals who are designated as the TSA point(s) of contact; and (4) verify background information of those individuals who have access to keys or other means used to prevent the unauthorized operation of large aircraft capable of flight that are left unattended.
- Security Directives. Repair stations are required to comply with SDs issued by TSA. Repair stations may comment on SDs, but TSA is not obligated to respond to comments.
- Notification of Deficiencies; Suspension of Certificate and Review Process. The regulations set forth the process under which TSA will notify the repair station and FAA of security deficiencies and provide the repair station with an opportunity for review of the determination. However, TSA may order a suspension of the repair station’s operating certificate with immediate effectiveness; any such suspension may not be administratively stayed.
- Immediate Risk to Security; Revocation of Certificate and Review Process. If TSA determines that a repair station poses an immediate risk to security, TSA will notify the repair station and FAA that the certificate must be revoked. The repair station may obtain a review of such a determination.

If you have any questions or would like further information regarding these rules, please contact our office.

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