

# Federal Register

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Friday  
December 12, 1986

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**Part III**

**Department of  
Transportation**

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**Federal Aviation Administration**

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**14 CFR Part 108  
Airport and Airplane Operator Security;  
Evidence of Compliance With Security  
Programs; Final Rule**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 108**

[Docket No. 24719; Reference Amdt. No. 108-3]

**Airport and Airplane Operator Security; Evidence of Compliance With Security Programs****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; notice of effective date.

**SUMMARY:** This notice announces the effective date of the Federal Aviation Regulation that requires certificate holders to provide evidence of compliance with the airplane operator security rules and their approved security programs. This new reporting requirement is needed to ensure that all certificate holders provide FAA Security Inspectors access to information that will demonstrate compliance. It can now become effective because approval has been received from the Office of Management and Budget.

**DATES:** Effective date of 14 CFR 108.27 is December 12, 1986.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donnie Blazer, Civil Aviation Security Division (ACS-100), Office of Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Telephone: (202) 267-8701.

**SUPPLEMENTARY INFORMATION:****Background**

On July 16, 1985, a final rule was published, amending Part 108 of the Federal Aviation Regulations (50 FR 28892; Amdt. No. 108-3). This rule adopted a new § 108.27, which provides that, on request of the Administrator, each certificate holder shall provide evidence of compliance with Part 108

and the certificate holder's approved security program. The section seeks to ensure effective compliance with, among other things, the training requirements added to Part 108 by Amendment 108-3. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the new reporting provision was submitted for approval to the Office of Management and Budget (OMB). The Final Rule stated that § 108.27 would not become effective until OMB approval was received and notice of that approval was published in the **Federal Register**.

**OMB Approval**

OMB approval for the new reporting requirement was received on August 18, 1986. OMB consolidated the approval number for § 108.27 with the previous approval number for the other reporting requirements in Part 108. That number appears in § 11.101.

**Discussion of Comments**

Comments were invited on Amendment 108-3. Of the six comments received, only one, from the Air Transport Association of America (ATA), objects to the § 108.27 reporting requirements. The ATA alleges that this requirement is a "profound and fundamental change" in enforcement procedures that is "unprecedented." It contends that the compliance mechanism contemplated by the regulation is not consistent with that "traditionally used by the FAA to enforce certificate holder compliance with other parts of the Federal Aviation Regulations." The ATA suggests that "the potential administrative and paperwork burdens on both certificate holders and the FAA could be enormous without any redeeming compliance benefits."

The FAA has considered ATA's comments on new § 108.27. The FAA continues to believe, however, that in an age of heightened terrorism, this reporting requirement is necessary to

ensure the highest level of safety in air transportation for Americans, in accordance with the Federal Aviation Act of 1958. The provision is not intended to be a harbinger of a change in FAA enforcement practice. In the past, the FAA has routinely examined certificate holders' training records and other evidence of compliance with the security requirements of Part 108. For the most part, certificate holders have cooperated with FAA Civil Aviation Security Inspectors, showing their willingness to ensure the effective implementation of required security measures and to demonstrate their own dedication to combatting the current threat of terrorism. The size and complexity of the current security effort make this cooperation essential for the FAA's performance of its role in aviation security. Section 108.27 is intended to provide a sanction for the small number of persons who would impede the task of monitoring that effort. It is not expected to result in an increased burden on either Part 108 certificate holders or the FAA.

**List of Subjects in 14 CFR Part 108**

Transportation, Air safety, Safety, Aviation safety, Air transportation, Air carriers, Airports, Airplanes, Airlines, Law enforcement officers, Police, Security, Security measures, Training.

**Immediate Effective Date**

In view of the fact that new § 108.27 was published on July 16, 1985, and that the need to ensure effective compliance with Part 108 continues under the undiminished threat of terrorism to civil aviation, § 108.27 is being made effective on publication of this notice.

Issued in Washington, DC, on December 3, 1986.

**Raymond A. Salazar,**

*Director of Civil Aviation Security.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 108**

[Docket No. 24719; Amdt. No. 108-3]

**Aviation Security; Coordination and  
Training**

*Correction*

In FR Doc. 85-16867, beginning on page 28892, in the issue of Tuesday, July 16, 1985, make the following correction: On page 28894, §108.27, first line, "Administration" should read "Administrator".

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