

## **Exemption Letter to Transportation Security Administration's mandatory security training for Glider flight instructors and Glider flight schools.**

In response to elevated security concerns in May of 2003, the U.S. Department of Homeland Security authorized the Transportation Security Administration to mandate additional security training for US flight instructors and flight schools. In October 2004 Soaring Society of America/Soaring Safety Foundation received a letter Docket No. TSA-2004-19147 from the TSA exempting Glider only flight instructors and Glider only flight schools from having to implement these new security training procedures.

While the US gliding community is exempt from these security training requirements, not everyone inside the US DHS-TSA realizes this. The 2<sup>nd</sup> and 3<sup>rd</sup> pages of this document contain the exemption letter. This letter should be kept on file by any glider only flight instructor/school. It may be required if TSA representatives ask to see your training compliance documentation.

The 4<sup>th</sup> page of this document contains the form for an individual US Flight Instructor (one who holds more than just CFI privileges). The 5<sup>th</sup> page should be used by a US flight school that provides flight instruction in single/multi-engine airplanes or seaplanes. Note that both flight instructors and school staff must complete the TSA security training procedures.

Richard Carlson  
SSF Chairman

*Office of the Assistant Secretary*

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



**Transportation  
Security  
Administration**

**OCT 29 2004**

Docket No. TSA-2004-19147

Flight Schools Subject to 49 CFR part 1552

RE: Applicability of 49 CFR part 1552 to certain types of aircraft

**SUMMARY:**

This submission is in response to comments received from flight schools that provide instruction in the operation of airships, balloons, and gliders, and associations representing such flight schools. The Transportation Security Administration (TSA) is exempting flight schools that provide, and individuals who apply for, instruction in the operation of airships, balloons, or gliders from the requirements of 49 Code of Federal Regulations (CFR) part 1552.

**BACKGROUND:**

On September 20, 2004, TSA published an interim final rule (IFR) that prohibits a flight school from providing flight training to an alien unless the flight school notifies TSA that the alien has requested flight training, the alien provides certain information to TSA, and TSA determines that the alien does not pose a threat to aviation or national security. (69 FR 56324, May 5, 2003). The IFR implements statutory mandates under Section 612 of Vision 100 – Century of Aviation Reauthorization Act (Public Law 108-176, December 12, 2003, 117 Stat. 2490), which transferred responsibility for this program from the Department of Justice (DOJ) to TSA. The DOJ program applied only to flight training on aircraft with a maximum certificated takeoff weight (MTOW) of 12,500 pounds or more. It did not apply to flight training on aircraft with an MTOW of less than 12,500 pounds.

TSA requested and received comments from flight schools and trade associations representing flight schools, general aviation, and air carriers. In addition, TSA held a meeting with several major stakeholder groups who represent the flight training industry on September 30, 2004, to discuss stakeholder concerns and requests for clarifications of the IFR. Based on the comments received and meetings with the stakeholders, TSA has decided to take the action detailed below.

**EXEMPTION:**

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.

As noted above, 49 CFR part 1552 prohibits a flight school from providing flight training to an alien unless the flight school notifies TSA that the alien has requested flight training, the alien provides

certain information to TSA, and TSA determines that the alien does not pose a threat to aviation or national security. "Flight training" is defined as "instruction received from a flight school in an aircraft or aircraft simulator." This definition could include instruction in the operation airships, balloons, and gliders.

However, after further considering the comments, TSA has determined that airships, balloons, and gliders pose a minimal threat to aviation and national security. Balloons and gliders are non-motorized and extremely slow-moving. In addition, because they are non-motorized, they do not carry any fuel. Airships, though motorized, are extremely slow-moving and carry little fuel. Furthermore, airships, balloons, and gliders are not capable of carrying significant payloads. For these reasons, TSA believes that airships, balloons, and gliders would not be capable of inflicting significant damage if they were used in suicide attacks. In addition, learning to operate one of these types of aircraft would not provide a person with the skills needed to operate rotary or fixed-wing aircraft that are motorized and capable of carrying larger payloads and amounts of fuel.

Accordingly, TSA is granting an exemption from 49 CFR part 1552 to flight schools that provide, and individuals who apply for, instruction in the operation of airships, balloons, or gliders, as those terms are defined at 14 CFR 1.1. This exemption includes the security awareness training requirements in Subpart B of 49 CFR part 1552. This exemption is subject to the following conditions and limitations:

1. If a flight school provides instruction in the operation of other types of aircraft, in addition to instruction in the operation of airships, balloons, or gliders, the flight school must comply with the requirements in Subpart A of 49 CFR part 1552 for instruction in types of aircraft other than airships, balloons, and gliders.
2. If a flight school provides instruction in the operation of other types of aircraft, in addition to instruction in the operation of airships, balloons, or gliders, the flight school must comply with the security awareness training requirements in Subpart B of 49 CFR part 1552.
3. This exemption will remain in effect until superseded.

If you have any questions regarding this notice, please contact Mike Derrick, Office of Aviation Security Policy, Transportation Security Administration Headquarters, East Building TSA-9, 601 South 12th Street, Arlington, VA 22202-4220; telephone (571) 227-1198; e-mail Michael.Derrick@dhs.gov.

Sincerely,

  
Chad Wolf  
Assistant Administrator  
for Transportation Security Policy

**Security Awareness Training  
Certificate of Completion**

\_\_\_\_\_  
Name of CFI

\_\_\_\_\_  
CFI number

\_\_\_\_\_  
Date of training

\_\_\_\_\_  
Type of training (initial or recurrent)

\_\_\_\_\_  
Name of training instructor (if any)

\_\_\_\_\_  
Type of program (TSA or alternate)

I certify that I received security awareness training, as required by 49 CFR part 1552, on the date indicated above. I also certify that any alternate security awareness training program I used to comply with 49 CFR part 1552 meets the criteria in 49 CFR 1552.23(c).

\_\_\_\_\_  
CFI's signature

**Security Awareness Training  
Certificate of Completion**

\_\_\_\_\_  
Employee name

\_\_\_\_\_  
Employee identification number

\_\_\_\_\_  
Date of training

\_\_\_\_\_  
Type of training (initial or recurrent)

\_\_\_\_\_  
Name of training instructor (if any)

\_\_\_\_\_  
Type of program (TSA or alternate)

I certify that I received security awareness training, as required by 49 CFR part 1552, on the date indicated above.

\_\_\_\_\_  
Employee's signature

I certify that the employee named above received security awareness training, as required by 49 CFR part 1552, on the date indicated above. I also certify that any alternate security awareness training program used by the flight school to comply with 49 CFR part 1552 meets the criteria in 49 CFR 1552.23(c).

\_\_\_\_\_  
Signature and title of an authorized official of the flight school