



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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September 2, 2003

DOCKET NUMBER

**PETITION RULE PRM 50-80
(68FR 35 585)**

**DOCKETED
USNRC**

September 3, 2003 (9:10AM)

Secretary
U.S. Nuclear Regulatory Commission
ATTN: Rulemakings and Adjudications Staff
Washington, DC 20555-0001

**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

Re: Docket PRM-50-80

Dear Secretary:

The Aircraft Owners and Pilots Association (AOPA) representing over 400,000 general aviation pilots, would like to take this opportunity to provide comments on Docket PRM-50-80 regarding Nuclear Power Plant security and outline to the Nuclear Regulatory Commission (NRC), the San Louis Obispo Mothers for Peace (MFP), and the Union for Concerned Scientists (UCS) the proactive approach the general aviation community has taken with post 9-11 security measures as discussed in the petition.

Following the events of September 11, some expressed fears that a small aircraft might 'attack' a nuclear power plant. AOPA sought out an expert to determine if those fears were real. The report by internationally recognized nuclear safety and security expert Robert M. Jefferson said that the crash of a GA aircraft would not cause a dangerous release of radiation. The Jefferson report makes it clear that general aviation aircraft are not effective weapons and small aircraft are not a significant threat to the safety of the public when it comes to nuclear power plants. The report concluded that general aviation aircraft do not pose a serious threat to the nation's nuclear power plants.

In the report, "Nuclear Security — General Aviation is not a Threat," Jefferson stated that if a general aviation aircraft were to crash into any part of a nuclear power facility, the "result of such an endeavor would fail to produce the damage necessary to cause any radiological involvement of the public."

Jefferson concluded that:

- GA aircraft could not penetrate the concrete containment vessel
- An explosives-laden GA aircraft would not likely cause the release of radiation
- A small aircraft attack on auxiliary plant buildings would not cause a safety failure
- GA aircraft could not ignite the Zirconium cladding on spent nuclear fuel

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In addition to the AOPA commissioned report, the general aviation industry has taken a very proactive approach to security issues brought forth by the tragic events of September 11, 2001.

AOPA has partnered with the Transportation Security Administration (TSA) to develop a nationwide Airport Watch program that uses the more than 650,000 pilots as eyes and ears for observing and reporting suspicious activity. This helps general aviation keep our airports secure without needless and expensive security requirements.

AOPA Airport Watch is supported by a centralized government provided toll-free hotline (1-866-GA-SECURE) and system for reporting and acting on information provided by general aviation pilots. The Airport Watch program includes warning signs for airports, informational literature, and training videotape to educate pilots and airport employees as to how security of their airports and aircraft can be enhanced.

It is also important to realize that since September 11, 2001, the federal government has taken numerous actions related to aviation security. While the terrorist attacks of September 11 were not orchestrated using general aviation aircraft, the federal government nevertheless has taken actions directed at or that encompass general aviation operators. These federal actions include the following:

Pilots

- **Advanced Screening of Pilot Databases.** Regulations adopted by the Federal Aviation Administration (FAA) and the TSA on January 24, 2003, permit the immediate suspension, revocation, or refusal to issue an airmen certificate to anyone that the TSA has determined poses a threat to transportation security. This is based on TSA information as well as that provided by other security agencies.
- **New Airman Certificate.** In July 2003, the Department of Transportation announced it would begin issuing a new, security-enhanced airman certificate. The new difficult-to-counterfeit certificates will include a hologram and graphics printed on a plastic card and replace a paper-based document.
- **Requirement to Carry Photo ID.** An FAA requirement adopted in October 2002 requires a pilot to carry government-issued photo identification along with the pilot certificate when operating an aircraft.
- **Restrictions for Foreign Pilots.** There are current federal restrictions on flight training of foreign nationals, including a requirement for background checks for individuals seeking to receive a U.S. pilot certificate on the basis of a foreign pilot certificate. This requirement was put in place in July 2002.

- **Background Checks for Certain Flight Training.** A federal requirement mandates that the U.S. Department of Justice conduct a comprehensive background check for all non-U.S. citizens seeking flight training in larger aircraft weighing more than 12,500 pounds. Legislation expanding this requirement to include notification to the federal government of all foreign nationals seeking pilot training regardless of aircraft weight has been approved by Congress and is awaiting final approval in the Conference Report accompanying the FAA reauthorization legislation (H.R. 2115).

Commercial Operators/Businesses

- **Charter Flight Security Program.** The 'Twelve-Five' and 'Private Charter' rules, which establish new security requirements for nonscheduled commercial operators (charters) that are equivalent to those imposed upon scheduled airlines, became effective April 1, 2003. The 'Twelve-Five' rule requires that certain aircraft operators using aircraft with a maximum certificated take-off weight (MTOW) of 12,500 pounds or more implement a specific security program. The 'Private Charter' rule adds additional requirements for aircraft operators using aircraft with a MTOW of greater than 45,500 kg (100,309.3 pounds) or that carry 61 or more passengers. Charter flight operations are commonly considered to be part of GA, although much more stringent operational and certification requirements are imposed on them than is the case for noncommercial flights.
- **Flight School Security.** In January 2002, the FAA issued a number of recommended actions addressing security for flight schools and those renting aircraft. These recommendations are designed to provide security against the unauthorized use of a flight school or rental aircraft.
- **Flight School Security Awareness Training.** Also included in the Conference Report accompanying the FAA reauthorization legislation (H.R. 2115) is a requirement that employees be trained in "suspicious circumstances and activities of individuals enrolling or attending" a flight school.

Airports/Airspace

- **Washington DC ADIZ, FRZ, and Department of Defense Airspace Restrictions.** Since September 11, the FAA and government officials have imposed airspace restrictions at various locations throughout the U.S. to restrict aircraft operations in certain areas when intelligence officials report heightened security sensitivity. This includes the Air Defense Identification Zone (ADIZ) around Washington, D.C., the associated Flight Restricted Zone (FRZ), and restrictions that are put into effect when the President travels outside of Washington D.C. These airspace restrictions are patrolled and enforced by U.S. Customs and U.S. military aircraft.

- **Hotline to Report Suspicious Activity.** In December 2002, the TSA implemented a hotline (1-866-GA-SECURE), which is operated 24/7 by the National Response Center and managed by the U.S. Coast Guard that allows anyone to report suspicious activity to a central command structure.
- **Ronald Reagan National Airport.** Ronald Reagan National Airport (DCA) remains closed to all general aviation operations except those few specifically permitted by waiver.
- **Special Flight Rules Area Within 15 miles of Washington DC.** Special Federal Aviation Regulation 94 ("SFAR 94"), implemented on February 19, 2002, prohibits general aviation operations within this 15-mile area unless authorized by the TSA. This limits access at Potomac Airpark, Hyde Field and College Park Airport (referred to as the "DC-3") to only cleared and vetted pilots operating in compliance with specific flight planning and ATC procedures.
- **Limits on Flights Over Stadiums.** A pre-existing Notice to Airman ("NOTAM") was updated on March 6, 2003, due to enactment of P.L. 108-7 that limits aircraft operations in the airspace over major sporting events. Commercial operators with a need to fly within 3 nautical miles and below 3,000 feet of an event stadium must apply for a waiver through the TSA and must complete a pilot vetting process to obtain that waiver. Banner towing operations are prevented from flying over major sporting events (college football, professional baseball, football, NASCAR, and other specifically identified events). Other restrictions may be applied on a case-by-case basis when appropriate, i.e., the '02 Winter Olympics.
- **No Flights Over Nuclear Facilities.** On February 26, 2003, a pre-existing NOTAM advising pilots not to circle or loiter over nuclear facilities was strengthened to reinforce the need for pilots to avoid these facilities altogether.

Industry Actions. Individual general aviation organizations have taken proactive steps to increase security and security awareness. Aviation, while big in economic impact and number of operations, is relatively small when compared to other forms of transportation such as surface transportation. As such, general aviation operators are keenly aware and willing to individually enhance the security of their operation without the need of government regulation. Given the ease and frequency of intrastate movement, combined with the wide variety of operations, measures taken by individual operators are more comprehensive than regulation at the state or federal level.

- **Aircraft Owners and Pilots Association.** The Aircraft Owners and Pilots Association (AOPA) developed a nationwide aviation watch system (Airport Watch) using the nation's 650,000 pilots that is supported by the TSA centralized toll-free hotline and system for reporting and acting on information provided by general aviation pilots and other individuals at airports.

- **Airports & Airport Tenants.** Many airports and individual airport tenants have already implemented security enhancements in addition to the aforementioned *Airport Watch* program. Such initiatives have included but are not limited to installing alarm systems, controlling access, monitoring and improving gates, fencing and lighting. Some airports are also experimenting with new technologies in security monitoring, surveillance, and access control technologies, including WiFi and sophisticated target acquisition software programs.
- **American Association of Airport Executives.** The American Association of Airport Executives (AAAE) "General Aviation Airport Security Task Force" delivered a set of recommendations to the TSA in June 2002. The eight recommendations made by AAAE were developed by establishing categories of airports based on runway length and number of based aircraft. Recommendations also included securing aircraft, establishing a threat communication system, developing a new pilots' license, securing aircraft, and expanding the FAA contract tower program.
- **General Aviation Coalition.** In December 2001, the General Aviation Coalition (GAC) issued a series of 12 recommendations for general aviation security. The government and the general aviation community have implemented many of these. In addition, the TSA conducts regular meetings with the GAC to address general aviation security issues.
- **General Aviation Manufacturers Association.** The Treasury Department, in conjunction with the General Aviation Manufacturers Association ("GAMA"), implemented new guidelines on financial transactions. The process serves to 'flag' suspicious transactions (e.g., all cash purchases; third party payments; ambiguous customer identity).
- **National Air Transportation Association.** On September 24, 2001, the National Air Transportation Association (NATA) issued a series of recommended security procedures for all aviation businesses. The recommendations focused on immediate steps that should be taken, plus long-term actions. Examples included signage, appointing a single manager responsible for security at all locations, developing a "security mission statement," methods to verify identification, seeking local law enforcement assistance to develop a security plan, and a host of others, including an advisory poster that was created and distributed free to all NATA members.

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- **National Association of State Aviation Officials.** In December 2002, the National Association of State Aviation Officials (NASAO) submitted to federal authorities a document outlining general aviation security recommendations. This included securing unattended aircraft, developing a security plan, and establishing a means to report suspicious activity. In addition, airports should establish a public awareness campaign; perform regular inspection of airport property and control movement of persons and vehicles in the aircraft operating area. The state aviation officials suggested federal authorities implement a new pilot ID, establish a means to verify the identify of persons requesting flight lessons with a government watch list, and ensure adequate federal funding for airport security needs.
- **National Business Aviation Association.** The TSA launched a pilot project in cooperation with the National Business Aviation Association ("NBAA") at Teterboro Airport (TEB) in New Jersey. This initiative is proceeding as a "proof-of-concept" to validate an NBAA-proposed security protocol that will lead to TSA Access Certification ("TSAAC") permitting certain types of operations by prior approval or waiver (i.e., prior vetting of flight crews on international flights to and from the United States).

AOPA recommends that the UCS review and exclude general aviation from their broad statement that aircraft pose a threat to nuclear power plants. The petition ignores basic differences between small, general aviation aircraft and large, 200,000 pound commercial aircraft. At the very least, the petition should consider the major differences between the impacts of a small 1,200-pound general aviation aircraft and larger 200,000-pound commercial aircraft.

We appreciate the opportunity to educate the NRC, UCS, and MFP on the efforts the general aviation community has taken to ensure security at our nation's airports and stress the fact that general aviation aircraft do not pose a serious threat to the nation's nuclear power plants.

Sincerely,



Andrew V. Cebula
Senior Vice President
Government & Technical Affairs

Cc: Union of Concerned Scientists
San Louis Obispo Mothers for Peace