

screening functions may not continue to perform such functions unless the evaluation demonstrates that the individual—

- (1) Continues to meet all qualifications and standards required to perform a screening function;
- (2) Has a satisfactory record of performance and attention to duty based on the standards and requirements in the foreign air carrier's security program; and
- (3) Demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

PART 1548—INDIRECT AIR CARRIER SECURITY

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- 1548.1 Applicability of this part.
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AUTHORITY: 49 U.S.C. 114, 5103, 40113, 44901-44905, 44913-44914, 44916-44917, 44932, 44935-44936, 46105.

SOURCE: 67 FR 8382, Feb. 22, 2002, unless otherwise noted.

§ 1548.1 Applicability of this part.

This part prescribes aviation security rules governing each indirect air carrier engaged indirectly in the air transportation of property on passenger aircraft.

§ 1548.3 TSA inspection authority.

(a) Each indirect air carrier must allow TSA, at any time or place, to make any inspections or tests, including copying records, to determine compliance of an airport operator, aircraft operator, foreign air carrier, indirect air carrier, or airport tenant with—

- (1) This subchapter, and any security program approved under this subchapter, and part 1520 of this chapter; and
- (2) 49 U.S.C. Subtitle VII, as amended.

(b) At the request of TSA, each indirect air carrier must provide evidence of compliance with this subchapter and

its indirect air carrier security program, including copies of records.

§ 1548.5 Adoption and implementation of the security program.

(a) *Security program required.* Each indirect air carrier must adopt and carry out a security program that meets the requirements of this section.

(b) *General requirements.* The security program must:

(1) Provide for the safety of persons and property traveling in air transportation against acts of criminal violence and air piracy and the introduction of any unauthorized explosive or incendiary into cargo aboard a passenger aircraft.

(2) Be in writing and signed by the indirect air carrier.

(3) Be approved by TSA.

(c) *Content.* Each security program under this part must—

(1) Be designed to prevent or deter the unauthorized introduction of any explosive or incendiary device into any package cargo intended for carriage by air;

(2) Include the procedures and description of the facilities and equipment used to comply with the requirements of §1548.9 regarding the acceptance of cargo.

(d) *Availability.* Each indirect air carrier having a security program must:

(1) Maintain an original of the security program at its corporate office.

(2) Have accessible a complete copy, or the pertinent portions of its security program, or appropriate implementing instructions, at each office where cargo is accepted. An electronic version is adequate.

(3) Make a copy of the security program available for inspection upon the request of TSA.

(4) Restrict the distribution, disclosure, and availability of information contained in its security program to persons with a need to know, as described in part 1520 of this chapter.

(5) Refer requests for such information by other persons to TSA.

§ 1548.7 Approval and amendments of the security program.

(a) *Initial approval of security program.* Unless otherwise authorized by TSA, each indirect air carrier required to

have a security program under this part must submit its proposed security program to the designated official for approval at least 90 calendar days before the date of intended operations. The proposed security program must meet the requirements applicable to its operation as described in § 1540.5. Such request will be processed as follows:

(1) The designated official, within 30 calendar days after receiving the proposed indirect air carrier security program, will either approve the program or give the indirect air carrier written notice to modify the program to comply with the applicable requirements of this part.

(2) The indirect air carrier may either submit a modified security program to the designated official for approval, or petition the Administrator to reconsider the notice to modify within 30 calendar days of receiving a notice to modify. A petition for reconsideration must be filed with the designated official.

(3) The designated official, upon receipt of a petition for reconsideration, either amends or withdraws the notice, or transmits the petition, together with any pertinent information, to the Administrator for reconsideration. The Administrator disposes of the petition within 30 calendar days of receipt by either directing the designated official to withdraw or amend the notice to modify, or by affirming the notice to modify.

(b) *Amendment requested by an indirect air carrier.* An indirect air carrier may submit a request to the designated official to amend its security program as follows:

(1) The request for amendment must be filed with the designated official at least 45 calendar days before the date it proposes for the amendment to become effective, unless a shorter period is allowed by the designated official.

(2) Within 30 calendar days after receiving a proposed amendment, the designated official, in writing, either approves or denies the request to amend.

(3) An amendment to an indirect air carrier security program may be approved if the designated official determines that safety and the public interest will allow it, and if the proposed

amendment provides the level of security required under this part.

(4) Within 30 calendar days after receiving a denial, the indirect air carrier may petition the Administrator to reconsider the denial. A petition for reconsideration must be filed with the designated official.

(5) Upon receipt of a petition for reconsideration, the designated official either approves the request to amend or transmits the petition, together with any pertinent information, to the Administrator for reconsideration. The Administrator will dispose of the petition within 30 calendar days of receipt by either directing the designated official to approve the amendment or by affirming the denial.

(c) *Amendment by TSA.* If safety and the public interest require an amendment, the designated official may amend a security program as follows:

(1) The designated official notifies the indirect air carrier, in writing, of the proposed amendment, fixing a period of not less than 30 calendar days within which the indirect air carrier may submit written information, views, and arguments on the amendment.

(2) After considering all relevant material, the designated official notifies the indirect air carrier of any amendment adopted or rescinds the notice. If the amendment is adopted, it becomes effective not less than 30 calendar days after the indirect air carrier receives the notice of amendment, unless the indirect air carrier petitions the Administrator to reconsider no later than 15 calendar days before the effective date of the amendment. The indirect air carrier must send the petition for reconsideration to the designated official. A timely petition for reconsideration stays the effective date of the amendment.

(3) Upon receipt of a petition for reconsideration, the designated official either amends or withdraws the notice or transmits the petition together, with any pertinent information, to the Administrator for reconsideration. The Administrator disposes of the petition within 30 calendar days of receipt by either directing the designated official to withdraw or amend the notice or by affirming the amendment.

(d) *Emergency amendments.* If the designated official finds that there is an emergency requiring immediate action with respect to safety in air transportation or in air commerce that makes procedures in this section contrary to the public interest, the designated official may issue an amendment, without the prior notice and comment procedures in paragraph (c) of this section, effective without stay on the date that the indirect air carrier receives notice of it. In such a case, the designated official will incorporate in the notice a brief statement of the reasons and findings for the amendment to be adopted. The indirect air carrier may file a petition for reconsideration under paragraph (c) of this section; however, this will not stay the effective date of the emergency amendment.

§ 1548.9 Acceptance of cargo.

(a) *Preventing or deterring the carriage of any explosive or incendiary.* Each indirect air carrier must use the facilities, equipment, and procedures described in its security program to prevent or deter the carriage of any unauthorized explosive or incendiary on board a passenger aircraft in cargo.

(b) *Refusal to transport.* Each indirect air carrier must refuse to offer for transport on a passenger aircraft any cargo if the shipper does not consent to a search or inspection of that cargo in accordance with this part, and part 1544 or 1546 of this chapter. The indirect air carrier must search or inspect cargo, and must request the shipper for consent to search or inspect cargo, as provided in the indirect air carrier's security program.

PART 1550—AIRCRAFT SECURITY UNDER GENERAL OPERATING AND FLIGHT RULES

Sec.

1550.1 Applicability of this part.

1550.3 TSA inspection authority.

1550.5 Operations using a sterile area.

1550.7 Operations in aircraft of 12,500 pounds or more.

AUTHORITY: 49 U.S.C. 114, 5103, 40113, 44901-44907, 44913-44914, 44916-44918, 44935-44936, 44942, 46105.

SOURCE: 67 FR 8383, Feb. 22, 2002, unless otherwise noted.

§ 1550.1 Applicability of this part.

This part applies to the operation of aircraft for which there are no security requirements in other parts of this subchapter.

§ 1550.3 TSA inspection authority.

(a) Each aircraft operator subject to this part must allow TSA, at any time or place, to make any inspections or tests, including copying records, to determine compliance with—

(1) This subchapter and any security program or security procedures under this subchapter, and part 1520 of this chapter; and

(2) 49 U.S.C. Subtitle VII, as amended.

(b) At the request of TSA, each aircraft operator must provide evidence of compliance with this part and its security program or security procedures, including copies of records.

§ 1550.5 Operations using a sterile area.

(a) *Applicability of this section.* This section applies to all aircraft operations in which passengers, crewmembers, or other individuals are enplaned from or deplaned into a sterile area, except for scheduled passenger operations, public charter passenger operations, and private charter passenger operations, that are in accordance with a security program issued under part 1544 or 1546 of this chapter.

(b) *Procedures.* Any person conducting an operation identified in paragraph (a) of this section must conduct a search of the aircraft before departure and must screen passengers, crewmembers, and other individuals and their accessible property (carry-on items) before boarding in accordance with security procedures approved by TSA.

(c) *Sensitive security information.* The security program procedures approved by TSA for operations specified in paragraph (a) of this section are sensitive security information. The operator must restrict the distribution, disclosure, and availability of information contained in the security procedures to persons with a need to know as described in part 1520 of this chapter.