

(20) Each exclusive area agreement as specified in § 107.111.

(21) Each airport tenant security program as specified in § 107.113.

(b) Except as otherwise approved by the Administrator, each airport regularly serving operations of an aircraft operator or foreign air carrier described in §§ 108.101(a)(2) or (b), or 129.25(b)(2) or (b)(3) of this chapter, shall include in its security program a description of the following:

(1) Name, means of contact, duties, and training requirements of the ASC, as required under § 107.5.

(2) A description of the law enforcement support used to comply with § 107.215(a).

(3) Training program for law enforcement personnel required under § 107.217(c)(2), if applicable.

(4) A system for maintaining the records described in § 107.221.

(5) The contingency plan required under § 107.301.

(6) Procedures for the distribution, storage, and disposal of security programs, Security Directives, Information Circulars, implementing instructions, and, as appropriate, classified information.

(7) Procedures for public advisories as specified in § 107.305.

(8) Incident management procedures used to comply with § 107.307.

(c) Except as otherwise approved by the Administrator, each airport regularly serving operations of an aircraft operator or foreign air carrier described in §§ 108.101(c) or 129.25(b)(4) of this chapter, shall include in its security program a description of the following:

(1) Name, means of contact, duties, and training requirements of the ASC as required under § 107.5.

(2) A description of the law enforcement support used to comply with § 107.215(b).

(3) Training program for law enforcement personnel required under § 107.217(c)(2), if applicable.

(4) A system for maintaining the records described in § 107.221.

(5) Procedures for the distribution, storage, and disposal of security programs, Security Directives, Information Circulars, implementing instruc-

tions, and, as appropriate, classified information.

(6) Procedures for public advisories as specified in § 107.305.

(7) Incident management procedures used to comply with § 107.307.

(d) The airport operator may comply with paragraphs (a), (b), and (c) of this section by including in its security program, as an appendix, any document that contains the information required by paragraphs (a), (b), and (c) of this section. The appendix shall be referenced in the corresponding section(s) of the security program.

§ 107.105 Approval and amendments.

(a) *Initial approval of security program.* Unless otherwise authorized by the Assistant Administrator, each airport operator required to have a security program under this part shall submit its initial proposed security program to the Assistant Administrator for approval at least 90 days before the date any aircraft operator or foreign air carrier required to have a security program under §§ 108.101 or 129.25 of this chapter is expected to begin operations. Such requests will be processed as follows:

(1) The Assistant Administrator, within 30 days after receiving the proposed security program, will either approve the program or give the airport operator written notice to modify the program to comply with the applicable requirements of this part.

(2) The airport operator may either submit a modified security program to the Assistant Administrator for approval, or petition the Administrator to reconsider the notice to modify within 30 days of receiving a notice to modify. A petition for reconsideration must be filed with the Assistant Administrator.

(3) The Assistant Administrator, 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 days of receipt by either directing the Assistant Administrator to withdraw or amend the notice to modify, or by affirming the notice to modify.

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(b) *Amendment requested by an airport operator.* Except as provided in §107.107(c), an airport operator may submit a request to the Assistant Administrator to amend its security program, as follows:

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

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

(3) An amendment to a security program may be approved if the Assistant Administrator determines that safety and the public interest will allow it, and the proposed amendment provides the level of security required under this part.

(4) Within 30 days after receiving a denial, the airport operator may petition the Administrator to reconsider the denial.

(5) Upon receipt of a petition for reconsideration, the Assistant Administrator either approves the request to amend or transmits the petition within 30 days of receipt, together with any pertinent information, to the Administrator for reconsideration. The Administrator disposes of the petition within 30 days of receipt by either directing the Assistant Administrator to approve the amendment or affirm the denial.

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

(1) The Assistant Administrator sends to the airport operator a notice, in writing, of the proposed amendment, fixing a period of not less than 30 days within which the airport operator may submit written information, views, and arguments on the amendment.

(2) After considering all relevant material, the Assistant Administrator notifies the airport operator of any amendment adopted or rescinds the notice. If the amendment is adopted, it becomes effective not less than 30 days after the airport operator receives the notice of amendment, unless the air-

port operator petitions the Administrator to reconsider no later than 15 days before the effective date of the amendment. The airport operator shall send the petition for reconsideration to the Assistant Administrator. A timely petition for reconsideration stays the effective date of the amendment.

(3) Upon receipt of a petition for reconsideration, the Assistant Administrator 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 days of receipt by either directing the Assistant Administrator to withdraw or amend the amendment, or by affirming the amendment.

(d) *Emergency Amendments.* Notwithstanding paragraph (c) of this section, if the Assistant Administrator finds that there is an emergency requiring immediate action with respect to safety and security in air transportation or in air commerce that makes procedures in this section contrary to the public interest, the Assistant Administrator may issue an amendment, effective without stay on the date the airport operator receives the notice of it. In such a case, the Assistant Administrator shall incorporate in the notice a brief statement of the reasons and findings for the amendment to be adopted. The airport operator may file a petition for reconsideration under paragraph (c) of this section; however, this does not stay the effective date of the emergency amendment (EA).

§ 107.107 Changed conditions affecting security.

(a) After approval of the security program, each airport operator shall notify the Administrator when changes have occurred to the—

(1) Systems, measures, procedures, training, area descriptions, or staffing, described in the security program;

(2) Operations of an aircraft operator or foreign air carrier that would require modifications to the security program as required under §107.103; or

(3) Layout or physical structure of any area under the control of the airport operator, airport tenant, aircraft operator, or foreign air carrier used to