

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

[Docket No. 28852; Notice No. 97-3]

RIN 2120-AG31

**Certification of Screening Companies**

AGENCY: Federal Aviation Administration (FAA). DOT.

ACTION: Advanced notice of proposed rulemaking (ANPRM); withdrawal.

**SUMMARY:** In early 1997, the FAA sought public comment on issues relating to FAA certification of screening companies and other enhancements to air carrier screening of passengers, property, and baggage. The FAA issued the advance notice in response to a recommendation made by the White House Commission on Aviation Safety and Security, and to a requirement in the Federal Aviation Reauthorization Act of 1996. The Reauthorization Act requires the FAA to certify companies providing security screening and to develop uniform performance standards for providing security screening services. The FAA is currently developing, field testing, and evaluating an automated screener testing system which will provide uniform data regarding screener performance. The FAA plans to propose to require performance standards as an integral part of the certification of screening companies rule, develop and incorporate the specific standards in a security program, and measure subsequent company performance based on the data that this system provides. Therefore, the FAA is withdrawing the ANPRM to allow this automated system to be adequately field tested and evaluated before proceeding with rulemaking.

**DATES:** This withdrawal is effective May 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kris Mason, Office of Civil Aviation Security Policy and Planning, ACP-100, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, telephone (202) 267-8184.

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

Following the tragic crash of TWA 800 on July 17, 1996, the President created the White House Commission on

Aviation Safety and Security (the Commission). The Commission issued an initial report on September 9, 1996, with 20 specific recommendations for improving security, one of which was the development of uniform performance standards for the selection, training, certification, and recertification of screening companies and their employees.

On October 9, 1996, the President signed the Federal Aviation Reauthorization Act of 1996, Pub. L. 104-264 (the Act). Section 302 provides:

The Administrator of the Federal Aviation Administration is directed to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services.

**Discussion of Comments**

In response to the Congressional mandate and to the Commission report, the FAA published an ANPRM on March 17, 1997, (62 FR 12724) requesting comments on certification of companies providing security screening. The FAA received 20 comments from the public on the ANPRM, which are briefly summarized below.

While commenters disagreed on several issues, including the level of oversight responsibility air carriers should have over certificated screening companies, commenters generally agreed that national standards for security screening operations are needed. Approximately one-third of the commenters stated that certification of individual screeners would have a greater impact on improving safety than certification of screening companies. Most of these commenters also stated that the certification of individual screeners would improve screener professionalism and performance.

Approximately half of the commenters agreed that air carriers conducting screening operations should be subject to the same standards as certificated screening companies. A majority of commenters stated that the same screening operation requirements that apply to U.S. carriers should apply to foreign carriers providing services in this country. Several commenters disagreed with any proposal by the FAA to regulate joint-use checkpoints and checkpoint operational configurations.

**Reason for Withdrawal**

While certificating companies providing security screening can result in many important changes to the way

that carriers and screening companies conduct screening in the U.S., a critical step in this process is having a reliable and consistent way to measure the screeners' performance. By measuring performance, the FAA can hold certificated screening companies and carriers accountable for safe, effective screening operations. Both the FAA and many commenters to the ANPRM recognize the importance of establishing national performance, training, and testing standards.

The FAA is currently developing, field testing, and evaluating an automated screener testing system called Threat Image Projection (TIP) which is expected to yield uniform data regarding screener performance. When TIP is installed on existing x-ray machines, it tests screeners' detection capabilities by projecting both random images of threats into live bags being screened, and randomly projecting images of bags containing threats onto x-ray screens. Screeners are then responsible for positively identifying the threat image. Once prompted, TIP indicates to the screener whether the threat is real and then records the screener's performance in a database that the FAA can access to analyze performance trends.

TIP is currently being field tested, and its reliability and functional use must be validated prior to general use. The FAA is closely monitoring TIP's capabilities in an operational environment and is making necessary adjustments. The FAA is also beginning to gather and analyze data which it can use to develop screener performance standards and measure subsequent screening company performance. The FAA estimates that this validation period will require another 6-8 months to complete. Because the FAA sees this technology as such an integral part in developing both a program to certificate screening companies, and uniform performance standards, it is delaying rulemaking action until the validation is complete.

**Decision**

In consideration of the above, Notice No. 97-3, published on March 17, 1997, is hereby withdrawn.

Issued in Washington, DC on May 8, 1998.

**Anthony Fainberg,**

*Director, Office of Civil Aviation Security Policy and Planning.*

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