

## Aviation Newsletter

In this issue of the Aviation Newsletter, we highlight aviation-related rulemaking activity at the agency level. The Department of Transportation (DOT) and Department of Homeland Security (DHS) each published a Semiannual Regulatory Agenda in the Federal Register, as required by the Regulatory Flexibility Act and Executive Order 12866. The public is invited to submit comments on any aspect of the agency's Semiannual Regulatory Agenda.

The aviation-related rulemaking activity is highlighted below by agency.

### Department of Transportation

Rule	Stage (Action)	Projected Timeframe	Abstract
<b>Office of the Secretary (OST)</b>			
<b>+Enhancing Airline Passenger Protections III</b>	Proposed Rule (Supplemental NPRM)	5/2013	This rulemaking would address whether DOT should: (1) require a marketing carrier to provide assistance to its code-share partner when a flight operated by the code-share partner experiences a lengthy tarmac delay; (2) enhance disclosure requirements on code-share operations, including requiring on-time performance data, reporting of certain data code-share operations, and codifying the statutory amendment of 49 U.S.C. 41712(c) regarding Web site schedule disclosure of code-share operations; (3) expand the on-time performance "reporting carrier" pool to include smaller carriers; (4) require travel agents to adopt minimum customer service standards in relation to the sale of air transportation; (5) require ticket agents to disclose the carriers whose tickets they sell or do not sell and information regarding any incentive payments they receive in connection with the sale of air transportation; (6) require ticket agents to disclose any preferential display of individual fares or carriers in the ticket agent's Internet displays; (7) require additional or special disclosures regarding certain substantial fees, e.g., oversize or overweight baggage fees; (8) prohibit post-purchase price increase for all services and products not purchased with the ticket or whether it is sufficient to prohibit post-purchase prices increases for baggage charges that traditionally have been included in the ticket price; and (9) require that ancillary fees be displayed through all sale channels.
<b>+Use of the Seat-Strapping Method for Carrying a Wheelchair on an Aircraft</b>	Final Rule	1/2013	This rulemaking would address whether carriers should be allowed to utilize the seat-strapping method to stow a passenger's wheelchair in the aircraft cabin.

Rule	Stage (Action)	Projected Timeframe	Abstract
<b>Federal Aviation Administration (FAA)</b>			
<b>+Operation and Certification of Small Unmanned Aircraft Systems (SUAS)</b>	Proposed Rule (NPRM)	06/2013	This rulemaking would enable small unmanned aircraft to safely operate in limited portions of the national airspace system (NAS).
<b>+Flight Crewmember Mentoring, Leadership and Professional Development (HR 5900)</b>	Proposed Rule (NPRM)	02/2013	This rulemaking would amend the regulations for air carrier training programs under 14 CFR Part 121 to ensure that air carriers establish or modify training programs that address mentoring, leadership, and professional development of flight crewmembers in Part 121 operations. This rulemaking responds to the mandate in the <a href="#">Airline Safety and Federal Aviation Administration Extension Act of 2010</a> .
<b>+Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers</b>	Final Rule	10/2013	This rulemaking would amend the regulations for crewmember and dispatcher training programs in domestic, flag, and supplemental operations to: <ul style="list-style-type: none"> <li>• enhance traditional training programs by requiring the use of flight simulation training devices for flight crewmembers and including additional training requirements in areas that are critical to safety; and</li> <li>• reorganize and revise the qualification and training requirements.</li> </ul>
<b>+Pilot Certification and Qualification Requirements (Formerly First Officer Qualification Requirements) (HR 5900)</b>	Final Rule	5/2013	This rulemaking would amend the eligibility and qualification requirements for pilots engaged in 14 CFR Part 121 air carrier operations and modify the requirements for an airline transport pilot certificate. This rulemaking is a result of requirements in the <a href="#">Airline Safety and Federal Aviation Administration Extension Act of 2010</a> .
<b>+Safety Management Systems for Certificate Holders (Section 610 Review)</b>	Final Rule	4/2013	This rulemaking would require each certificate holder operating under 14 CFR Part 121 to develop and implement a safety management system (SMS) to improve the safety of its aviation related activities. This rulemaking is required under the <a href="#">Airline Safety and Federal Aviation Administration Extension Act of 2010</a> .
<b>+Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries</b>	Final Rule	1/2013	This rulemaking would amend the Hazardous Materials Regulations (HMR) to comprehensively address the safe transportation of lithium cells and batteries. The rulemaking would respond to several recommendations issued by the National Transportation Safety Board.
<b>Hazardous Materials: Miscellaneous Amendments (RRR) (Section 610 Review)</b>	Final Rule	1/2013	This rulemaking would update and clarify existing requirements by incorporating changes into the HMR based on PHMSA's own initiatives through an extensive review of the HMR and previously issued letters of interpretation.

+ DOT-designated significant regulation. All DOT agency priority rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decided a rule is subject to its review under Executive Order 12866, DOT has classified it as significant in the Agenda.

## Department of Homeland Security

Rule	Stage (Action)	Projected Timeframe	Abstract
<b>U.S. Customs and Border Protection (CBP)</b>			
<b>Importer Security Filing and Additional Carrier Requirements</b>	Final Rule	2/2013	This rulemaking would amend CBP Regulations to require carriers and importers to provide to CBP, via a CBP-approved electronic data interchange system, information necessary to enable CBP to identify high-risk shipments to prevent smuggling and insure cargo safety and security. Under the rule, importers and carriers must submit specified information to CBP before the cargo is brought into the United States by vessel.
<b>Transportation Security Administration (TSA)</b>			
<b>General Aviation Security and Other Aircraft Operator Security</b>	Proposed Rule (SNPRM)	8/2013	This rulemaking would address security requirements for the general aviation industry. TSA is considering the following proposed provisions in the SNPRM: (1) The type of aircraft subject to TSA regulation; (2) compliance oversight; (3) watch list matching of passengers; (4) prohibited items; (5) scope of the background check requirements and the procedures used to implement the requirement; and (6) other issues.  TSA also plans to propose security measures for foreign aircraft operators commensurate with measures for U.S. operators.
<b>Aircraft Repair Station Security</b>	Final Rule	3/2013	This rulemaking would propose regulations to improve the security of domestic and foreign aircraft repair stations. The NPRM proposed to require certain repair stations that are certificated by the FAA to adopt and carry out a security program. The proposal will codify the scope of TSA's existing inspection program. The proposal also provides procedures for repair stations to seek review of any TSA determination that security measures are deficient.

If you have any questions about the rulemaking activity discussed above or would like assistance with the preparation and submission of comments, please contact our office. We will continue to monitor aviation-related rulemaking activity of interest and developments regarding the items above throughout the year.

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