



Aviation Group Client Update

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TSA ISSUES NPRM ON AIT FOR PASSENGER SCREENING

Earlier this week, the Transportation Security Administration (TSA) issued a [Notice of Proposed Rulemaking](#) (NPRM) requesting public comment on its proposal to revise its regulations to clarify that TSA may use advanced imaging technology (AIT) – also referred to as whole body imaging – to screen individuals at security screening checkpoints. The NPRM is in accordance with a recent court order directing TSA to engage in notice-and-comment rulemaking on the use of AIT in screening. TSA may continue using AIT to screen passengers during this process. The NPRM discusses the following major points:

- The threat to aviation security has evolved to include non-metallic explosives, non-metallic explosive devices, and non-metallic weapons;
- As the best method of detecting non-metallic items that would not normally be found on an aviation passenger currently available that does not require touching of the passenger, AIT is an essential component of TSA's security layers;
- Congress has authorized the use of AIT by TSA at security checkpoints;
- Although AIT screening was always designed to protect passenger privacy, privacy protection has improved further with the development of automatic target recognition (ATR) software, which upgrades millimeter wave AIT units to create a generic outline, not an image of a specific individual, and eliminates the need for operator interpretation of an image. TSA plans to remove all units not equipped with ATR from checkpoints by May 31, 2013;
- TSA and independent entities have confirmed that AIT is safe because the x-ray or radio waves emissions are well below applicable safety and health standards;
- TSA provides detailed AIT procedures on its website, www.tsa.gov, and posts signs at airport checkpoints. The vast majority of passengers do not object to AIT screening;
- TSA's experience confirms that AIT is effective in detecting small, non-metallic items hidden beneath passenger clothing that could otherwise escape detection. When AIT detects an item, additional screening is performed to determine if the item is prohibited.

Comments are due on or before **June 24, 2013**. If you have any questions regarding the use of AIT in screening or if you would like assistance in the preparation or submission of comments, please contact our office.

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