FEDEX PILOTS ASSOCIATION

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VIA FEDEX OVERNIGHT DELIVERY AND INTERNET FILING

Docket Management System
U.S. Department of Transportation
400 7th Street SW
PL-401
Washington DC 20590

RE: Docket FAA 2001-11032

Dear Sir or Madam:

The FEDEX PILOTS ASSOCIATION (FPA), representing the professional interests of 4,200 professional airline pilots flying for FedEx Corporation in the United States and throughout the world, has reviewed the cockpit door intrusion and penetration resistance standards proposed by the Air Transport Association (ATA).

FPA supports more stringent standards for doors and acknowledges the need to proceed with this rulemaking initiative as quickly as practical. However, while we support the current initiative, we feel it is appropriate, prudent, and necessary to advocate "One Level of Security" for all carriers, not just passenger carriers.

In the ATA letter proposing the rules, most references to applicability cover the entire fleet. Such a provision is consistent with the DOT Rapid Response Team's (RRT) recommendation to "...conduct a retrofit of the entire U.S. fleet of aircraft." However, the ATA letter suggests that the application of the standard be limited to FAR Part 121 passenger carrying aircraft.

The Aviation and Transportation Security Act directs the Department of Transportation to "ensure the adequacy of security measures for the transportation of cargo." Security improvements are essential for **all** aircraft in airline service, regardless of their service or payload.

FedEx pilots carry both domestic and international company employees in passenger seats aft of the cockpit on our narrow- and wide-body aircraft, and these individuals are subjected to far less scrutiny than fare-paying passengers in common carriage. Our ramp areas are less controlled than those of typical passenger operations. In addition, we face the risk of stowaways in cargo containers. With no security procedures in place to address even the basic human necessity of going to the restroom, the risk from jumpseating employees and stowaways makes the exclusion of cargo carriers from any national security policies and regulations a serious omission.

Cargo aircraft may be more vulnerable to determined hijackers than passenger carriers are, as there are no passengers available to prevent an assailant from attempting a takeover, nor are there armed Air Marshals on board. These factors combine to increase the potential for the hijacking of one of our cargo aircraft. The events of 11 September 2001 should also warn us that a cargo aircraft carrying comparable amounts of jet fuel along with hazardous cargo could make cargo aircraft an attractive weapon for attack.

In fact, the FAA published these prophetic comments nine months prior to the events of 11 September, in its January 2001 "FAA Strategic Plan:"

- Air cargo transport will increase. Just-in-time delivery will vastly expand aviation small package business. In 2028, with more cargo but cargo terrorism, there may be fully automated cargo flights. Security will be an increasing concern.
- Security will need to be "end-to-end", from origin to destination, and not focused on aviation alone. Also, in this world, there may be a push to place security more firmly in Federal hands, for example, through the use of Federal rather than private sector screeners. Air cargo could be another point of greatly increased security vulnerability.

FedEx did apply for and receive equal treatment under an SFAR concerning engineering certification regulations that governed the installation of door locks. FAA Administrator Jane Garvey, in her 12 October 2001 SFAR, Final Rule, Docket No. FAA-2001-1770-3, "Flightcrew Compartment Access and Door Designs," Final Rule, stated that:

> "Because of the risk posed by having other than flightcrew members onboard the aircraft as allowed in § 121.583, FedEx on October 10, 2001, petitioned the FAA to take actions necessary to allow it to install additional door security measures in accordance with the provisions of SFAR 92 [66 FR 51546, 10/9/01]. The FAA has determined that the modifications requested by FedEx would apply to similarly situated cargo airplane operators and that the threat is similar to that of passenger airplanes."

FedEx management and the FAA Administrator are on record acknowledging that cargo operators share security threats to those of passenger carriers.

With respect to the standards, we agree that the proposed ballistic penetration standard will provide improved protection against hazards directed at the cockpit door itself. However, a ballistic-resistant door surrounded by unimproved, unprotected bulkhead and floor areas does not represent a true barrier to ballistic or other explosive penetration. Similar standards should be immediately developed to address penetration resistance of cockpit floors, ceilings, and bulkheads.

To summarize, FPA supports the development of improved security features for airline cockpit flight compartments. The ATA door standards for penetration and intrusion resistance are a step in the right direction. We must continue, however, to address the fleet in a manner consistent with the RRT Recommendations and the Aviation and Transportation Security Act. It is a

commonly understood axiom among anti-terrorism security experts that terrorists will breach that layer of security which presents the most opportunity with the least amount of resistance. Like water, terrorists will seek the path of least resistance in aviation, and that path is in the cargo sector. Cargo operations are vulnerable to terrorist attack as long as our national and corporate policies ignore our security vulnerabilities.

It is incumbent on industry and regulators alike to continue this effort, with additional rulemaking as necessary, and to make sure that all aircraft operated under FAR Part 121 are protected, regardless of size, capacity, or mission.

Thank you for the opportunity to comment.

Sincerely,

Capt. David Webb
President, FPA

Capt. Mark Estabrook
Chairman, FPA Security Committee