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U.S. Department of Transportation
Room Plaza 401
400 Seventh Street
SW Washington
DC 20590-0001

14th March 2002

Dear Sir,

Docket Number FAA-2001-11032
Amendment Numbers 25-105 and 121-288

Bombardier Aerospace, Shorts fully support the need to minimise the risk of aircraft being commandeered by terrorists or other unauthorised persons and used as weapons.
Additionally, whilst we concur with the broad objectives outlined by Congress and enacted under Public Law 107-71, the Aviation and Transportation Security Act, Section 104 (a), we are of the position that the rulemaking introduced by the FAA in the subject docket number places an undue burden on operators of certain transport category aircraft conducting operations under CFR Part 121. The design changes which would be required are both impractical on many existing type certificated aircraft and are seen as a means to compensate for deficiencies in airport security screening operations, (i.e. designing aircraft to counteract their use for purposes other than those for which they were intended).

Bombardier Aerospace, Shorts are the type certificate holder for the SD3-30 and SD3-60 transport category aircraft types which typically conduct operations under CFR Part 121. Both aircraft types have been out-of-production for more than 10 years now.
The SD3-30 has a MCTOW of 22,900lbs with a MAPSC of 30 seats. Our records indicate that approximately 45 SD3-30 aircraft are currently under FAA jurisdiction, only one of which is used in a passenger carrying role. This one aircraft operates out of the unincorporated U.S. Territory of Guam and provides essential air services between Guam and the nearby Pacific Islands.
The SD3-60 has a MCTOW of 27,100lbs with a MAPSC of 39 seats. Our records indicate that approximately 30 SD3-60 aircraft are currently under FAA jurisdiction, only three of which are used in a passenger carrying role. These three aircraft are operated by a single operator out of the U.S. Commonwealth of the Northern Mariana Islands and provide essential air services between Saipan and the nearby Pacific Islands.
The remainder of the U.S. fleet are operated in an all-cargo role by numerous small business operators.

With regard to the applicability to all-cargo operations under 14 CFR Part 121, the majority of these operations are conducted with no other persons on-board the aircraft except the flight crew. To require the implementation of the proposed intrusion resistance requirements is therefore an unnecessary burden to these operators.
Even if it were necessary to carry an additional person on-board (e.g. a security guard), the security screening of such persons ought to be a manageable task to mitigate the risk of flight deck intrusion without the necessity to have the flight deck doors comply with the intrusion resistance requirements. On aircraft like our SD3 types, it is highly likely that such additional persons would occupy the jump seat within the flight deck area as there is no approved modification to install a passenger type seat in the cargo compartment whilst operating in the cargo role.

Bombardier Aerospace, Shorts request that FAA consider making provision within the FAR Part 121 regulations to exempt the SD3 Series aircraft from the applicability of the new 14 CFR 121.313(j) requirements irrespective of whether they conduct all-cargo or passenger carrying operations.
This may be achieved by direct exemption of the types by name or more appropriately to limit the applicability of the rulemaking to "airplanes with a MCTOW less than 75,000lbs required by paragraph (f) of this section to have a door between the passenger and pilot or crew rest compartments, and for such transport category, all-cargo airplanes that have a door installed between the pilot compartment and any other occupied compartment".
It is our understanding that such discrimination by aircraft weight is currently under consideration by the JAA in developing similar NPA action and we contend it would also be appropriate in terms of the related fuel tank capacity on such aeroplanes which undoubtedly was a paramount factor in the scale of destruction and loss of life on September 11th 2001.
The relative risk of an unauthorised person commandeering and using a smaller transport category aircraft in such an attack is surely very small with due regard to the scale of damage they would expect to reap and unless all aircraft, including general aviation, are captured by the intent of this rulemaking, the overall risk to the public would not be significantly increased by incorporating a MCTOW discriminant.

Finally, the level of intrusion resistance which would be required to be implemented under new 14 CFR 121.313(j) may in fact jeopardise gaining entry to the flight deck in an emergency situation should a flight crewmember become incapacitated and require assistance. This is particularly a hazard with regard to the flight deck configuration on the SD3 types where separate entry doors are provided to access each pilot seat with no provision to move between the seats.
The rulemaking does not consider a scenario where a flight crewmember may themselves intend to use the aircraft as a weapon. The risk of such an event can only be minimised but never completely nullified.

Please accept these comments and consider our proposals in developing further amendments to the applicability of the 14 CFR Part 121 regulations.

Michael Mulholland
Head of Airworthiness & Engineering Quality