AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

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Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW.
Washington, DC 20590-0001
Docket Number: FAA-2002-12504

Subject: Security Considerations for the Flightdeck on Foreign Operated Transport Category Airplanes; Final Rule, Request for Comments;

Ladies and Gentlemen:

The Air Line Pilots Association (ALPA), representing the safety interests of over 66,000 professional airline pilots flying for 43 airlines in the United States and Canada, has reviewed the subject document and supports the intent of the Final Rule. ALPA commented to the original Final Rule on August 20, 2002. We will reiterate our August 20, 2002 comments here and offer some additional concerns related to the current clarification to the Final Rule.

This Final Rule action clarifies the applicability of regulations and operational procedures for foreign carriers operating to and from the United States. The original Final Rule, which was issued on June 21, 2002, requires improved flightdeck security, and operational and procedures changes, to prevent unauthorized access to the flightdeck on passenger-carrying aircraft and some cargo aircraft operated by foreign carriers under the provisions of part 129. The rule is being adopted to further enhance air carrier security in response to the heightened threat to civil aviation in the United States. This final rule applies the same flightdeck security enhancements to foreign air carriers that apply to U.S. air carriers.

There are several areas in which we feel that either improvements could be made or additional analysis might result in a more thorough design. These areas are highlighted below.

The Background material found in the June 21 Federal Register announcement mentions the recently adopted ICAO standards related to the incorporation of security into the design of aircraft. The ICAO standards state that passenger-carrying aircraft of 60 passengers or more, or with a maximum certificated takeoff weight of 100,000lbs, have flightdecks that are protected from intrusion and ballistic threats. ALPA has voiced its concerns on several occasions against the limiting of flightdeck security to just large aircraft. Aircraft under 12,500lbs used in FAR Part 121 service are not required, by either current Federal Regulations or this Final Rule, to have a pilot compartment door installed. Although smaller aircraft do not pose as significant a destructive threat as larger aircraft, they can still be used as formidable weapons.

Implementation of the ICAO standards would further reduce the level of security being introduced on aircraft. We are opposed to limiting the security requirements based upon size of aircraft and type of mission.

The flying public deserves a similar level of security regardless of the size of the aircraft they are traveling on. In fact, the FAA states in the Background section of this rule that: *"The FAA finds that it is unacceptable to create two levels of flightdeck protection for the same operations to and from U.S. airports."* Although ALPA concurs with this statement as it relates to foreign operations into and out of the United States, the FAA has effectively created two levels of flightdeck protection for domestic operations by exempting smaller aircraft from this Rule.

The above argument also applies to the most recent Final Rule language found in the December 30, 2002 Federal Register. The language proposed for 129.28(e) states: *"The requirements...do not apply to transport category passenger carrying airplanes originally type certificated with a maximum passenger seating configuration of 19 seats or less, or to all-cargo airplanes with a payload capacity of 7,500 pounds or less."* Although the language of this Final Rule is moving closer toward including all aircraft operating under FAR Part 121, there are still aircraft that are exempt from having flightdeck doors installed. The limitations cited above will exclude some FAR Part 129 operations that operate into the United States from Canada and South America.

ALPA concurs with the proposed intrusion standards (300 joules, 250 lb. tensile) and the proposed ballistic penetration standards (Level IIIA) contained in the subject rule (129.28(c)(1) and (2)). These standards will provide improved protection against hazards directed at the flightdeck door and the surrounding framework. ALPA understands that those standards will be applied to future aircraft type designs. However, a flightdeck protected by a strengthened and ballistic resistant door is not totally protected against such a threat.

The ARAC Design for Security Harmonization Working Group proposals, upon which the ballistic penetration standard of this rule was based, correctly pointed out the need to protect the flightcrew and flight critical systems, wherever they may be. ALPA believes that the 300 joule intrusion standard should protect the flightdeck from unwanted entry or significantly delay the entry of an unwanted individual. This delay would allow time for the flightcrew to react and take alternative actions. However, similar ballistic penetration standards to that of the doors must immediately be developed to address penetration resistance of flightdeck floors, ceilings, and bulkheads. The integrity of flight critical systems and flightdeck personnel must be protected, regardless of the origin of the threat onboard the aircraft.

ALPA was pleased to see that the provisions of this rule also apply to transport category aircraft used in cargo operations. Obviously, aircraft used in cargo operations could also be used as weapons against ground targets. In fact, based on meetings that ALPA has had with safety representatives from many of the cargo airlines, it is potentially easier for an intruder to gain access to a cargo aircraft because of the limited ground security procedures in place for cargo operations versus those in place for passenger carrying operations. In those instances where company employees are carried as "passengers" or "occupants" on cargo aircraft, they do so with

far less scrutiny than fare-paying passengers in common carriage. Ramp areas for cargo operations are similarly less controlled than in typical passenger operations.

As you are well aware, cargo operations lack the added benefit of flight attendant or passenger intervention in the event of an unwanted intruder on an aircraft. In all of the discussions to date that have dealt with development of means to defeat attempts to commandeer an airliner, the concept of passenger intervention has been raised as part of the strategy. For cargo carriers, there is generally no possibility of such passenger intervention. All of these factors combine to actually increase the potential for a cargo aircraft to be targeted for hijacking. For these reasons, this final rule should be amended to require all transport category all-cargo aircraft, regardless of whether a door was installed on June 21, 2002, to install a strengthened flightdeck door that complies with the requirements of FAR Part 129(c)(1) and (2). ALPA feels that security improvements are essential for all aircraft in airline service, regardless of size or mission, and must be mandated on all cargo aircraft.

ALPA concurs with the provisions (129.28(d)(1)) governing the accessibility of flightdeck door keys, provided that the more secure door has been installed.

Within the Benefits and Costs section of the June 21 Federal Register announcement, the FAA states that there will be approximately 1,921 aircraft affected by this Rule. The FAA also indicates that this number does not include aircraft in Charter service. If aircraft involved in Charter service are intentionally exempt from the requirements of the rule, ALPA takes great exception. If the intent of this rule is to "...further enhance air carrier security..." and eliminate "...attractive targets for terrorist actions...", then aircraft operating in Charter service, operating within or into the United States, must be required to comply with the intent of this Rule.

The industry acknowledges that every passenger boarding a small jet or turboprop deserves the same level of safety as they receive when they board a larger airliner. It stands to reason then that their expectation of security must also be the same, especially in light of the events of September 11, 2001. The Aviation and Transportation Security Act acknowledges this premise with its direction to strengthen doors where a door is installed, not just on aircraft of a particular size or mission. The FAA must consider modifying existing FARs to require that all aircraft used in FAR part 121 operations be equipped with a lockable, strengthened flightdeck door.

The proposed language excludes overflight operations being conducted under FAR Part 129. Although the FAA does not have the means for surveilance of foreign carriers unless they are on the ground, ALPA believes that an aircraft on an overflight could potentially pose a threat if the aircraft were commandeered. Therefore, aircraft conducting overflights of the United States operating under FAR Part 129 must be required to comply with the subject Rule and have hardened flightdeck doors installed.

ALPA conditionally supports this Final Rule and is pleased that the FAA has taken steps to respond to the current threat and improve the safety and security of the aviation system. The industry must continue to examine new security technologies, operational enhancements and any additional threats that can be identified. ALPA looks forward to continuing to work with DOT, FAA, and TSA on additional measures the will further improve our aviation system.

Thank you for the opportunity to comment.

Sincerely,

Captain Dennis J. Dolan
First Vice President