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UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
FEDERAL AVIATION ADMINISTRATION

PUBLIC HEARING

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In the matter of: :
: SECURITY CONSIDERATIONS FOR THE :
: FLIGHTDECK ON FOREIGN OPERATED :
: TRANSPORT CATEGORY AIRPLANES :
: PUBLIC MEETING :
ON :
FINAL RULE :
----- x

ORIGINAL

Docket Number:
FAA-2002-12504 - 14

400 7th Street, SW
Washington, DC 20590

Tuesday, July 30, 2002

The above captioned matter convened, pursuant
to notice at 1:00 p.m.

PANEL MEMBERS:

CHAIRPERSON:

Tony Fazio,
Director
Office of Rulemaking
FAA

Jeff Gardlin
Aerospace Engineer
Transport Airplane Directorate
Seattle

Tom Penland
Manager
Flight Standards Service

Allen Mattes
Economist
Office of Aviation Policy and Plans

Don Byrne
Assistant Chief Counsel
Regulations Division

SPEAKERS:

Dave Harrington
Didier Puyplat
Airbus

Nigel Lee
Dane Lovejoy
The Boeing Company

Leroy Keith
Association of Asia Pacific Airlines

Capt. Odd Haugsbak
European Cockpit Association

Capt. J. Peter Berendsen
Lufthansa Cargo

Steve Domington
Michael Lacey
Virgin Atlantic Airways

Eduardo Dueri
Asociacion International de Transporte Aero
Latinoamericano

Kozo Hama
Japan Air Lines

Capt. David Oliver
Qantas

Fons Schaefers
Martinair Holland

Wesley Platner
National Aircraft Services

P R O C E E D I N G S

1
2 MR. FAZIO: If everyone will take their
3 seats, we'll get started. Good morning ladies and
4 gentlemen. I'd like to welcome you all to this public
5 meeting on the final rule and security considerations
6 of flight deck on foreign operated transport category
7 airplanes. My name is Tony Fazio. I'm the Director of
8 the FAA's Office of Rulemaking and I'll be serving as
9 the panel chair for the discussion.

10 The objection is to solicit additional
11 comments and information from the public on the FAA's
12 final rule requiring the same level of safety flight
13 deck protection for all air carriers operating to,
14 from, and over the United States, as required of US air
15 carriers.

16 Before proceeding with the presentations, I
17 would like to take a few moments to introduce the FAA
18 panel and to go over the meeting procedures. Today's
19 panel members are on my right, the far right, Jeff
20 Gardlin who is an aerospace engineer with our transport
21 airplane directorate in Seattle. Mr. Tom Penlan,
22 manager, Flight Standards Service. Allen Mattes,
23 economist with the Office of Aviation Policy and Plans,
24 and Don Byrne, Assistant Chief Counsel, Regulations
25 Division.

1 The FAA is holding this meeting in order to
2 give the public an opportunity to provide additional
3 comments regarding the final rule on security
4 considerations of flight deck on foreign operated
5 transport category airplanes. The proceedings are
6 being transcribed by a court reporter. The verbatim
7 transcript of this meeting will be made available after
8 August 13th. Ordering information is available at the
9 registration desk in the lobby. A copy of the
10 transcript of this meeting will also be placed in the
11 public docket.

12 Today's meeting agenda includes presentations
13 from Airbus and Boeing on their airplane security
14 enhancements. I will allow for questions and comments
15 following each presentation. After these speakers have
16 made their presentations, I will call on members of the
17 public who are scheduled to give formal presentations.

18 If you would like to request time to make a
19 presentation and have not done so as yet, you can do
20 that at the registration table. Speakers are reminded
21 to limit their comments to issues directly related to
22 the final rule. Presentations should be limited to ten
23 minutes.

24 People listed on the agenda have submitted

1 requests to the FAA to be heard in accordance with the
2 procedures outlined in the Notice of Public Meeting
3 published in the Federal Register on July 15, 2002. I
4 will be calling on the speakers in the order in which
5 they appear on the agenda. Again, if there are any
6 additional speakers requesting time to make
7 presentations, please inform the staff at the
8 registration table and we will add your name to the
9 agenda.

10 Let me now summarize the format procedures
11 for this meeting. I will call each speaker in the
12 order outlined in the agenda. Each speaker will come
13 forward to present his or her information at the podium
14 to my left, your right. Each speaker will have ten
15 minutes to make his or her presentation. For the
16 benefit of the court reporter, before presenting your
17 statement, please clearly state your name and indicate
18 whether you're representing an association,
19 organization, or yourself.

20 After each presentation, members of the FAA
21 panel may ask follow up questions. Questions from the
22 panel are intended to clarify or focus on particular
23 elements or concepts expressed in the presentation, and
24 to offer the speaker further opportunity to elaborate
25 on those issues. The questions are not intended to be

1 a cross examination. Comments, questions, or
2 statements made by the panel members are not intended
3 to be and should not be considered a final position of
4 the FAA.

5 The audience will also be given the
6 opportunity to ask questions or to introduce relevant
7 information after each presentation. Please raise your
8 hand and I will allow your comments and questions to be
9 entered into the record. Since this meeting is being
10 transcribed by a court reporter, we ask that you walk
11 to one of the microphones or wait for a microphone to
12 be brought to you. Please identify yourself so that
13 the transcriber knows who is making the statement, and
14 it would be helpful if you could spell your name the
15 first time you speak for the court reporter's benefit.

16 You are reminded that issues other than those
17 directly related to the final rule will not be
18 considered during this meeting. I will terminate all
19 discussions that I consider irrelevant. We will then
20 move on to the next speaker.

21 The following documents are available for
22 your information at the registration table. A copy of
23 the final rule and security considerations for
24 flightdeck on foreign-operated transport category
25 airplanes that was published in the June 21, 2002

1 Federal Register. A frequently asked questions list
2 that was prepared to answer some very basic questions.
3 And a general information sheet denoting docket,
4 meeting transcript, facility information.

5 Anyone who wishes to make additional written
6 comments on this final rule, please submit your
7 comments to Docket Number 12504. Comments should be
8 mailed or delivered in duplicate to Department of
9 Transportation, Dockets, Docket Number FAA-2002-12504,
10 400 7th Street SW, Room Plaza Z401, Washington, DC
11 20590. Comments may also be sent electronically to the
12 dockets management system, otherwise known as DMS, at
13 the following internet address: <http://dms.dot.gov> and
14 you can do that at any time.

15 The docket on this final rule will remain
16 open for written comments through August 20, 2002. If
17 you need additional information about the Part 129
18 amendment, you may contact Mike Daniel at 202-385-4510,
19 or his e-mail at mike.e.daniel@faa.gov, or you may also
20 contact Jeff Gardlin at 425-227-2136, or his e-mail at
21 jeff.gardlin@faa.gov. Mr. Daniel should be contacted
22 for Part 129 issues, and Mr. Gardlin should be
23 contacted for Part 25 issues.

24 The FAA intends to set up a website in the
25 very near future that will address frequently asked

1 questions about this amendment. We will post questions
2 as we receive them. Today we don't have an internet
3 link, but you can go to faa.gov and you'll be able to
4 use the search engine at that point to locate the site.

5 If you have not registered, again, please do
6 so at the first break. Public restrooms and telephones
7 are located directly outside this meeting room.

8 Let us now proceed with our meeting. As we
9 were all aware on September 11, 2001, the United States
10 experienced the worst attack in its history when
11 aircraft were commandeered and used as weapons. These
12 actions demonstrated that there was a need to improve
13 the design, operational procedures, and security of the
14 flightdeck.

15 In response, the FAA amended Title 14, Code
16 of Federal Regulations, Part 121, to require by April
17 9, 2003 that certain US air carriers install reinforced
18 flightdeck doors that provide intrusion-resistance and
19 ballistic penetration resistance. The FAA expected
20 that foreign operators conducting service to and from
21 the United States under Part 129 would have flightdeck
22 security measures commensurate with those of US
23 carriers.

24 On June 21, 2002, the FAA issued a final
25 ruling entitled "Security considerations for the

1 flightdeck on foreign-operated transport category
2 airplanes". The final rule requires improved
3 flightdeck security and other operational procedural
4 changes to prevent unauthorized access to the
5 flightdeck on passenger-carrying aircraft, and some
6 cargo aircraft operated by foreign carriers under
7 provisions of Part 129.

8 Part 129 governs foreign operators who
9 operate either within the United States, who operate
10 outside the United States, but with aircraft registered
11 in the United States.

12 The FAA is holding this public meeting to
13 give the public an additional opportunity to comment on
14 the final rule.

15 I'd now like to call on our first presenter,
16 Airbus.

17 (Pause)

18 MR. HARRINGTON: Good morning everyone. I'm
19 Dave Harrington. With me today is Didier Puyplat.
20 We're both with Airbus North America.

21 We have a series of slides intended to just
22 give you a status update on the Airbus systems for door
23 modifications.

24 The first slide is just a simplified generic

1 view of what the Airbus system looks like. The sketch
2 is intended to show some of the design principles
3 incorporated by Airbus. As you can see, a lot of folks
4 have been very close to this issue so they understand
5 that this is a simple sketch, but for others, you might
6 notice the post and post attachment reinforcements are
7 required, the electrical latching that is part of the
8 Airbus system, the code path, the indicator both aural
9 and visual, and on the center pedal stool, the switches
10 -- the toggle switch that controls it.

11 First of all, for an update on the single
12 aisle A320 family. The final certification from FAA
13 was received just a little more than a week ago, so we
14 have both JAA and FAA approval on the single aisle
15 family of door mods.

16 Improvements that we're working on at the
17 moment: currently the elapsed time for installation of
18 this door kit is 72 hours. We're working to get it
19 down to 48 hours elapsed time and the new kit that
20 would reduce time will be available early this fall,
21 mid-September.

22 The back up system option, which is an
23 electrical backup, again scheduled for mid-September
24 delivery on that as well. And the lavatory A door
25 retrofit, there's been some progress made on that, so I

1 really don't need to say much more.

2 Our kit delivery -- the kits are out there,
3 several operators have already begun installing the
4 door in the narrow body fleet, and Airbus does believe
5 that in terms of narrow bodies, that we'll be able to
6 meet both the 121 and 129 schedule for installation.
7 Very important, though, is that we'll be working
8 closely with our customers to make sure that the kits
9 are ordered prior to the September date, and that's
10 because, obviously, the lead time required for parts
11 installers to get things done.

12 The Long Range family, A330/A340 -- we talk
13 about two major steps here. The JAA has approved to
14 this point the doors and electrical system. The
15 bulkhead reinforcements and additional vent areas has
16 turned out to be more difficult. It's been a problem
17 to solve. The bulkhead reinforcement issue -- we're
18 still working on it. Approval is expected the end of
19 October 2002, so you can see we're running up into the
20 late fall for the April requirement date for final
21 approval for this installation.

22 We are predicting at this point that the
23 service bulletin installation will take approximately
24 ten days or less -- and that would be for both the door
25 electrical system and the bulkhead reinforcement vent

1 package together as one.

2 In the kit delivery, we have the door and
3 electrical kits available now. The bulkhead/vents
4 delivery we're talking about, as you can see from the
5 October final approval from the authorities, we're
6 thinking it'll be early November for the kit on that.
7 The last bullet there just points out what has been a
8 fact, we have been working very hard on the single
9 aisle -- that has been the priority to this point.
10 A330/340 is slowly catching up.

11 The A300/A310 family, pretty much the same as
12 the -- what we call the Long Range A330/A340. Same
13 solution. Doors and electrical systems, bulkhead
14 reinforcement and vent areas also coming along. Kit
15 delivery for the package would be -- again we're
16 running late here -- end of 2002, early 2003. We have
17 an operator that has begun the installation on the
18 first section of the door, the electrical system. It
19 is an option, obviously, but preferably we'd wait and
20 do this as a major installation.

21 I think in both the -- when we talk about the
22 wide body and the long range, I think it's worth it to
23 point out that this is not an overnight task. When we
24 say ten days, it's something that normally would be
25 scheduled with a major maintenance event, a C or D

1 check. It is some extensive work that needs to be done
2 to comply with the regulations.

3 We put together this matrix to try to give
4 some idea on numbers for the hearing this morning. You
5 can see that the single aisle coming down narrow body,
6 our world wide fleet would be pretty close to the 121
7 number and the 129 number that I believe is currently
8 on op specs coming into the US, and the last item there
9 is the purchase orders we've received to date. Again,
10 emphasizing that September date for narrow body in
11 order to meet the 121, 129 requirements.

12 Long range, again the same numbers -- part
13 121, 9 -- A330s up at US Airways, again Part 129, the
14 number is a big number, 290, purchase orders received -
15 - so there's certainly a challenge there to get all of
16 that done by April.

17 Wide body, not sure on that number really
18 because of the Pax/freighter breakout, but again, you
19 can see the numbers.

20 Talk about production. We will be
21 incorporating into production the door modifications on
22 the single aisle fleet starting September 2002. We
23 don't have a date yet for the long range and wide
24 body.

25 I think in terms of summary comments, it

1 appears that the narrow body fleet will be okay, again
2 emphasizing the order date of early fall. Long range
3 and wide body are far more challenging and we do
4 foresee difficulties in terms of getting the kits out
5 there and door modifications installed in terms of the
6 numbers we're dealing with.

7 That concludes the presentation. I'll take
8 any questions.

9 MR. FAZIO: Thank you for your comments. Any
10 questions. Jeff.

11 MR. GARDLIN: Yes, I have one question. The
12 254 narrow body Part 129 airplanes, are those primarily
13 Canadian and Mexican?

14 MR. HARRINGTON: Narrow bodies -- you're
15 coming out of Central America, Jamaica comes to mind,
16 and Canada. So that -- it's a surprising number. I
17 think the number -- yes, it surprised me when I saw it.
18 If you -- I think in FAA you could probably do a run
19 with your ops specs from 129 operators and I think
20 you'll see a number that's very close to that one, give
21 or take five.

22 MR. FAZIO: Allen.

23 MR. MATTES: (inaudible question - mike not
24 on)

25 MR. HARRINGTON: I can -- we can provide, I

1 think, from the record, the total man hours, as I said,
2 they just started work so I think we'll have some --
3 we'll get some information from the operators who have
4 already started the modifications and give you a more
5 valid man hour number. I don't have one.

6 MR. PUYPLAT: This is a first statement was
7 two times seven days. Now we are going to a single
8 shot, twelve days, ten days. We are working to try to
9 reduce this time.

10 MR. FAZIO: Any other questions from the
11 panel? Any questions from the floor? Please state
12 your name. Go ahead, sir.

13 MR. LACEY: Good morning. My name is Michael
14 Lacey, from Virgin Atlantic Airways. We've got 340s as
15 well as 747s, and we've actually put in an order for
16 kits back in April and we requested the ... kit for
17 August -- we're now talking September, and September's
18 even a bit risky. So with our current ... plan ...
19 great problems in trying to incorporate this without
20 ... from Airbus. Are you saying those kits are
21 available now? For the 340?

22 MR. HARRINGTON: The door and electrical
23 system portion of the work could be done if you wanted
24 to separate that out and do it in a two step process.
25 I'm guessing from what you just said that the idea

1 would be to try to do it all at once, and in that case,
2 you're right, the second piece of that isn't
3 available -- the bulkhead and vent work.

4 MR. LACEY: We'd actually decided because of
5 the delay in the bulkhead, we would actually go to a
6 two part installation on the early C checks, so we can
7 get the door done, so we'll be struggling to get them
8 by mid-September -- the door kits?

9 MR. HARRINGTON: Maybe we can talk outside
10 this forum. I'll make sure that you're connected to
11 the right people and we will to see what's going on
12 there. I'm surprised to hear that. I thought we'd be
13 able to proceed with the first part.

14 MR. LACEY: Thank you.

15 MR. FAZIO: Any other questions?

16 CAPT. OLIVER: My name is David Oliver from
17 Qantas. Can you give us a time when you think you will
18 know when both the electrical and decompression
19 packages will be available for production aircraft long
20 range?

21 MR. HARRINGTON: It would be a guess at this
22 point. I mean I know that they're working on that
23 issue, but the -- I mean with the authorities -- and we
24 still have to get the approval of the authorities on
25 the second piece of that package. Once that's

1 established, I think the next step would be to announce
2 when that will go into production. We asked the
3 question when we talked to ... this week and he did not
4 have a date, so they don't have a date for it.

5 MR. PUYPLAT: It cannot be before October --
6 it can't be. We have first to produce the kit, so the
7 top priority will be the production of ... so it could
8 not be prior I guess to Spring or something else.

9 CAPT. OLIVER: For the record, ... as an
10 airline -- as you know, we take delivery of our first
11 A330 in November this year. What we don't want to do
12 is take delivery of a new aircraft and then have it on
13 the ground for ten days to have to retrofit it. It
14 should be in production as soon as possible.

15 MR. FAZIO: Any other questions? If not,
16 thank you. Now, let's call up Boeing.

17 MR. LEE: Good morning. My name is Nigel Lee
18 with the Boeing Company in Seattle, and here with me
19 this morning is Mr. Dane Lovejoy from CND Aerospace.

20 As most of you know, CND Aerospace is our
21 partner in providing secure flightdeck doors. CND
22 Aerospace provides flightdeck doors for all of the
23 single aisle aircraft, both Boeing and Heritage ..., as
24 well as DC-10s and 11. The Boeing Company itself is
25 making secure flightdeck doors for the 767, the 777,

1 and the 747, and I'm going to talk briefly this morning
2 about our schedule to provide doors for those aircraft.

3 We have installed ... flightdeck doors on the
4 Boeing 747. That aircraft was returned to service ...
5 under the provisions of the ... We encountered three
6 problems while we were installing that kit. Those
7 problems have now been resolved and we expect to
8 certify the 747 installation in mid-August. As many of
9 you know, we've encountered problems with our
10 ballistics testing on some of our doors, and the 767
11 door will be delivered at the end of this month,
12 certification in September. 777 door is the same
13 configuration as the 767 door, but the certification is
14 -- the 767 door is required to take precedence, of
15 course, and so that's why our certification plans have
16 been submitted to the FAA and we expect to certify the
17 777 door in September. The doors should be delivered
18 by the end of this month -- excuse me, the end of
19 August.

20 The 747-200, we have some orders for 747-200
21 doors. They will ship in December of this year, and
22 January of next year. There are actually two
23 configurations for the 747-200 door and the
24 certifications are expected to take place shortly

1 thereafter.

2 I will now ask Mr. Dave Lovejoy to give a
3 status on the doors for the CND ... aircraft.

4 MR. LOVEJOY: Good morning. Brief status on
5 the 737 cockpit doors. We received our STC in the
6 first week of July. Prototype aircraft was a Delta
7 737-800. We expect amendments to that STC to be
8 granted either today or tomorrow for the following
9 operators: ATA 737-800, Southwest 737-700, United 737-
10 300 and -500, US Airways 737-300. We will also tender
11 an additional amendment application to the LAACO (ph)
12 this week with an expected amendment some time next
13 week.

14 We also received a STC on the 757 door
15 approximately a week and a half ago. On July 26th we
16 received amendments to that STC including PMA or
17 configurations for Northwest Airlines, US Airways, and
18 American Airlines.

19 As Nigel mentioned, we're also currently
20 certifying the door for the DC-9 family, including the
21 MD-80. American is at CND today for the MD-80 first
22 article inspection. We expect delivery some time in
23 the next week, with an installation to begin on August
24 5th. Our expected STC date is August 8th.
25 Certification is not complete, however ballistics and

1 intrusion testing have both been completed successfully
2 for the DC-9 family. Testing in the other areas was
3 slightly delayed to ensure that possible ballistic
4 failures didn't interfere with other test results.

5 Our first amendments to the DC-9 STC,
6 including Northwest Airlines, is expected on August
7 15th.

8 As for the DC-10 family, including the MD-11,
9 CND geared up to have certification -- is geared up to
10 have certification submittals complete to the FAA by
11 August 16th pending FAA's support for test witnessing
12 et cetera. CND has, however, committed to a ship date
13 of 9/16 for our prototype customer, Northwest Airlines,
14 in anticipation of potential for a certification review
15 bottleneck at the LAACO.

16 727 aircraft, which are also designated
17 supplier, we completed initial technical design review
18 last week with Northwest Airlines and Boeing was in
19 attendance as well. We are currently investigating a
20 variety of design possibilities and will choose one
21 next month. First delivery to Northwest is expected in
22 January 2003, with amendments for additional customers
23 to follow by February.

24 I want to make a brief comment on our
25 manufacturing plant. So far we have shipped doors to

1 United, Delta, Southwest, Northwest, US Airways, and
2 ATA. We will ship over 50 doors by the end of the
3 month. We plan to ship 400 in August, 650 in September
4 ... build up capacity to ship up to 800 doors per month
5 by November of this year. Our expected capacity,
6 total, to ship by April 9th will be 6000 doors. Our
7 current backlog in firm orders is 2788 doors, and our
8 current backlog, including written agreements is 3800
9 doors. Thank you.

10 MR. FAZIO: Any questions from the panel?
11 Any from the floor? If not, thank you.

12 Now I call up the Association of Asia Pacific
13 Airlines.

14 MR. KEITH: Good morning ladies and
15 gentlemen. My name is Leroy Keith and I'm representing
16 the Association of Asia Pacific Airlines. Thank you
17 for the opportunity to provide a statement today on
18 behalf of the AAPA member airlines. The AAPA is a
19 trade organization representing the common interests of
20 17 major Asia Pacific airlines. Thirteen of those
21 airlines currently operate in the US>

22 As you know we have several member airlines
23 represented here today, and some of them will be
24 providing a statement also. The AAPA will be providing
25 collective written comments to the docket in accordance

1 with the final rule, and several member airlines will
2 also be submitting individual written comments.

3 The AAPA wants to make it clear at the
4 outset, especially in the light of the events of
5 September 11th, that it supports and understands the
6 need to protect the persons and property from
7 terrorism. The AAPA is committed to working with the
8 United States and its various responsible government
9 agencies, including the FAA, in this regard. The AAPA
10 member airlines operating in the US are working very
11 hard to meet the April 9, 2003 compliance date as
12 required in the final rule, and intend to do so if
13 possible.

14 To put some perspective on our size and the
15 impact of the final rule, our 17 member airlines
16 operate almost 25 percent of the global A-330 and A-
17 340 fleet, and almost a third of the Boeing 747 and 777
18 fleets. We have estimated, based on member and
19 manufacturers inputs and costing data, that to modify
20 the entire AAPA fleet by April 9th would cost over \$30
21 million US dollars. If the airplanes can't be modified
22 by that date, and not allowed to fly, the cost to that
23 carrier for that aircraft is estimated to be \$350,000
24 US dollars per day.

25 Our member airlines are safety and compliance

1 oriented, and recognize the need for increased cockpit
2 security, as I said. For example, those members
3 operating to the US, and several other members who
4 don't, have already complied with phase I requirements.
5 In fact, several AAPA members voluntarily initiated
6 action shortly after September 11th to increase cockpit
7 security. And that was before the FAA or AAPA member
8 airlines own civil aviation authorities required that
9 action.

10 And, as you've heard from the two
11 manufacturers and CND Aerospace, in some cases we are
12 encountering difficulties. A majority of our concerns
13 that have been raised to me, regard late certifications
14 of the amended or supplemental type certificates by the
15 FAA and the associated possibilities of delays in
16 receiving the modified door kits in a timely manner
17 from the vendors. Of course that means that to stay
18 with the April 9th date, every day that goes by means
19 that they miss the CND modifications, it's going to be
20 a lot more expensive than even we have projected as we
21 get closer to the April 9th date and kits are delayed
22 in delivery.

23 Other concerns that have been raised have to
24 do with the relatively low priority of the older models
25 -- and you've just heard that, such as the 747-200, the

1 classics have a later certification and ship delivery,
2 and we have a number of airlines that operate those
3 airplanes to the US. Other concerns have been
4 expressed by operators with all cargo aircraft that do
5 not carry passengers, and they have suggested that
6 operations and security measures could be considered --
7 should be considered -- as equivalent measures to
8 strengthen doors.

9 We will, of course, provide more data in our
10 written comments, and I am sure you will be hearing
11 directly from the affected members also.

12 In closing, the main message I am hearing
13 from AAPA members is that maximum support from the FAA
14 and manufacturers is required to insure prompt
15 certifications and kit deliveries, and, while we intend
16 to comply, if an airline has taken reasonable steps to
17 comply but they're constrained by circumstances beyond
18 their control, such as late certifications or hardware
19 deliveries, they should be given limited exemptions as
20 appropriate.

21 Thank you again for the opportunity to make
22 this brief statement, and I would be happy to answer
23 any questions.

24 MR. FAZIO: Thank you. Any questions from
25 panel? Allen?

1 MR. MATTES: Not so much a question, but a
2 request. You said, I believe, \$300,000 per day per
3 aircraft?

4 MR. KEITH: Correct.

5 MR. MATTES: In your comments to the docket,
6 could you provide documentation for that?

7 MR. KEITH: Sure. I'll be happy to.

8 MR. MATTES: That includes things like lost
9 revenue, down time --

10 MR. KEITH: Right, whatever all is involved.
11 We did get that estimate from a member airline, so I'll
12 have to go back to them and ask them the assumptions.
13 I think I've got some of them, but not all of them.

14 MR. MATTES: I understand.

15 MR. GARDLIN: You said percentages on fleets.
16 Do you know how many gross numbers that works out to
17 be?

18 MR. KEITH: Well, as a matter of fact,
19 according to our records, we've got 105 A-330s and
20 340s, 400 747 -- by the way, this is as of June of
21 2002, and 118 777s.

22 MR. PENLAND: Do you have any breakouts on
23 the numbers for cargo versus passenger?

24 MR. KEITH: No, I don't have that with me.

25 MR. FAZIO: Any other questions from the

1 panel? Any questions from the floor? Fair enough,
2 thank you.

3 Next is the European Cockpit Association.

4 CAPT. HAUGSBAK: Mr. Chairman, ladies and
5 gentlemen. On behalf of the European Cockpit
6 Association, the ECA, representing more than 31,000
7 professional pilots in the EU and the European Economic
8 Area, I would like to thank you for letting us express
9 our views on the flight security in the Part 129 issue.
10 My name is Odd Haugsbak. I'm a board member of the
11 European Cockpit Association, and in the area of
12 aviation security, I have five and a half years of
13 experience as the Norwegian representative to the
14 IFALPA security committee. I'm a Captain for
15 Scandinavian Airlines, presently based in Oslo, Norway.
16 The views I express today are the views of the pilots
17 of Europe, but my views are based on the policies and
18 statements of IFALPA and its more than 100,000 pilot
19 members worldwide.

20 After September 11th, the world of aviation
21 security changed dramatically. That, however, does not
22 mean that all our previous procedures and solutions in
23 this area that served us well for decades, have to be
24 discarded. September 11th does not mean that all
25 hijackings from now on will be suicidal, and therefore

1 must be met with a totally new approach. In fact,
2 there have been several hijack attempts after September
3 11th, with a peaceful solution based on well known and
4 recognized procedures and principles.

5 One of the most important factors in solving
6 aviation security problems is to recognize the fact
7 that the problem is best solved on the ground. Let us
8 therefore insure that the solutions designed and
9 implemented on the ground work properly, and let us
10 expand these solutions with new technical knowledge and
11 skill. Let us insure that passengers, staff, luggage,
12 cargo and equipment go through a thorough screening
13 process for thereafter to be allowed only to move in
14 secure and sealed areas.

15 The added security measures on board must all
16 be built on a balanced approach. You cannot increase
17 the cost of security to such levels that no one can
18 afford to fly, nor can you increase the security hassle
19 to such an extent that no one wants to fly. The
20 reaction must be a balance between safety, security and
21 finance, as well as being proportional according to the
22 threat.

23 Yes, we must accept that there is less of a
24 security threat flying between the two small towns of
25 Trumsa (ph) and Olta (ph) in northern Norway as opposed

1 to a flight between London and Washington, and we must
2 focus our resources thereafter.

3 We still, of course, have to abide by the
4 principle of Captain's authority. He and he alone
5 shall be the sole master of the flight. His cockpit,
6 cabin, crew, passengers and resources. The moment we
7 start out undermining the principle of Captain's
8 authority we have entered a dangerous path towards
9 inflight anarchy.

10 So how do we apply the new measures being
11 installed? The cockpit door is one of our emergency
12 exits. New technical procedures and solutions must not
13 hinder this emergency operation. Also today, we
14 communicate through that door, but new procedures and
15 solutions to maintain that communication with the new
16 doors being introduced is still not in place.

17 Therefore, yes, the cockpit door must be
18 lockable, but only the Captain and no one else should
19 decide at what stage of the flight he wants it locked
20 or only closed. The door, as well as the bulkhead
21 around it, should also be reinforced to withstand small
22 arms fire and grenade shrapnel, but the locked and
23 reinforced door can only work in conjunction with new
24 communication procedures as mentioned, with the rest of
25 the crew. And with the possibility to visually monitor

1 the area in front of and adjacent to the door by
2 electronic means located in the cockpit. And I stress
3 again, the Captain, and only him, should have full
4 authority and responsibility for operation of that
5 door.

6 In Europe, as you understand, increased
7 security measures taken vary from nation to nation, as
8 well as from company to company. The reasons for this
9 vary as well, but one factor is definitely -- one
10 factor that is influencing the level of security is, as
11 I mentioned earlier, definitely the perceived threat.
12 But you will find all of these measures are introduced
13 or reinforced in most European countries that I've
14 listed here on this slide.

15 In the short medium term, because of the
16 introduction of new security measures, we see a
17 definite need for more training of crew, both in
18 equipment and in procedures. This, of course, will be
19 a must when introducing the phase II doors and an
20 electronic visual system to view the door area. I...A
21 requirements as well as your Part 129, together with
22 new security legislation in Europe, is of course also
23 part of the larger security plan. I strongly advocate,
24 however, that you cannot introduce the one without
25 looking at the other and the impact that all will have

1 on the total operational picture.

2 We therefore need a gradual response. I
3 claim that by introducing Part 129, you make permanent
4 measures valid in the state of permanent, maximum alert
5 in the air, without fixing, as I started my brief with,
6 the security problem on the ground. This could lead to
7 complacency as far as ground security is concerned. We
8 have now fixed the problem in the air, let us not be as
9 concerned about the ground problem.

10 This, as far as the European Pilot Community
11 is concerned, is the wrong approach. By introducing
12 Part 129, you very easily forget the cultural and
13 operational differences between the US and most of the
14 pilot world. In Europe, having colleagues or family
15 members riding jump seat, for example, is part of our
16 culture, and very often the only way that we can use
17 the benefits we have in working for an airline. If you
18 deny us this, you will alienate a large part of the
19 pilot community, at a time when we need to be united.
20 Yes, we must restrict access to the cockpit, but
21 restrict the ad hoc visit, and let the Captain have the
22 authority to decide whether he wants to prearrange for
23 colleague or family members to ride up front with him.
24 In Europe, and in the larger part of the
25 world, it will be the airlines, and thereby the

1 traveller that will have to pay for added security
2 measures, not the authorities. Since we are competing
3 in an open market, Part 129 will negatively influence
4 our airlines and result, giving the US companies a
5 competitive edge.

6 It seems to be an established fact by now
7 that the US itself will have problems itself meeting
8 the deadlines set regarding implementation of the
9 ground security measures, partly because of the costs
10 with funds made available by the US government. How
11 then do you expect foreign carriers who must fund this
12 for themselves to be able to meet the deadlines?

13 Also, as far as I know, US and Israeli pilots
14 today are the only ones who have an indemnification
15 from the ICAO Annex 6 provisions. The rest of us are
16 risking huge medical claims if anything should happen
17 behind the door that I from now must keep locked.

18 So what are our recommendations? We want a
19 more coordinated approach between all international
20 bodies now making their own rules about aviation
21 security. The one should not introduce new legislation
22 measures without consulting and finding solutions that
23 are acceptable to all parties. Let there be, and
24 accept that there is, local variations as long as the
25 end result is the same. The track varies and we must

1 be able to accept that as well, without stigmatizing
2 people. Track assessments should include governments,
3 airlines, and stakeholders. Introducing Part 129 you
4 should, as long as you're trying to influence foreign
5 stakeholders, also make that part of the discussion
6 beforehand. If not, you risk antagonizing a large part
7 of the industry.

8 My conclusion is that we, the European pilot
9 community, and I think I can say quite a large part of
10 the international pilot community as well, in the
11 future would like to see a cross-border commitment to
12 coordinate and agree between the different
13 international bodies before any one of you introduce
14 measures to address common risks.

15 Ladies and gentlemen, thank you for your
16 attention.

17 MR. FAZIO: Thank you. Any questions from
18 the panel? No. Any from the floor? If not, I'll ask
19 the next speaker to come up, please, Lufthansa Cargo.

20 CAPT. BERENDSEN: Good morning. My name is
21 Captain J. Peter Berendsen. I'm the security manager
22 flight operations for Lufthansa Cargo, and I'm
23 appearing on behalf of Lufthansa Cargo, HES subsidiary
24 of Lufthansa German Airlines. Lufthansa German
25 Airlines fully support the FAA's efforts to increase

1 aircraft security and combat the threat of terrorism.
2 As you may know, many of our North American employees
3 live and work in the New York metropolitan area, and
4 have personally experienced the tragedy of September
5 11th, myself included.

6 We at Lufthansa Cargo are making our best
7 efforts to develop and implement security measures that
8 will enhance security and reduce threat of terrorism.
9 Lufthansa Cargo shares the FAA's goal of increasing the
10 security level of all cargo operations. We
11 respectfully submit, however, that the FAA's proposal
12 to require all cargo carriers to install reinforced
13 cockpit doors on their aircraft will not effectively
14 enhance security on freighter aircraft.

15 One of the main differences between all-cargo
16 operations and passenger operations is the absence of
17 cabin crew and/or sky marshals. This means that if a
18 pilot on one of our freighters needs to leave the
19 cockpit for any reason -- something that happens on a
20 regular basis -- there will not be a crew member
21 outside the cockpit door to insure that the area is
22 clear and secure before the pilot exits the
23 flightdeck. Assuming there are cargo attendants or
24 other persons on board the freighter, the reinforced
25 cockpit door would not protect the pilot once he or she

1 left the flightdeck. In a worse case scenario, a cargo
2 attendant could even intentionally start a disturbance
3 that would cause a crew member to leave the flightdeck
4 and help out -- such as a small fire. Once a pilot has
5 opened the cockpit door, the door does nothing to
6 protect the pilot or guarantee the security of the
7 flight. Indeed, if a terrorist were to overpower the
8 pilot and enter the flightdeck, the reinforced cockpit
9 door could prevent anyone from offering assistance to
10 the remaining pilot still on the flightdeck.

11 Another incongruous effect of the FAA's
12 revised Part 129 is that it requires the installation
13 of reinforced cockpit doors on freighter aircraft that
14 are already equipped with cockpit doors, but not the
15 installation of such doors on cargo aircraft that
16 currently are not equipped with cockpit doors at all.

17 Cargo attendants and other persons are
18 transported on both types of aircraft, but not
19 passengers, since the dangerous goods rules do not
20 allow that. Since there is only a small number of
21 people involved, Lufthansa Cargo believes that it would
22 make more sense to ensure that all attendants and
23 persons transported on all freighter flights undergo
24 background checks, profiling, and proper security
25 screening, rather than to require the installation of

1 reinforced cockpit doors only on those aircraft that
2 are already equipped with cockpit doors.

3 We have to do these enhanced security checks
4 anyway because we do not know in advance whether an
5 aircraft with or without a cockpit door will be
6 dispatched on that particular day. For example, a
7 Boeing 747-200S no stall freighter, which is built and
8 certified without a cockpit door, or a Boeing 747
9 special freighter which has been converted from
10 passenger service and has a door and would fall under
11 the rule.

12 Lufthansa Cargo has concluded that the best
13 way to enhance the security of all cargo operations is
14 to thoroughly background check, profile and screen all
15 persons who may be taken aboard such flights. This
16 would include cargo attendants, employees on duty
17 travel, or any other person. The key to cargo aircraft
18 security is making sure that only trusted and known
19 individuals are taken on board the aircraft.

20 As many of you know, the FAA's original SFAR
21 amending Part 121, which applies to US carrier flight
22 operations, did not impose a reinforced cockpit door
23 requirement on all cargo carriers. In fact, it is my
24 understanding that the implementing US Federal statute
25 requires that only passenger aircraft be equipped with

1 such cockpit doors. The FAA did not amend Part 121 to
2 require the installation of reinforced cockpit doors on
3 all cargo aircraft until FedEx petitioned the FAA to
4 allow it to install such doors on its freighter
5 aircraft.

6 Unfortunately, there is no evidence in the
7 public record that the FAA's adoption of FedEx's
8 unilateral security initiative has appreciably
9 increased aircraft security or reduced the threat of a
10 terrorist attack in the United States. ICAO has
11 thoroughly studied the issue and concluded that
12 reinforced cockpit doors should be required on
13 passenger aircraft, but not on freighter aircraft.

14 It is my understanding that a number of US
15 all-cargo carriers have applied for exemptions from the
16 reinforced cockpit door requirements of Part 121, and
17 that the FAA has yet to grant any of these
18 applications. If the FAA chooses not to amend Part 121
19 and 129 to remove the reinforced cockpit door
20 requirement for freighter aircraft, Lufthansa would
21 respectfully urge the FAA to develop a policy for
22 granting exception to those all-cargo carriers that
23 have developed enhanced all-cargo security programs
24 that provide for equivalent, or perhaps greater, levels
25 of security than that brought about by the installation

1 of reinforced cockpit doors.

2 Lufthansa Cargo is presently hard at work
3 developing an improved security program and would
4 welcome the opportunity to cooperate with the FAA
5 developing an alternative solution to the present Part
6 129 cockpit door requirements. The key elements of our
7 plan is to insure that only known and trusted persons
8 on board our freighters -- that means no traveller
9 concept for cargo attended similar to the known shipper
10 concept. Companies wishing to send cargo attendants
11 must vouch for the identity and background of any
12 attendant. Personal data regarding attendants will be
13 maintained and a database, cargo baggage and the
14 attendants themselves will undergo security screening
15 before boarding the aircraft -- and that is something
16 that happens right now already.

17 As we develop our security plan, we found
18 that the rule raises many questions for a cargo
19 carrier, such as, first, we would like to clarify your
20 use of the phrase "other occupied compartment" in
21 Section 129.28(a)(2) suggests the rule does not apply
22 if that compartment is not occupied.

23 Second, does the certification requirement
24 for the MD-11 door to remain open during takeoff and
25 landing for emergency egress remain in effect? If so,

1 how can we comply with both Part 129.28 and the
2 certification of the aircraft, since it says the door
3 is always automatically closed, as you know.

4 Thank you very much for the opportunity to
5 present our views to you today. Lufthansa Cargo will
6 be supplementing these remarks in a more detailed
7 filing that we will submit to the FAA on August 20.
8 Thank you.

9 MR. FAZIO: Thank you. Jeff.

10 MR. GARDLIN: You mentioned that you don't
11 always know whether the airplane you're going to use
12 actually has a flight deck door or not.

13 CAPT. BERENDSEN: Yes.

14 MR. GARDLIN: At what point -- I mean, how --
15 how late in the process do you --

16 CAPT. BERENDSEN: Well, we have two fleets of
17 aircraft. We have 14 MD-11 freighters, actually the
18 last ever built -- they were all new. And we have
19 eight Boeing 747 freighters, five of them nose door
20 freighters that do not have a cockpit door, three of
21 them special freighters that have been converted from
22 all-passenger aircraft. And the decision to switch
23 aircraft for operational or rotation reasons may happen
24 three hours before the flight. So since a cargo
25 attendant, according to the rule, could ride on a nose

1 door freighter that doesn't have a cockpit door, and
2 would have unhindered access to the flightdeck, our
3 main concern is the background of the people on board.
4 And the phase II door would be fulfilling this rule and
5 nothing else.

6 MR. GARDLIN: Thanks.

7 MR. FAZIO: Other questions? Any questions
8 from the floor? If not, thank you.

9 CAPT. BERENDSEN: Thank you.

10 MR. FAZIO: Next on the agenda is Virgin
11 Atlantic Airways.

12 MR. LACEY: Good morning ladies and
13 gentlemen. My name is Michael Lacey. I'm a senior
14 structures engineer with Virgin Atlantic Airways, and
15 I'm doing the technical side for the A-340 and 747-400
16 doors for Virgin Atlantic.

17 Virgin Atlantic's board, after September the
18 11th, required that all our aircraft complied with the
19 Phase I requirements which we met by the end of
20 November last year. Not only did we put a restraining
21 bar, we actually put a ballistic panel onto the door
22 itself. Since then, we've been working with Airbus and
23 Boeing and we've put in orders for kits back in April
24 to allow us timely fitment of the kits.

25 Currently, we're working to the FAA deadline

1 of the 9th of April. From the UK Department of
2 Transport we have the deadline of the 30th of April,
3 but from the JAA and ICAO, we have a deadline of
4 November 2003. Currently we're having problems in
5 obtaining service bulletins because of the slippage in
6 approvals. This has impacted our retrofit of the
7 doors. We were originally scheduled in to start
8 retrofitting next month. We're now looking at
9 September, which is also in doubt at the moment. We're
10 in weekly discussions with Boeing, and Airbus are
11 keeping us informed as well.

12 Also, from the original down time, we were
13 looking at probably two days for 747-400 doors; the
14 latest from Boeing now is four days, and again, as
15 you've heard from Airbus, it's five days for the door
16 and ten days if you do the door and bulkhead, which we
17 were going to start fitting the doors in the 340 series
18 aircraft as soon as they were available, and then the
19 bulkheads when they became available. We just had some
20 delivery of our A-340-600 and that has a phase II
21 compliant door, but not bulkhead, which means that
22 aircraft would need to be modified again, with the down
23 time on a brand new aircraft.

24 Bulkheads, as you've heard for 340 are, we
25 were told, sometime end of November. If we had to

1 modify the A-340 fleet, which currently consists of 13
2 aircraft, we would be looking at an aircraft down from
3 December through to April.

4 We have concerns of the IAM's ability to meet
5 the worldwide demand. Also, Virgin Atlantic, we don't
6 have our own maintenance facilities. We're fully
7 reliant on third party maintenance contractors, so
8 we've already had to schedule an aircraft for extra
9 down time next week, which we've had to pull each time
10 there is slippage in the approval of service bulletins,
11 we've had to go back to the third party maintenance
12 organization, which we use several, to then discuss the
13 new plan. This also affects their scheduling as well.

14 As I've said, we don't have any kits probably
15 until September. We actually start our C checks --
16 we've started those in fact next month, so we'll have
17 aircraft that do not fall inside C checks when we need
18 to modify them.

19 If we reactivate our 747-200s, which were
20 mothballed at the end of last year, we would again need
21 to get kits on those, which are quite another increased
22 cost from what we've actually paid for the 400, plus,
23 as of the moment there is no time frame on the delivery
24 of those kits.

25 Virgin Atlantic are committed to actual

1 installing the doors but the problem that we see at the
2 moment, not having facilities, reliant on third party
3 maintenance organizations, et cetera, we would like all
4 the airworthiness authorities et cetera to review the
5 time schedule for this, probably to review with having
6 an 18 month compliance from when kits are actually
7 available, which would allow us and other operators to
8 install these on C or D check intervals, rather than
9 scheduling additional down time on and above the C
10 checks.

11 Thank you very much.

12 MR. FAZIO: Thank you. any questions from
13 the panel? Any from the floor? Thank you.

14 Next will be the Latin American Air Transport
15 Association.

16 MR. DUERI: Thank you very much. My name is
17 Eduardo Dueri, director of safety for International
18 Association of Latin American Air Transport. As part
19 of the industry, AITAL believes that governments have
20 direct responsibility for our agency ... and its
21 funding. These responsibilities includes the
22 protection of its citizens in the air and on the
23 ground, as a security threat against airlines is a
24 manifestation of the threat against states. As such,
25 the provision on cost of a nation's security should be

1 borne by its states from general revenues. IATAL also
2 believes that states must work together in a
3 cooperative manner, with input from the industry, to
4 ensure harmonizing implementation of globally
5 recognized standards based on ICAO Annex 17.

6 As for enhanced flight security options,
7 AITAL fully supports implementation of these advanced
8 technologies capable of securing the flight crew
9 against attack. AITAL also supports in the longer
10 term, and taking into consideration all practical
11 problems, the installation of a surveillance system to
12 allow the flight crew to monitor the access area to the
13 cockpit.

14 However, AITAL deems it necessary to extend
15 installation of doors meeting the new standards beyond
16 April 9, 2003 to at least November 1, 2003 for the
17 following reasons:

18 1. It is necessary to harmonize the various
19 standards that may be imposed by governments around the
20 world. In this respect, it is essential to work
21 together within the framework of ICAO as it's publicly
22 known, this organization has set a November 1, 2003
23 deadline to install such doors.

24 2. At the FAA's average cost of \$36,000 per
25 door, Latin American carriers need the extended period

1 of time to secure financing. It's worth noting that
2 despite the industry's deep financial crisis, most
3 Latin American governments are not providing its
4 carriers any relief for funds to meet the enhanced
5 security measures and procedures being implemented
6 everywhere.

7 3. The new rule may require additional
8 training for flight crews and introduction of new
9 procedures. The extended period of time requested will
10 allow its effective implementation.

11 4. And finally, IATAL doesn't believe that
12 granting such additional period of time will make a
13 substantial difference in the fight against terrorism.
14 A uniform worldwide date as that recommended by ICAO
15 will guarantee a global solution, prevent confusing
16 demands by various governments, and allow for effective
17 planning, purchasing and installation of the new doors
18 and introduction of the additional training and
19 procedures that these new rules entail.

20 Thank you very much.

21 MR. FAZIO: Thank you. Any questions? None.
22 Any from the floor? Thank you.

23 Next will be Japan Air Lines.

24 MR. HAMA: Good morning ladies and gentlemen.
25 My name is Kozo Hama. I'm a member of the engineering

1 project office in Japan Air Lines engineering
2 department. I'd like to thank the FAA for holding this
3 public meeting and for the opportunity to present our
4 views on the June 21st final rule regarding flightdeck
5 reinforcement on aircraft operated by non-US airlines
6 to and from or over the United States.

7 These comments cover not only Japan Air
8 Lines, but also its subsidiary, JAL Ways, which also
9 serves the United States. Together, there are about
10 400 JAL and JAL Ways aircraft that are affected by this
11 FAA rule. This is therefore, a very important subject
12 for us.

13 The FAA final rule requires that foreign
14 airlines must install new flightdeck doors on aircraft
15 serving the United States by April 9, 2003. And also
16 install temporary locking devices by August 20, 2002.
17 For your information JAL already meets the latter
18 requirement, since temporary locking devices were
19 installed in November last year on all JAL group
20 aircraft.

21 Although we intend to file written comments
22 to the final rule on August 20th, we'd like to
23 summarize here our current and somewhat urgent concerns
24 regarding timely compliance with the fortified cockpit
25 door requirements.

1 JAL would like to make very clear that it is
2 in complete agreement with the SFAR 92 standards and
3 with the goals of the FAA rule. JAL will employ all
4 resources that are necessary and within its control to
5 comply on a timely basis. The highest degree of
6 cockpit security is also what my own government,
7 through the JCAB -- Japan Civil Aviation Bureau --
8 expects.

9 However, I have made this long trip from
10 Tokyo to emphasize that for reasons outside our
11 control, JAL's completion of the modifications on all
12 affected Boeing 747-400 and 200 models by April 9, 2003
13 may not occur on time. As things now stand, we
14 currently focus a condition date of April 30, 2003 for
15 these aircraft. The reason for this forecast is that
16 delay in kit delivery from Boeing. According to our
17 recent information from Boeing, the 747-400 and 200
18 models require many more elaborate hours and much
19 longer lead time for kit development and delivery than
20 Boeing initially indicated, because not only the
21 flightdeck door, but also the sounding structure need
22 to be modified in order to meet the FAA requirement.

23 The kit delivery is scheduled in mid-January
24 2003. Even if this kit delivery schedule is met, the
25 fact that we operate 15 747-400 and 200 airplanes that

1 need to be modified will lead to an inability to
2 complete the retrofit by this due date. Our current
3 estimate is that a few aircraft will be left undone,
4 and we'll not be able to serve the United States with
5 them as of April 9, 2003. This will have a serious
6 impact on our business.

7 We considered other options, such as
8 selecting suppliers other than Boeing, however, due to
9 the complexity of the design and ... kitchen
10 requirements, we believe that the original
11 manufacturer, Boeing, is the fastest and indeed the
12 sole solution to obtain the doors for 747-400 and 200
13 models.

14 In the meantime, according to Boeing and
15 other vendors, design approval from FAA for other
16 aircraft models is likely to take longer than expected.
17 Delay or failed design approval could also hinder
18 completion of the retrofit for such models beyond the
19 due date.

20 Given the huge task of providing FAA-
21 certified retrofit solutions to a great many Part 121
22 carriers, JAL thinks that it is questionable whether
23 Boeing, despite its best efforts, has the resources to
24 support all the retrofits FAA has recently also
25 requested of Part 129 carriers within the same

1 timeframe.

2 Further, the FAA itself has a critical role
3 to play in connection with the design approval process,
4 and coordination with the manufacturers. Delay
5 problems that are sourced at the Boeing or the FAA or
6 both are clearly beyond the JAL's control. If JAL does
7 its part by using its best efforts to comply with the
8 April 9, 2003 date, it should not have to suffer any
9 adverse consequences from a delay that it cannot
10 control. For the FAA to do otherwise would impose
11 unreasonable regulation on foreign airlines.

12 Any realistic chance for many Part 129
13 carriers, including JAL, to meet the current deadline
14 will require a greater sense of expedition than appears
15 to be the case at this time. In order to provide a
16 greater sense of expedition, we strongly and
17 respectfully request that the FAA to consider all
18 practicable solutions, such as accelerated design
19 approval and certification process, and also for FAA to
20 consider governmental support for Boeing and other door
21 manufacturers to allow them to expedite kit delivery
22 for the affected aircraft, especially Boeing 747-400
23 and 200 model operated by FAA 129 operators. And also
24 FAA to treat FAR 121 and 129 operators fairly -- fairly
25 -- in terms of design approval and kit delivery timing.

1 As stated at the outset, JAL is willing to --
2 willing and anxious to meet the due date for cockpit
3 fortification, but current indication that slippage in
4 the date for some JAL aircraft will not be the fault of
5 JAL. Sanctions against JAL for such slippage would be
6 unjust. The simple answer is to avoid any slippage
7 through ... of the Boeing kits and the expedited FAA
8 process.

9 I again thank you for the opportunity to
10 present JAL's views. Thank you.

11 MR. FAZIO: Thank you. Any questions? Any
12 from the floor? Thank you. We're currently scheduled
13 to have a break, but I'd prefer to press on. We're a
14 little ahead of schedule, so let's just try to plow
15 through this if we can, so I'm going to ask that Qantas
16 please take the podium.

17 CAPT. OLIVER: My name is David Oliver. I'm
18 general manager flight technical for Qantas -- and just
19 as an administrative comment, I note that there's no U
20 in the spelling of Qantas. Thank you.

21 Just for the record, Qantas fully supports
22 the intent of the NPRM and subject to delivery of the
23 appropriate kits, we will have all aircraft which
24 operated to the United States modified to meet the
25 compliance dates. I think it's worth noting at this

1 point that people have talked about kit delivery up
2 until now, but kit delivery is only one element of the
3 installation process. The airlines have to schedule
4 the airplanes on the ground in order to install those
5 kits, and quite clearly it's impossible for the
6 airlines to have all the aircraft on the ground at any
7 one time. So modification of the aircraft, while it is
8 dependent on kit delivery, it is also dependent on the
9 ability of the airlines to schedule the aircraft into
10 the maintenance facilities.

11 The comments that I'd like to make now really
12 relate to the design and procedure requirements that
13 ensue from the implementation of both the Phase I and
14 Phase II doors. We accept the need for the short term
15 Phase I door modifications and the change in crew
16 procedures which have arisen. Our concern,
17 particularly for long haul operations, and as you would
18 all know, Qantas is the longest average -- has the
19 average -- longest average of flight times of any
20 airline in the world.

21 Our concern for the long haul operations is
22 that the Phase II doors do not, at this stage, rectify
23 the procedural changes that have arisen from the Phase
24 I door modifications. By this I mean that flight crew
25 have to vacate a control seat to permit entry of

1 authorized persons to the flightdeck. Typically, this
2 is cabin crew bringing refreshments or meals to the
3 flightdeck. It can also mean that to permit entry of
4 crew who have been in an external rest area.

5 We believe that the manufacturers and the FAA
6 should move swiftly to certify an entry system which
7 does not require the pilot to vacate control seat
8 during flight. This in all probability means
9 installation of a video system, monitoring areas
10 external to the cockpit.

11 Further, on 747 type aircraft, the entry
12 system must be such that an occupant of the flight crew
13 rest is not disturbed when the door is opened or
14 closed. We already have concerns -- and have expressed
15 these to Boeing -- that the current Phase II door
16 design will cause intrusive noise in the crew rest
17 area. This is unacceptable on long haul operations
18 where flight times and tours of duty exceed 14 hours.
19 The occupant of the crew rest must be able to take a
20 break without being disturbed by people entering and
21 leaving the flightdeck.

22 We would like the FAA to take account of
23 these concerns when certifying the Phase II door and
24 insure that both the security requirements which we all
25 endorse, but also that the crew procedures that arise

1 from the Phase II doors are such that, as I said, crew
2 would not have to vacate control seats and secondly,
3 crew rest is not disturbed.

4 Thank you for the opportunity to comment. I
5 appreciate it.

6 MR. FAZIO: Thank you. Are there any
7 questions? Jeff.

8 MR. GARDLIN: One question. The -- your
9 comment about not having to vacate the seat, is that
10 related to identifying someone that wants entry?

11 CAPT. OLIVER: That's correct.

12 MR. GARDLIN: Okay. Thank you.

13 MR. FAZIO: Any questions from the floor?
14 Thank you.

15 Can I call up Martinair Holland, please?

16 MR. SCHAEFERS: Good morning. My name is
17 Fons Schaefers. The spelling is put out on the agenda,
18 so I don't spell it. I represent Martinair. Martinair
19 is what is called "the other Dutch airline". We do
20 have a ... We have a mixed fleet of all-passenger and
21 also all-cargo airplanes, six MD-11s, which -- four of
22 which are convertible but they may offer it in an all-
23 cargo configuration. We also have three 747 airplanes.

24 We appreciate the opportunity to comment on

1 this final rule request for comments. We see the
2 measures introduced by this rule as an improvement to
3 inflight security. We have a number of comments, three
4 are of a rather formal nature, and three are
5 substantial. And I'd like to start with the formal
6 ones.

7 And I'm quoting FAR 129 ... 129.11(a)(5),
8 which requests to identify ad hoc tail numbers for
9 inclusion of the ops spec ... only refers to the, if I
10 understand it, the Phase I situation, but not the Phase
11 II situation. It is quite uncommon to actually
12 identify whether certain aircraft are equipped with
13 certain items, for instance, ... -- we do not submit a
14 list to the FAA whether aircraft are equipped with ...
15 So we question whether it's really necessary. We have
16 no objection of course to do it, we just question it.

17 Another formal point is the 129.13. It says
18 that -- the original 129.13 says that aircraft must
19 carry current airworthiness certificates, which is
20 normal. However, when we read the exception clause in
21 the new .13, we can actually read it as a waiver to
22 carry a CFA. I don't think that's the intent. What we
23 probably think is meant is that actually certain
24 airworthiness requirements may be waived, but of course
25 that should not lead to a possibly to remove the CFA

1 from the airplane, because that is not in accordance
2 with the Chicago convention rules.

3 A third formal point is that when we read the
4 applicability paragraph for FAR 129, it's uses is to
5 face operation within the United States. When we read
6 this final rule, we see the words within the United
7 States, or on overflights. We wonder whether that's an
8 intentional addition, or whether it just means the
9 same.

10 Okay, the substantial points -- again, by
11 paragraph number. The first one is the 129.28(a)(2)
12 requirement, which is for the Phase I modification
13 requirement for aircraft -- I believe for all aircraft.
14 It uses a reference date of January 15, 2002 for the
15 Phase I requirements, which then becomes effective 20
16 August 2002. In other words, if you have a door
17 installed on January 15, 2002, you're required -- you
18 must install your Phase I door by August 20.

19 However, if you look at the procedural
20 requirements which are in 129.28(d), they only look at
21 the date of June 21 for the door installation or not.
22 So we believe there's a discrepancy between the
23 hardware requirement on one side and the procedural
24 requirement on the other side.

25 Looking to 129.28(d)(2), which is part of the

1 procedural requirement, it restricts the requirement to
2 close and lock the cockpit door to the position that
3 passengers are being carried. That would imply that
4 when persons other than passengers are carried in
5 occupied compartments of all-cargo airplanes, there is
6 no need to close and lock the cockpit door. If that is
7 really intended, we believe when we read the preamble
8 that it is intended, then perhaps the paragraphs (a)(2)
9 and (c) should be rephrased as follows:

10 It should read "between the pilot compartment
11 and any other compartment when occupied by persons
12 other than those listed in 129.28(d)(3)." Now as you
13 may know, .28(d)(3) is the list of items which are
14 authorized to have access to the cockpit -- of course,
15 flight crew, inspectors and also certain other persons.

16 A consequence of this will be that all-cargo
17 airplanes, which apart from carrying cargo and mail,
18 are solely used to carry persons as listed in (d)(3)
19 are then excluded from the retrofit requirements of the
20 Phase I and the Phase II requirements.

21 And then we would have also a solution to the
22 problem which Lufthansa also raised on the MD-11, where
23 there is actually an airworthiness record requiring the
24 door to be opened during taxi, takeoff and landing.
25 And as already mentioned before, also ICAO has no

1 requirement for doors -- for reinforced doors on all-
2 cargo airplanes.

3 Finally, and the last substantial comment is
4 about the costs, and costs estimates in the final rule
5 for a door retrofit range from about \$17,000 to \$36,000
6 per aircraft. We believe it may be representative for
7 many aircraft, but it is certainly not for all. For
8 instance, the 747 classic door has been estimated to be
9 about \$190,000 per aircraft, and that's excluding down
10 time, installation costs and what have you.

11 As we proposed at the FAA ... cross-section,
12 and considers whether the rule is still cost beneficial
13 for all kinds of operations, including all-cargo
14 operations.

15 I'd like to add two more comments. We think
16 this item which are not on the official docket because
17 I just thought about them later -- maybe the FAA when
18 they do the cost-benefit analysis, should also look at
19 the exposure time of those airplanes. Airplanes may --
20 if you talk about a FAR 121 carrier, chances are very
21 high that about 50 or 60 or 80 percent of its flying
22 time is essentially spent in US air space. However,
23 for FAR 129 airplanes, typically are seldom in US air
24 space. I believe ten percent of its flying time is
25 already a high estimate -- ten percent within the US.

1 Perhaps you should include that in your cost benefit
2 analysis.

3 And as already mentioned by a lot of
4 commentators before, also the European governments do not
5 compensate their airlines for this kind of
6 modifications.

7 On behalf of Martinair, I thank you very much
8 for this opportunity to comment.

9 MR. FAZIO: Thank you. Anyone from the panel
10 wish to address any of the comments? If not, then what
11 I think we will do is we will address those -- we'll
12 address your specific comments in the docket.

13 MR. SCHAEFERS: Okay. When will that be, by
14 the way?

15 MR. FAZIO: The docket closes August 20th.
16 We'll try to get something posted up on the web even
17 before that.

18 MR. SCHAEFERS: That is very -- the August 20
19 date is a very important date --

20 MR. FAZIO: We understand.

21 MR. SCHAEFERS: -- and we have to make
22 decisions before that day.

23 MR. FAZIO: Okay, yes, we understand. I
24 think you have a question here.

25 MR. MATTES: Yes, in your comment about the

1 \$190,000, could you provide a breakdown of where that -
2 - what various components contribute to that and how
3 much, in your comment to the docket?

4 MR. SCHAEFERS: Well, you better ask Boeing
5 to do that. Boeing quoted that figure of \$190,000 per
6 ship for 747 classic -- that's just the quotation by
7 Boeing, and that's apart from the installation costs we
8 have. Is that a true figure?

9 MR. HARRINGTON: That is.

10 MR. FAZIO: any questions from the floor?
11 Okay, thank you. I have one last minute registration,
12 for request to speak, and that is Mr. Wesley Platner,
13 National Aircraft Services. Are you here? Please.

14 MR. PLATNER: I'm Wesley Platner with
15 National Aircraft Service, and I just had sort of a
16 short comment. That is, NACS, which is National
17 Aircraft Service is a member of a joint task force for
18 cargo-converted aircraft, which is a collaboration of
19 FAA, airlines, aircraft owners, and industry. It was
20 developed to correct major defects in STC approved
21 cargo aircraft, and it's NACS' position that the
22 requirements for the flightdeck door, specifically
23 AC25-795-1 may result in a large joint task force to
24 correct the cockpit door modifications.

25 I wish to mention just two examples which

1 have been demonstrated for members of Congress. It was
2 demonstrated that it requires only a couple of seconds
3 to apply over 500 pounds of force, pulling on the
4 cockpit doorknob with common articles which most
5 passengers either wear or carry. The second one is
6 that AC795-1, page 12, paragraph seven, the pass/fail
7 criteria, paragraph (d) -- subparagraph (d) -- "A
8 method for determining acceptability under paragraph
9 7(a) and (b) is to apply a constant 100 pound load on
10 the door in the direction of the flightdeck while
11 making the assessment." Now this assessment is to
12 determine whether or not the door can be breached.

13 These cockpit doors operate in the opposite
14 direction of the 100 pound force applied while making
15 the assessment for the pass/fail. NACS has tested
16 doors which will pass the 100 pound force applied in
17 the direction of the cockpit and those passed, but
18 failed if they applied the 100 pound force in the
19 direction that the door normally operates.

20 Therefore, NACS actually designed a door
21 which will pass the cumulative test of all of the
22 impacts and ballistics with push tests and pull tests
23 in between every test, so we know that this can be
24 accomplished with relative ease, and it's possible that
25 all the doors that are approved at this current time

1 will pass all of those tests.

2 There are no tests in place at this moment
3 that would actually validate whether or not the door
4 could be pulled open with simply 100 pounds after an
5 impact test.

6 That's it.

7 MR. FAZIO: Thank you. Any questions.

8 Anyone from the floor? Thank you.

9 MR. PLATNER: Thank you.

10 MR. FAZIO: That concludes my list of
11 registered speakers. Is there anyone else that would
12 like to take the podium? Very well, let me just close
13 here.

14 I would like to remind everyone that the
15 verbatim transcript of this meeting will be available
16 after August 13. And you can get the information on
17 how to obtain that at the registration table. The
18 docket itself, 12504, will remain open to receive your
19 comments until August 20th -- of next month.

20 I would like to thank everyone for your
21 cooperation and input today. It is now 10:31. Let the
22 record show that this public meeting is now adjourned.

23 (Whereupon, at 10:31 a.m., the hearing in the
24 above captioned matter was adjourned.)

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