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BEFORE THE  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION  
DOCKETS

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Security Considerations In The Design )	
Of The Flight Deck On Transport )	FAA-2001-11032 - 42
Category Airplanes )	June 18, 2002
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**MOTION AND COMMENTS OF ATLAS AIR, INC.**

Communications with respect to this document should be served on:

Thomas G. Scott, Sr.  
Sr. Vice President & General Counsel  
ATLAS AIR, INC.  
2000 Westchester Avenue  
Purchase, NY 10577-2543  
(914) 701-8330 – Telephone  
(914) 701-8333 – Fax

John D. Holum  
Vice President, International &  
Governmental Affairs  
Russell E. Pommer  
Associate General Counsel &  
Director of Regulatory Affairs  
ATLAS AIR, INC.  
901 15<sup>th</sup> Street, N.W., Suite 400  
Washington, D.C. 20005  
(202) 354-3840 – Telephone  
(202) 354-3844 – Fax

June 18, 2002

**MOTION FOR LEAVE TO LATE FILE AND  
SUPPLEMENTARY COMMENTS OF ATLAS AIR, INC.**

**MOTION**

In *Security Considerations in the Design of the Flightdeck on Transport Category Airplanes*, Docket No. FAA-2001-11032, 67 Fed. Reg. 2118 (January 15, 2002), the Federal Aviation Administration issued a Final Rule and request for comments about cockpit door strengthening and replacement. Atlas Air, Inc. has previously filed comments on this Final Rule based on information available in March, when the comments were due. Subsequent and unforeseen new circumstances will have an important bearing on the practical effects of the Final Rule. Therefore, Atlas Air, Inc. respectfully requests leave to file these supplementary comments. FAA consideration of them will advance the decisionmaking process without prejudicing interested parties.

**COMMENTS**

Atlas Air, Inc., (hereinafter “Atlas Air” or “Atlas”) wishes to supplement its earlier comments regarding the Final Rule entitled *Security Considerations in the Design of Flightdeck Doors on Transport Category Airplanes*,” Docket No. FAA-2001-11032, Amendments No. 25-106 and 121-288, 67 Fed. Reg. 2118 (January 15 2002) to take into account new information bearing on this matter. Atlas Air’s original comment appears at FAA-2001-11032-34 (March 26, 2002). Subsequent events reinforce Atlas Air’s position that all-cargo aircraft should be exempted from the requirement in the Rule to modify existing cockpit doors to meet specified standards of resistance to small arms and shrapnel penetration.

I. Absence of Certified Modifications Could Render Compliance by All Airlines by April 9, 2003 Impossible.

The first change of circumstance is a dramatic compression of time for completing the mandated modifications. No door modifications have as yet been certified for most aircraft, including those in Atlas Air's fleet of Boeing 747s. The Final Rule sets a deadline of April 9, 2003, for completion of required modifications. At the time of publication in January 2002 the Final Rule allowed approximately fifteen months for completion of modifications. Now that allowance has shrunk to just ten months, and is still dwindling. Because airlines understandably have not been willing to begin installation of reinforcements that ultimately may not be certified, the time elapsed between January and June 2002 is irretrievably lost.

In turn this circumstance limits possibilities for performing modifications during routine maintenance, and increases the likelihood for all carriers that aircraft will have to be removed from service in order to meet the April 9, 2003 deadline, driving up costs and magnifying the economic impact of the Final Rule. Then, the need to modify as many as six thousand cockpit doors on U.S aircraft in a compressed timeframe may well render compliance impossible for at least some operators, depending on their position in the queue, because of limits on materials and personnel to perform the work. The problem will be compounded by the requirement for an additional two thousand foreign airlines that fly to the United States to have their cockpit doors modified as well, under the same deadline.

These consequences are inherent in the fixed deadline and the absence of certified modifications.<sup>1</sup> They can, however, be alleviated to some extent if the U.S. Government concludes that further modifications to cockpit doors on all-cargo aircraft are not required. Atlas Air previously has argued for such a revision to the Final Rule on the grounds, among others, that, unlike passenger airlines, all-cargo airlines are not in the business of transporting strangers. Very few people, falling into well-settled classes, can have access to all-cargo aircraft in flight, and all-cargo carriers thus have the ability thoroughly to screen them. The unavailability of certified modifications for compliance with the Final Rule reinforces the case for narrowing its scope, thus allowing a concentration on the much higher priority of securing cockpits on passenger aircraft.

II. Available Funds Fall Far Short of Costs Airlines Will Have to Incur to Complete Mandated Modifications.

The second new circumstance is the lack of sufficient funds to compensate carriers for cockpit door reinforcements. All airlines, both combination and all-cargo, are still feeling the economic impact flowing from the September 11, 2001 terrorist attacks and the grounding of the fleet. Both the Congress and the Executive Branch of the U.S. Government have generally supported the proposition that protection against terrorism is a governmental function, and that the costs of extraordinary measures imposed for the purpose of combating terrorism would be reimbursed.

However, in May 2002 the FAA notified carriers that it has established a ceiling of \$13,200 per aircraft for reimbursement for cockpit door reinforcements, including both the initial modifications and the final solution. This is at the low end of even the FAA's

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<sup>1</sup> An additional solution would be to extend the deadline for compliance, which may become an issue even if the adjustment urged here is adopted. Exempting all-cargo aircraft would nevertheless reduce the total number of modifications that have to be completed, and so could allow reduction in the duration of any delay that may prove necessary.

estimate of \$12,000 to \$17,000 per aircraft, made in January when the Final Rule was published.

As it turns out, the costs are multiples of both the original estimates and the new ceiling. Phase II entails a series of elements for each aircraft including a new flight deck door, a door surround modification kit, a new mechanical decompression system, a new latching mechanism with electronic strike, and remote access control system for ingress/egress. In its application for compensation, Atlas Air has projected the total costs for Phase II modifications at \$51,500 per aircraft, including labor and training. This is on top of \$2,600 per aircraft already expended for the Phase I installation of deadbolt locks.

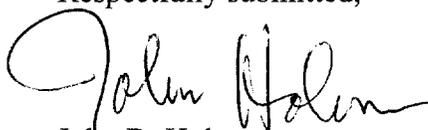
The yawning gap between costs and available funds underscores the need to set priorities, to match limited resources with real risks. Whereas a case can be made that reinforced doors on passenger aircraft are a security necessity, on all-cargo aircraft they are essentially superfluous to security and, on long distance flights, an impediment to normal operations. The requirement should be narrowed, removing its application to all-cargo aircraft, so scarce funds can be better spent.

III. An Expedient Decision Is Needed to Assist Airlines' Planning.

Finally, Atlas Air seeks a prompt decision on this matter. The dwindling amount of time before the April 9, 2003 implementation deadline is complicating carriers' planning and preparations. If the Final Rule is to be narrowed, or even if it is not, the industry needs to know the outcome as soon as possible, in the interest of orderly process and effective compliance.

WHEREFORE, Atlas Air, Inc., urges that the FAA take into account the limited time and funds available for cockpit door reinforcements, as additional reasons for concluding that the requirement for hardening against ballistic and shrapnel penetration should not apply to all-cargo aircraft, that the Agency modify the above-referenced Final Rule accordingly, and that it act expeditiously on this matter to so that carriers can finalize their planning.

Respectfully submitted,



John D. Holum  
Vice President for  
International and Governmental Affairs  
Russell E. Pommer  
Associate General Counsel and Director of  
Regulatory Affairs  
ATLAS AIR, INC.  
901 15<sup>th</sup> Street, N.W., Suite 400  
Washington D.C. 20005