

**BEFORE THE
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.**

**Flightdeck Security on Large Cargo Airplanes
Docket FAA-2003-15653**

COMMENTS OF THE CARGO AIRLINE ASSOCIATION

By publication in the July 18, 2003, edition of the *Federal Register*, the Federal Aviation Administration issued a Final Rule (and Request for Comments) permitting the operators of large all-cargo aircraft to comply with the existing regulation that requires reinforced flightdeck doors (14 C.F.R. 121.313(j)) either by reinforcing those doors or by enhancing security procedures approved by the Transportation Security Administration. 68 *Fed. Reg.* 42874.

This Final Rule was based in large part on a rulemaking petition filed by Atlas Air and upon comments filed by a number of parties (including the Cargo Airline Association) when the original rule was promulgated. As a result of these filings, the FAA correctly concluded that security threats for all-cargo aircraft are significantly different from those confronting passenger carriers. Accordingly, the FAA found that:

In comparison (to passenger carriers), cargo operations transport far fewer riders, those riders are authorized by the company, and cargo operators have greater discretion in deciding who rides on the airplane. Security procedures can be adapted to fit the needs of cargo operations making the reinforced door less significant in terms of airplane security.

68 *Fed. Reg.* 42876.

The Cargo Airline Association (the Association) appreciates and supports the FAA decision to permit Alternate Means of Compliance (AMOC) with the rule requiring reinforced doors on certain all-cargo aircraft, but questions the need and logic of one provision of the rule. Specifically, the rule (section 121.313(j)(2)) currently states that:

After October 1, 2003, for transport category, all-cargo airplanes that had a door installed between the pilot compartment and any other occupied compartment on or after January 15, 2002, each such door must meet the requirements of sections 25.795(a)(1) and (2) in effect on January 15, 2002; or the operator must implement a security program approved by the Transportation Security Administration (TSA) **for the operation of all airplanes in that operator's fleet.** (emphasis added).

It is this last clause (highlighted above) to which the Association objects. In effect, the FAA rule requires that, if an operator chooses to apply the approved AMOC to **any** aircraft in its fleet, it must apply the AMOC to **all** aircraft in that operator's fleet – even if such aircraft are not subject to the original reinforced door rule of January 15, 2002. Indeed, read literally, the instant rule would require the AMOC to be applied to aircraft **with** reinforced doors if an operator chooses to use the AMOC on a small number of aircraft pending the completion of door retrofits.

The Association submits that the portion of the rule requiring entire fleets to be subject to the AMOC if even only one aircraft is subject to the original rule, and an AMOC is needed for that aircraft, is unnecessary and runs counter to the original rule that required reinforced doors on only certain aircraft.¹ Therefore, the Association respectfully requests that the Final Rule be modified to provide that any AMOC approved by TSA be applicable only to those aircraft required to have reinforced cockpit doors.² Finally, it is respectfully requested that this

¹ It is important to also note again that the original legislation (P.L. 107-71) applied the reinforced door rule only to passenger carrying aircraft. The FAA's rule clearly went beyond the Congressional mandate.

² The Association's comments herein are directed solely at the FAA Final Rule, and no position is taken herein on the implementation of the Final Rule by TSA. **However**, the FAA, in its Final Rule, specifically noted that, "limiting the carriage of supernumeraries would have a crippling effect on many cargo operations." 68 *Fed. Reg.*

modification of the rule be made expeditiously. The date for compliance with the regulation is October 1, 2003, and operators need to know precisely what will be required in time to take appropriate action.

Respectfully submitted,



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September 16, 2003