
Tuesday
July 16, 1985

**Registered
Federal Register**

Part IV

**Department of
Transportation**

Federal Aviation Administration

**14 CFR Part 108
Aviation Security; Coordination and
Training; Final Rule**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 108****[Docket No. 24719; Amdt. No. 108-3]****Aviation Security; Coordination and Training****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: Because of the current level of threat, this emergency regulation requires each certificate holder to whom the airplane operator security rules apply to have employees identified and trained as Security Coordinators for international and domestic flights, in accordance with its approved security program. It also requires certificate holders to provide security training for all crewmembers to the extent necessary to prepare each crewmember to respond adequately to various levels and types of threats. This regulation is needed to respond to recent terrorist attacks against U.S. civil aviation. It is intended to protect U.S. civil aviation against international terrorism.

DATES: Effective date of this amendment is July 11, 1985. Section 108.27 does not become effective until notice of approval of the reporting requirement therein by the Office of Management and Budget is published in the **Federal Register**. Comments must be received on or before August 30, 1985.

ADDRESSES: Send comments on this amendment in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 24719, 800 Independence Avenue SW., Washington, D.C. 20591; or deliver comments in duplicate to: Federal Aviation Administration, Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. Comments may be examined in the Rules Docket on weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Donnie Blazer, Aviation Security Division (ACS-100), Office of Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Telephone: (202) 426-8798.

SUPPLEMENTARY INFORMATION:**Comments invited**

Because of the emergency need for this amendment, it is being adopted without notice and public comment. However, the Department of Transportation (DOT) Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979) provide that, to the maximum extent possible, DOT operating administrations should provide notice and an opportunity for the public to comment on such emergency regulations after their issuance. Accordingly, interested persons are invited to comment on this final rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, Docket No. 24719, 800 Independence Ave. SW., Washington, DC 20591. All comments submitted will be available in the Rules Docket for examination by interested persons. This amendment may be changed in light of the comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24719." The postcard will be date and time stamped and returned to the commenter.

Background

The June 14, 1985, hijacking of Trans World Airlines Flight 847 resulting in the murder, torture, and kidnapping of U.S. citizens is the latest in a continuing series of terrorist attacks against U.S. aviation and U.S. interests, Government officials, and tourists in Europe, the Middle East, and throughout the world during the 1980's. Accordingly, it has become necessary to undertake certain actions to protect U.S. aviation in addition to those already mandated by Part 108 of the Federal Aviation Regulations. To that end, it is necessary that the FAA immediately undertake certain actions to protect U.S. civil aviation and U.S. citizens in high-risk areas and throughout the world.

Security Coordination

One action effected by this amendment is to enhance the coordination and supervision of the security provided for domestic and international flights. In view of the current level of threat, this amendment requires each certificate holder to whom the airplane operator security rules apply to provide a ground and an inflight Security Coordinator for each international and domestic flight, in accordance with its approved security program. This amendment further requires that the pilot in command (PIC)

be designated as the inflight Security Coordinator.

The function of the Security Coordinators will be to ensure that all necessary security requirements are met prior to departure and while in flight. The duties of the ground Security Coordinator will be specified in the certificate holder's approved security program and will include monitoring the security requirements in effect for the following: (1) Screening for the flight; (2) access to the airplane; (3) airplane servicing (including fueling and catering); (4) ground support for inflight emergency response; (5) air operations area security; and (6) baggage and cargo acceptance and loading. The duties of the inflight Security Coordinator will also be specified in the security program and will include: (1) Reviewing, with the ground Security Coordinator, pertinent security information for the specific flight; (2) prior to beginning a flight or a series of flights with a particular crew, briefing the crew on the specific manner in which the PIC wants inflight incidents to be managed; (3) prior to each flight segment, briefing the crew on any significant irregularities or occurrences that may affect the security of the flight; and (4) on completion of a flight or series of flights, briefing the certificate holder on any significant incidents or occurrences, in accordance with the procedures established by the certificate holder.

New § 108.23(a) requires that each designated Security Coordinator satisfactorily complete the training as specified in the certificate holder's approved security program, within the preceding 12 calendar months. New § 108.7(b)(7) requires the curriculum for all required security training for ground and inflight Security Coordinators to be specified in the certificate holder's approved security program which is approved by the Principal Security Inspector. Based on the present level of threat, the air carrier's security program will require a maximum of 40 hours of initial training, as well as a minimum of 8 hours of annual recurrent training, for the ground Security Coordinator.

Pilots in command designated as inflight Security Coordinators will receive substantial training on inflight Security Coordinator duties during initial and recurrent training. As with other crewmembers, the pilot in command will be required to receive a minimum of 8 hours of initial training, including training directed at the functions and responsibilities of the inflight Security Coordinator, as well as annual recurrent training.

Crewmember Security Training

The second action considered essential is to provide all crewmembers with expanded security training. In particular, this amendment will result in all air carrier crewmembers having a significantly increased capability of responding to hijack attempts and other criminal acts. To that end, significantly enhanced initial and recurrent training is being required for crewmembers.

New § 108.23(b) prohibits the use by a certificate holder of any person as a crewmember unless, within the preceding 12 calendar months, that person has satisfactorily completed the training as specified in the certificate holder's approved security program. All required security training for crewmembers must be specified in the certificate holder's approved security program and integrated in the certificate holder's approved training program which is approved by the Principal Operations Inspector in coordination with the Principal Security Inspector. For the crew member training provisions of an air carrier security program to be approved by the FAA, the training program must provide 8 hours of initial security training, as well as annual recurrent training. Where the trainee is to act as pilot in command, this training will include significant emphasis on Security Coordinator duties and responsibilities. Each certificate holder is required to submit a separate curriculum for each type of training.

Evidence of Compliance

In order to ensure effective compliance with these amendments and other provisions, new § 108.27 provides that, on request of the Administrator, each certificate holder shall provide evidence of compliance with this part and its approved security program. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), this new reporting provision will be submitted for approval to the Office of Management and Budget (OMB). New § 108.27 will not become effective until OMB approval has been received and notice of that approval is published in the *Federal Register*. Comments on this provision should be submitted to the Office of Information and Regulatory Affairs (OMB), New Executive Office Building, Room 3001, Washington, D.C. 20503; Attention: FAA Desk Officer

(Telephone: 202-395-7313). A copy should be submitted to the FAA Docket.

Need for Immediate Adoption

Because of the need to respond immediately to the heightened threat to civil aviation from terrorist hijackings and sabotage, I find that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective in less than 30 days.

Economic Assessment

Because of the emergency need for this regulation, no regulatory evaluation has been prepared. In accordance with section 11(a) of the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), a regulatory evaluation will be prepared and placed in the public docket, unless an exception is granted by the Secretary of Transportation. For this same reason and in accordance with section 8(a)(1) of Executive Order 12291, I find that following the procedures of that Executive Order is impracticable.

Conclusion

In accordance with section 8(a)(1) of Executive Order 12291, because of the emergency need for this regulation, the procedures in that Executive Order have not been followed. In view of the substantial public interest in the matter of aviation security as a result of the current threat situation, this regulation is considered significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation to be prepared for this project will be placed in the public docket, unless an exception is granted by the Secretary of Transportation.

List of Subjects in 14 CFR Part 108

Transportation, Air safety, Safety, Aviation safety, Air transportation, Air carriers, Airports, Airplanes, Airlines, Law enforcement officers, Police, Security measures, Training.

The Amendment

PART 108—[AMENDED]

Accordingly, Part 108 of the Federal Aviation Regulations (14 CFR Part 108) is amended as follows, effective July 11, 1985:

1. The authority citation for Part 108 is revised to read as follows:

Authority: 49 U.S.C. 1354, 1356, 1357, 1358, 1421, and 1424; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983).

2. By amending § 108.7 by adding new paragraphs (b)(6) and (b)(7) to read as follows:

§ 108.7 Security program: Form, content, and availability.

(b) * * *

(6) The procedures used to comply with the applicable requirements of § 108.10.

(7) The curriculum used to accomplish the training required by § 108.23.

3. By adding a new § 108.10 to read as follows:

§ 108.10 Prevention and management of hijackings and sabotage attempts

(a) Each certificate holder shall—

(1) Provide and use a Security Coordinator on the ground and in flight for each international and domestic flight, as required by its approved security program; and

(2) Designate the pilot in command as the inflight Security Coordinator for each flight, as required by its approved security program.

(b) *Ground Security Coordinator.* Each ground Security Coordinator shall carry out the ground Security Coordinator duties specified in the certificate holder's approved security program.

(c) *Inflight Security Coordinator.* The pilot in command of each flight shall carry out the inflight Security Coordinator duties specified in the Certificate holder's approved security program.

4. By revising § 108.23 to read as follows:

§ 108.23 Training.

(a) No certificate holder may use any person as a Security Coordinator unless, within the preceding 12 calendar months, that person has satisfactorily completed the security training as specified in the certificate holder's approved security program.

(b) No certificate holder may use any person as a crewmember on any domestic or international flight unless within the preceding 12 calendar months that person has satisfactorily completed the security training required by § 121.417(b)(3)(v) or § 135.331(b)(3)(v) of this chapter and as specified in the certificate holder's approved security program

4. By adding a new § 108.27 to read as follows:

§ 108.27 Evidence of Compliance.

On request of the Administration, each certificate holder shall provide evidence of compliance with this part and its approved security program.

Issued in Washington, D.C., on July 11, 1985.

Donald D. Engen,

Administrator.

[FR Doc. 85-16867 Filed 7-11-85; 4:44 pm]

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