

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8400.61

3/23/04

Cancellation
Date: 3/23/05

SUBJ: FLIGHT DECK SECURITY TRANSPORT CATEGORY ALL-CARGO AIRPLANES

1. PURPOSE. This notice provides additional guidance to operators of all-cargo airplanes and to aviation safety inspectors (ASI), resulting from recent amendments to Title 14 of the Code of Federal Regulations (14 CFR) part 121 and part 129. This notice will assist the operator in developing policies and procedures for the release of their airplanes with personnel onboard their aircraft and who are authorized under part 121, section 121.547, and part 129, section 129.28(d)(3).

2. DISTRIBUTION. This notice is distributed to the division level in the Flight Standards Service in Washington headquarters; to the branch level in the regional Flight Standards divisions; to the Flight Standards International Field Offices, Flight Standards District Offices, and to the Regulatory Standards Division at the Mike Monroney Aeronautical Center. This notice is also distributed electronically to the division level in the Flight Standards Service in Washington headquarters and to all regional Flight Standards divisions and district offices. This information is also available on the Federal Aviation Administration's (FAA) Web site at: <http://www.faa.gov/avr/afs/notices/8400/N8400-61.doc>.

3. BACKGROUND. As a result of the September 11, 2001, attacks by terrorists whose focus included U.S. aviation interest as targets, the U.S. Government, the FAA, and the U.S. aviation industry joined together to increase levels of aviation security to include transport airplane flight deck security.

a. For U.S. Carriers Operating Transport Category All-Cargo Airplanes Under Part 121:

(1) Special Federal Aviation Regulation (SFAR) 92-5 required certain transport category all-cargo airplanes to modify the flight deck door to delay or deter unauthorized entry to the flight deck compartment. These doors were referred to as "phase I" doors. This rule authorized variances from existing design standards for the doors and allowed for return to service of modified airplanes without prior approved data. This rule expired on October 1, 2003.

(2) Title 14 CFR part 25, section 25.795, specifies the necessary structural strength and integrity of flight deck doors. Flight deck doors meeting this regulation standard are referred to as "phase II" doors. Airplanes having flight deck doors not meeting section 25.795 requirements, or airplanes with no door installed, are considered to have non-phase II doors.

(3) Part 121, section 121.313(j)(2), mandates that operators conducting operations with all-cargo airplanes that had a flight deck door installed on or after January 15, 2002, must meet the requirements of section 25.795 by October 1, 2003, 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.

(4) An operator operating airplanes only with phase II doors is not required to have an approved security program, per section 121.313(j)(2). However, for those airplanes affected by section 121.313(j)(2), without an approved security program, if the phase II door's primary and secondary locking system should become inoperative, no persons may be carried (other than flightcrew and those personnel outlined in paragraph 4a(1)).

(5) All operators operating any airplane with a non-phase II door may continue to carry those personnel specified in paragraph 4a(1), but must have an approved security program for those airplanes affected by section 121.313(j)(2). These airplanes may continue to operate as outlined in paragraph 4a(1).

b. For Foreign Air Carriers Operating Transport Category All-Cargo Airplanes Under Part 129:

(1) The FAA issued a final rule on June 21, 2002, to improve flight deck security for part 129 foreign carriers because the FAA found it unacceptable to create two levels of flight deck protection for the same operations to and from U.S. airports. The rule created security measures commensurate with those of part 121 carriers and provided a synchronized implementation compliance time. The rule also required operational and procedural changes to prevent unauthorized access to the flight deck on passenger-carrying and some cargo aircraft. The rule was amended on December 30, 2002, to clarify applicability and to make other technical corrections. On July 18, 2003, the regulation was again amended to establish a TSA-approved security program as an alternate means of compliance for the carriage of personnel on all-cargo airplanes.

(2) Part 129, section 129.28(c)(1)(ii), mandates that operators conducting operations with all-cargo airplanes with a flight deck door installed on or after June 21, 2002, meet certain resistance and ballistic penetration requirements by October 1, 2003, or the operator must implement a security program approved by the TSA for the carriage of personnel on all airplanes in that operator's fleet.

(3) Section 129.28(c)(2) and section 129.28(c)(3) specify the necessary structural strength and integrity of flight deck doors. Flight deck doors meeting these regulation standards are referred to as phase II doors. Any door not meeting section 129.28(c)(2) and section 129.28(c)(3) requirements is considered a non-phase II door. The Administrator may, however, accept an alternative standard to section 129.28(c)(2) and section 129.28(c)(3).

(4) Part 129 foreign air carriers that modified airplanes in accordance with the requirements of section 129.28(b) and SFAR 92-5 (for all-cargo airplanes SFAR 92-5 terminated

October 1, 2003) must ensure those airplanes now meet the requirements of section 129.13 in full.

4. DISCUSSION.

a. For U.S. Carriers Operating Transport Category All-Cargo Airplanes Under Part 121:

(1) If a non-phase II door or a phase II door is installed that is inoperative in both of its primary and secondary locking modes, the entire airplane is considered to be part of the flight deck for personnel carriage. The following list identifies those persons who may be carried under section 121.547:

(a) FAA air carrier inspectors, Department of Defense air carrier evaluators, authorized representatives of the National Transportation Safety Board, other authorized employees of the U.S. Government, and military honor guard.

(b) Non-operating pilots, other personnel required by the regulations to observe flight operations, and technical representatives involved in monitoring in-flight operations.

(c) Persons listed in the manual required by section 121.133:

1 Those necessary for the safety of flight (animal handler(s), hazardous material handler(s)) and those responsible for cargo security (valuable, confidential, fragile, perishable).

2 Cargo handler(s) necessary for the loading and unloading, or testing/evaluating, of cargo/cargo containers or loading equipment.

(2) If an operator operates a mixed fleet of airplanes that are affected by section 121.313(j)(2) (e.g., B-727s with phase II doors and other B-727s with non-phase II doors), that operator must have a security program approved by the TSA for the carriage of personnel on all airplanes in that operator's fleet.

(3) To avoid confusion, the air carrier should ensure that the persons authorized to be carried aboard (outlined in paragraph 4a(1)) are clearly identified in the operator's operations manual.

b. For Foreign Air Carriers Operating Transport Category All-Cargo Airplanes Under Part 129:

(1) All operators who operate airplanes without phase II doors may continue to carry those personnel specified in section 129.28(d)(3), but those airplanes in accordance with section 129.28(c)(1)(ii) must have an approved TSA security program.

(2) An operator that operates only airplanes with phase II doors is not required to have an approved security program, per section 129.28(c)(1)(ii). However, for airplanes that are affected by section 129.28(c)(1)(ii), without an approved security program, if the phase II door's primary and secondary locking system should become inoperative, the entire airplane is

considered to be part of the flight deck and no persons could be carried other than those personnel specified in section 129.28(d)(3).

5. ACTION.

a. Principal operations inspectors shall provide the information in this notice to their respective operators by providing them a copy of this notice.

b. The air carrier should ensure that the persons authorized to be carried aboard (outlined in paragraph 4a(1)) are clearly identified in the operator's operations manual.

c. All aviation safety inspectors should evaluate air carrier compliance with section 121.547 or section 129.28(d)(3) (as applicable), the content of this notice, and related operations manual procedures as part of routine surveillance.

6. SUMMARY.

a. For U.S. Carriers Operating Transport Category All-Cargo Airplanes Under Part 121:

(1) Operators with airplanes covered by section 121.313(j)(2) must either implement a security program approved by TSA for all airplanes in that operator's fleet, or must have upgraded each flight deck door to meet phase II requirements.

(2) The TSA-approved security program notwithstanding, if an airplane is equipped with an operable phase II door by means of its primary or approved secondary locking system, it may be used to transport those personnel provided for in section 121.583.

b. For Foreign Air Carriers Operating Transport Category All-Cargo Airplanes Under Part 129: If an airplane had a flight deck door on June 21, 2002, or had one installed after that date, that door must be a phase II door, or the operator must implement a security program approved by the TSA for the carriage of personnel on that operator's fleet.

7. DISPOSITION. This notice will not be incorporated into Order 8400.10, Air Transportation Operations Inspector's Handbook. Questions concerning the all-cargo only airplanes flight deck doors for part 121 operations should be directed to the Air Carrier Operations Branch, AFS-220, at (202) 493-4602. For part 129 operations, contact the International Programs and Policy Office, AFS-50, at (202) 385-4678.

/s/ John M. Allen for
James J. Ballough
Director, Flight Standards Service