

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15461; Admt. No. 121-127]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Aviation Security: Screening of Checked Baggage

• **Purpose:** The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to require the use of screening procedures that are designed to prevent or deter the carriage of any explosive or incendiary device in checked baggage aboard aircraft being operated by Part 121 certificate holders subject to § 121.538. •

Information available to the FAA indicates that the threat of aircraft hijacking and sabotage remains significant throughout the world. Although there has been no successful hijacking of a U.S. carrier aircraft since 1972, it is apparent that the danger to lives and property from explosive or incendiary devices is increasing. This danger has been highlighted by the discovery of live bombs aboard passenger-carrying aircraft and by the recent tragic and senseless bombing at La Guardia International Airport, Flushing, New York, in

which 11 persons were killed and 54 injured. That bombing did an estimated \$750,000 in property damage and closed the airport to travelers for approximately 24 hours.

Section 121.538(b) presently requires, among other things, the adoption and use of a screening system, acceptable to the Administrator, that is designed to prevent or deter the carriage aboard the certificate holder's aircraft of any explosive or incendiary device or weapon in carry-on baggage or on or about the person of passengers, except as provided in § 121.585. (Section 121.585 provides for the carriage of a weapon aboard a certificate holder's aircraft by certain authorized persons when specific conditions are met.) Paragraph (c) of § 121.538 requires that certificate holders prepare and submit for approval by the Administrator a security program that includes, among other things, the screening system required by § 121.538(b).

Section 121.538 does not presently require the certificate holder to have a screening system for checked baggage. Because of the increased danger of the concealment of explosive and incendiary devices in checked baggage, the FAA has determined § 121.538(b) should be amended to provide for the expansion of the screening programs required by that section to include the screening of checked baggage for explosive or incendiary devices.

It should be noted that, in connection with these screening procedures, passengers may be required to submit their baggage to inspection. They may also be asked to provide positive identification. To the extent that this may result in minor inconvenience to some passengers, the FAA believes that they will understand the need for this screening and

accept it as necessary for safety in air transportation, as they have accepted the screening of carry-on baggage.

In view of the La Guardia incident and the catastrophe that would result should a bomb explode aboard a passenger-carrying aircraft, I find that notice and public procedure on this amendment is impracticable and contrary to the public interest.

(Sections 313(a), 315(a), 316(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356(a), 1357(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective April 15, 1976, by amending § 121.538(b) to read as follows:

§ 121.538 Aircraft security.

(b) Each certificate holder shall adopt and put into use a screening system, acceptable to the Administrator, that is designed to prevent or deter the carriage aboard its aircraft of any explosive or incendiary device or weapon in carry-on baggage or on or about the persons of passengers, except as provided in § 121.585, and the carriage of any explosive or incendiary device in checked baggage. Each certificate holder shall adopt and put into use its security program prescribed in paragraph (c) of this section.

Issued in Washington, D.C. on March 12, 1976.

JOHN MCLUCAS,
Administrator.

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