

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11432, Amdt. 121-83]

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

Aircraft Security; Screening System

The purpose of this amendment is to require certain air carriers and commercial operators operating large aircraft (other than helicopters), to adopt and put into use, within 72 hours after the amendment becomes effective, a screening system acceptable to the Administrator, to prevent or deter the carriage abroad its aircraft of sabotage devices or weapons in carry-on baggage or on or about the persons of passengers.

Notice 71-29 was issued on September 28, 1971, and published in the FEDERAL REGISTER on September 29, 1971 (36 F.R. 19172), proposing the issue of regulations to provide aviation security standards for the air carriers and commercial operators affected by this amendment. That proposal would require, among other things, that each of these operators prepare in writing and submit for approval by the Administrator its security program showing the procedures, facilities, or screening system, or a combination thereof, that it uses or intends to use for the purposes here involved. The closing date for comments was December 29, 1971, and due consideration has been given to all comments presented in response to that notice.

As proposed, the certificate holder would have a 90-day period in which to submit its security program to the FAA for approval. However, because of alarmingly increased hijackings including extortion of large sums of money that have occurred recently, the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce, and that this

amendment is essential in the interest of safety in air commerce, particularly in air transportation, to meet that emergency. Accordingly, as issued, this amendment requires the certificate holder to adopt and put into use a passenger and baggage screening system acceptable to the Administrator within 3 days after the effective date of the amendment. It should be noted that a simple and inexpensive screening system has been highly effective, where used. The FAA is of the opinion that a majority of the air piracies occurring recently would have been prevented had the system been used to the fullest extent possible.

It is anticipated that further rule making action will be taken in the near future to implement the remainder of the proposals made in Notice 71-29.

Because of the emergency nature of the threat to the safety of persons and property carried in air commerce due to hijacking, I find that further notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, a new § 121.538 is inserted after § 121.537 of Part 121 of the Federal Aviation Regulations, effective February 2, 1972, to read as follows:

§ 121.538 Aircraft security.

(a) For purposes of this section, "certificate holder" means an air carrier as defined in § 121.1(a) (1) or (2) and a commercial operator engaging in intrastate common carriage covered by § 121.7.

(b) Each certificate holder shall, before February 6, 1972, adopt and put into use a screening system, acceptable to the Administrator, to prevent or deter the carriage aboard its aircraft of any sabotage device or weapon in carry-on baggage or on or about the persons of passengers, except as provided in § 121.585.

(Secs. 313(a), 601, 604, 1005, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1424, 1485; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 31, 1972.

J. H. SHAFFER,
Administrator.

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(As published in the Federal Register
[37 F.R. 2500] on February 2, 1972)