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for FARs 25 and 121

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12006, Amdt. 25-34 and 121-09]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

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

Rear Exit Security: Large Passenger-Carrying Turbojet Powered Airplanes

The purpose of these amendments to Parts 25 and 121 of the Federal Aviation Regulations is to provide additional security on certain large passenger-carrying turbojet powered airplanes operated under Part 121 by requiring that each ventral exit and tailcone exit be designed and constructed so that it cannot be opened during flight. These amendments also apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135, when conducting operations governed by those parts with the large airplanes.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 72-15) issued June 20, 1972, and published in the FEDERAL REGISTER on June 24, 1972 (37 F.R. 12507) and due consideration has been given to all comments received in response to the notice, insofar as they relate to matters within the scope of the notice. Except for editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those contained in the notice.

Several commentators objected to the requirement in proposed § 25.809(j)(1) and § 121.310(k)(1) that means must be provided so that takeoff cannot be started if either the ventral exit or tailcone exit is not locked. They based their objection on the possible catastrophic results of a malfunction or failure in the currently available means that could be used to implement this requirement, for example, systems providing for the locking of brakes or throttles by electrical signals from the stair lock. In this regard, a number of means were suggested by commentators to assure that the ventral exit could not be opened during flight, but that it still would be available for use

as an emergency exit. The FAA agrees with those comments, and, accordingly, the proposal that means be provided so that takeoff cannot be started if the ventral exit or tailcone exit is not locked is not adopted in this amendment. However, under the rule as adopted, when the airplane becomes airborne the design and construction characteristics of each ventral exit and tailcone exit must be such that it cannot be opened during flight.

Certain comments contended that altering the design of an aircraft is not an effective means of overcoming the problems of hijacking, because simple devices can be overcome by the hijacker and more complicated devices create additional risk in the operation of the aircraft. One comment pointed out that it is patently impossible to add a lock to an emergency exit without statistically reducing the reliability of that exit. However, the FAA does not believe that, because a device installed in compliance with the rule may be simple in design, it will necessarily also be simple for a hijacker to overcome it. Nor does the FAA believe that compliance with the rule, as adopted, will reduce the reliability of the exits in an emergency.

One commentator recommended that the rule specify that the ventral exit be available for normal and emergency ground operations. The FAA does not agree that a rule change in this respect is necessary, since the amendment as adopted herein in no way conflicts with other rules dealing with the availability of exits for emergency egress in an actual emergency.

Several commentators recommended that an appropriately worded placard be installed in a conspicuous location near the means of opening each ventral exit and tailcone exit, stating that the exit cannot be opened during flight. The FAA agrees, and this requirement is added to the proposed amendments.

One commentator suggests that the proposed rule should not be applied to air travel clubs, because the makeup of their membership and their financial structure makes it highly unlikely that they would be subjected to the kind of hijacking and extortion the proposed rule is intended to prevent. The FAA does not agree. The proposal was intended to prevent all hijacking of certain large aircraft engaged in operations required to be conducted in accordance with Part 121 and the amendment is applicable to all such operations.

One commentator objected to the rule, stating that it is unnecessary since the proper response to any hijacker is to refuse all of his demands for ransom, whatever the cost. The FAA does not agree. As stated in the notice, every

possible step must be taken to deter persons from boarding aircraft for the purpose of hijacking them and escaping by parachute. The purpose of these amendments is to make it clear that any attempt to hijack a large passenger-carrying turbojet-powered airplane and escape therefrom by parachute will be a futile effort.

While the notice proposed to make the amendment to § 121.310 effective 6 months after the effective date of the rule, the rule as adopted provides for an 8-month compliance period to allow additional time for design, manufacture, and installation, where modifications are needed to conform to the rule.

In consideration of the foregoing, and for the reasons given in notice 72-15, Parts 25 and 121 of the Federal Aviation Regulations are amended, effective December 31, 1972, as follows:

1. By adding a new paragraph (j) to § 25.809 to read as follows:

§ 25.809 Emergency exit arrangement.

(j) When required by the operating rules for any large passenger-carrying turbojet-powered airplane, each ventral exit and tailcone exit must be—

(1) Designed and constructed so that it cannot be opened during flight; and

(2) Marked with a placard readable from a distance of 30 inches and installed at a conspicuous location near the means of opening the exit, stating that the exit has been designed and constructed so that it cannot be opened during flight.

2. By adding a new paragraph (k) to § 121.310 to read as follows:

§ 121.310 Additional emergency equipment.

(k) After August 28, 1973, on each large passenger-carrying turbojet-powered airplane, each ventral exit and tailcone exit must be—

(1) Designed and constructed so that it cannot be opened during flight; and

(2) Marked with a placard readable from a distance of 30 inches and installed at a conspicuous location near the means of opening the exit, stating that the exit has been designed and constructed so that it cannot be opened during flight.

(Section 313(a), 801, 803, 804, and 805 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 24, 1972.

J. H. SHAFFER,
Administrator.

(As published in the Federal Register [37 F.R. 25354/ on November 30, 1972)