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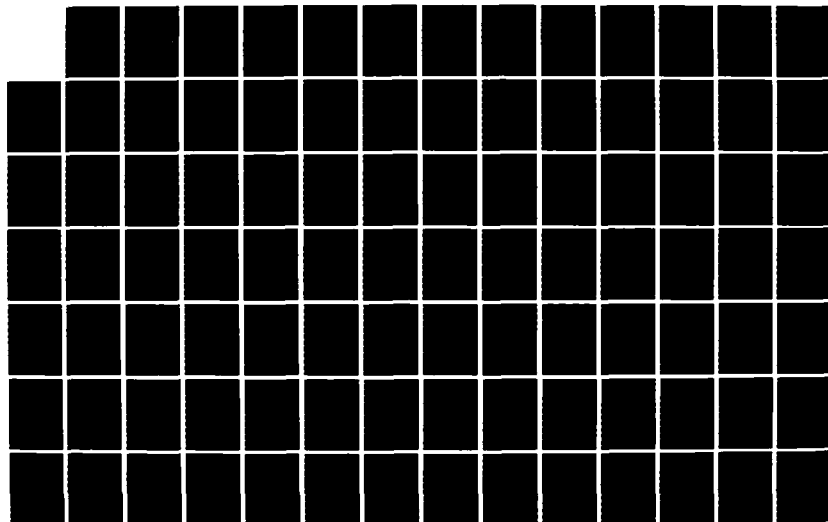
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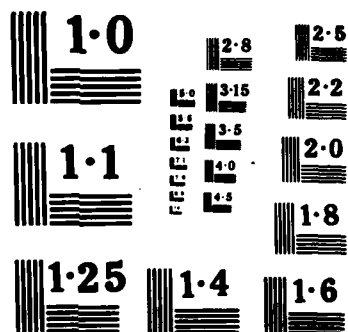
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CONDUCTING AIRPORT ANTI-TERRORISM OPERATIONS  
AND CONTINGENCY PLANNING  
FOR RISK REDUCTION OF THE TERRORIST THREAT

By  
James C. Harper

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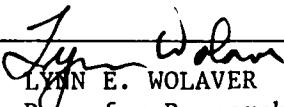
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## ABSTRACT

Terrorist acts have increased in alarming numbers in many areas of the world today. Americans, once virtually immune from becoming terrorist targets, are being singled out as targets of choice by a rising number of terrorist organizations. Relatively safe forms of transportation, like cruise ships and American-based airlines, have experienced dramatic acts of terrorism directed at Americans using those services in both 1985 and 1986. Media coverage of these events has compounded the fear of many Americans about when and where the next act of terrorism may occur. As airports have been the victims of some of the most vicious terrorist acts occurring in the past year, airport security has come under increasing scrutiny by television documentaries, such as "60 Minutes", and by many sectors of the American public.

While experts predict that acts of terrorism are about to occur on American soil, what are security officials at American airports doing to prepare for this potential threat? What lessons have we learned from terrorist acts which have happened at other airports around the world, such as the December, 1985 attacks at the Rome and Vienna airports? Airport anti-terrorism operations and contingency planning can be the weapons which airport security managers use to successfully battle the increasing trend of terrorist acts on airports today.

"The history of failure in war can be summed up in two words: Too Late. Too late in comprehending the deadly purpose of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends."

General Douglas MacArthur

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## CHAPTER I

### INTRODUCTION

During the past eighteen years the adequacy of airport security measures, as they relate to the safety of aircraft passengers, has occupied the attention of the public in varying degrees. The first major wave of public concern occurred from 1968 to 1973 when many Americans experienced the startling reality of becoming the victims of an aircraft hijacking to Cuba. The high level of public concern generated by those hijackings brought about the first primary structuring of airport and airline security standards in America. The date of January 5, 1973, remains a landmark in American aviation security, for on that day 100 percent screening of air passengers and their carry-on baggage was initiated. However, that was the last major change in airport security requirements which had an overall impact on all airlines and the airports which they served. No change in Federal Aviation Regulations or operating procedures has created such a profound impact on the American aviation industry.

Since that time the scope and depth of potential international terrorist activities, which might be directed against aircraft and airports within the United States, has taken on a new perspective for both the American public and airport/airline operators. New challenges in protecting Americans, who fly, have appeared with increasing numbers during 1985 and again in 1986. The time has once again

arrived for an in-depth examination of the adequacy of airport and airline security practices in protecting the American public against potential acts of terrorism.

Based on this position a case study was conducted. The purpose of this study was to examine the type of planning and policies which airport officials devoted to both anti-terrorism and counterterrorism operations. The study was conducted through the use of interviews and observations at three mid-sized, "feeder", airports located in a midwestern state. The study sought to answer five primary questions: 1) Are airport managers and security officials prepared to admit that "their" airport is no longer immune from becoming a target of opportunity for a terrorist group? 2) Are airport security officials prepared to confront a growing presence of international terrorism which potentially poses a threat to local airport facilities? 3) Is the development of policies, plans and procedures which govern airport anti-terrorism operations more proactive or reactive? 4) Are present security procedures at mid-sized airports sufficient to counter an increased level of terrorist activity? 5) Where should future research on airport security issues be directed?

Evidence of this type of study in the past could not be located. Significant amounts of literature have been devoted to the issue of international terrorism and its many facets. A very limited amount of published information is

available concerning airport security (only one book could be located). A number of recent surveys have addressed Americans growing concerns about international terrorism. However, no concise source could be identified which marries the issue of the international terrorism threat to American aviation and how airport/airline officials are addressing that threat to lessen the flying public's concern for their safety. No source identified what factors could influence the quality of airport/airline anti-terrorist operations or how improvement could be made in those operations.

More studies of this type are needed to validate these findings and to identify, more specifically, additional airport security issues which need to be addressed. Only through continued evaluation and attention will the state of airport security preparedness to combat international terrorism be truly identified. Once identified on a broad scale application, public concern, just as it did on January 5, 1973, may once again bring about a fundamental change to improve airport and airline security operations.

### Problem Statement

Existing security policies and procedures at mid-sized airports exhibit a serious deficiency in preparing to conduct anti-terrorism operations. This problem has been identified through a review of Federal Aviation

Administration regulations, United States Senate and House congressional records, Department of Transportation hearings and interviews with airport and aviation officials.

### Need for Contingency Planning

The primary goal of providing airport and airline security is to reduce the risk to the flying public, as well as airport and airline employees, of being subjected to a threat. A threat can occur either on the ground, at an airport or in a flying aircraft. A threat could come in one of many forms: a bomb, a hijacker or an overt attack by a terrorist group, just to name a few. When reducing risk is the goal of security "contingency planning is of the highest importance".1

Several incidents of terrorist attacks against airlines and airports throughout the world in 1985 and again in 1986 have demonstrated the pressing need for improved contingency planning on the part of security officials. Inadequate security measures at the Athens, Greece airport were highlighted in the summer of 1985 with the hijacking of Trans World Airlines Flight 847. Inadequate baggage screening procedures were dramatically emphasized on June 23, 1985 when two airline disasters occurred claiming more than 330 lives: the first when Air-India Flight 182 disintegrated off the coast of Ireland due to a bomb

explosion; and the second when baggage being unloaded from Canadian Pacific Air Flight 003 at Narita International Airport in Tokyo exploded killing two baggage handlers. Both flights had originated at Canadian airports and caused officials there to scramble to initiate tougher standards in the aftermath of those incidents. The violence against innocent civilians continued in December, 1985 when terrorists conducted nearly simultaneous attacks on the airports in Rome, Italy and Vienna, Austria. Now 1986 has continued to see an increase in the number of victims claimed by acts of terrorism directed against airlines. On Wednesday, April 2, 1986 four civilians (a man, two women and an infant) were sucked out of the aircraft and fell to their deaths when a bomb exploded on-board Trans World Airlines Flight 840 over the island of Corfu. Terrorist acts directed against airports and airlines throughout the world have continued to grow in numbers. Yet some people continue to say, "Those incidents did not happen in the United States they all happened "over there" so why should I be concerned?"

Although almost all of the recent terrorist acts directed against airports and airlines have occurred outside of the United States, experts are now predicting that terrorism will continue to thrive and that the United States will be "hit at home".<sup>2</sup> Says Dr. Robert Kupperman, a professor at Georgetown University's Center for Strategic

and International Studies and a noted expert on international terrorism:

"Certainly within the next decade - I would say in the next three to four years - you will see terrorism migrating to the United States. If we engage in reprisals (such as the recent raid against Libya) they are going to want to attack us even sooner."<sup>3</sup>

This concern was echoed in January of this year when a panel of experts gathered at a Forum on Terrorism sponsored by the Stanford Research Institute (SRI International), one of the world's largest nonprofit research and consulting organizations. Parker W. Borg, U.S. Ambassador-At-Large for Counterterrorism predicted:

"Terrorism will be with us for the rest of the century...despite the efforts of the United States and other governments. Future terrorist acts can be expected to increase and be even more violent."<sup>4</sup>

Additional issues further compound the possibility that these predictions could materialize. If terrorists perceive the United States as being at the root of corruption, imperialism, and exploitation, then it not only becomes a target which is attractive, but one which is also highly desirable. If terrorists are successful in other countries (as they have been recently), that success may strengthen their confidence in leading them to believe that they are now ready to handle a strike against a target in the United States.<sup>5</sup> There is also a strong possibility that as other

nations throughout the world step up their fight against terrorism, often having a severe impact on civil liberties, terrorist groups may turn to our more open society as both a land of exile and a new stage for their continued operations. As one author on terrorism in the United States put it:

"I'm not a soothsayer, but I'd have to say it's an odds on bet that we're going to have some very serious problems in the next few years. We haven't seen much big-time terrorism in the United States yet, but you might say the clock is running. Now don't misunderstand me. The probability of a major terrorist incident here is quite low, but if one occurred, the costs would be so dramatically high that you can't afford to ignore the threat."<sup>6</sup>

That is the crux of the need for contingency planning for anti-terrorism operations at airports in the United States today. While the probability of a major attack here may be low (although it would appear that probability is on the increase), the fact remains, that if one did happen, the cost incurred in human lives and public fear would have a profound impact on the American aviation industry. Because airports and airlines are organizations which continue to exist by making a profit, the terrorist threat to their operations cannot be ignored. To do so invites disaster, in both an actual and financial sense. Only through conducting effective anti-terrorist operations and sound contingency planning can the threat of terrorist acts against airports and airlines be realistically minimized. Although this risk

can never be totally eliminated, it can, through effective planning and operations, be maintained at a level which is acceptable to both the aviation industry and the American public which it serves.

### Contingency Plans and Planning

The New American Webster Handy College Dictionary defines contingency as "a circumstance; what may happen," and planning means "to devise ways and means for." For the purpose of this study, contingency planning means: "developing a preconceived course of action by devising ways and means to deal with a particular circumstance, natural or man-made."

Contingency plans for anti-terrorist operations can provide major benefits to airports and airlines which have and routinely use/exercise them. Well-developed contingency plans will allow security operations sufficient flexibility to meet situations as they change and still provide for expansion and growth as necessary. Contingency plans can avert chaos and frustration when a terrorist threat situation arises. Contingency plans can be the basis of success, lack of them the basis for failure. Two examples may best illustrate the impact of contingency plans on international terrorist acts directed against aviation. One was termed a success, the other was a failure.



On Sunday, June 27, 1976 the world watched in horror as a major terrorist act involving an airline unfolded before it. Shortly after a noon take-off from the Athens, Greece airport Air France Flight 136 was hijacked by a combination group of terrorists from the German Baader-Meinhof urban guerrillas (now the Red Army Faction) and members of the Popular Front for the Liberation of Palestine (PFLP). The flight was forced to alter course and proceeded to ultimately land at Entebbe, Uganda. Having originated in Tel Aviv, Israel, the flight was primarily composed of Israelis. This event caused a nation, accustomed to dealing with threats of terrorism against its population, to activate one of the most sophisticated anti-terrorism contingency plans developed in the history of civil aviation. With the initiation of "Operation Thunderbolt" a well-developed, highly exercised plan was put into effect, which would show the world that terrorism did not always win. When a hand-picked group of airborne commandos struck across 2500 miles on the 4th of July, that year, and returned to their country with over one hundred freed hostages, only losing three, a clear sign was given that at least one nation had planned ahead and was prepared to deal effectively with such contingencies. However, this type of success is not always the case.

On Tuesday, November 26, 1985 headlines across the world bore titles similar to this one: "Experts find no

winners in airline raid."7 That headline described a commando assault carried out on Sunday, the 24th of November, against a hijacked EgyptAir Boeing 737 being held on the runway at Valletta, Malta. That operation cost the lives of 60 people, including one American woman and nine children. That number accounted for more than three-fourths of the total hostages being held. Most of the victims died as a result of fire, bullets and explosions in the final assault by Egyptian commandos on the aircraft. Following the ordeal many perceived the operation as being ill-contrived and poorly executed. When questioned for his opinion about the incident Dr. Kupperman said: "Yes, we lost; we lost a lot of lives. From any human perspective it was horrible".8 What the rescue attempt had accomplished may have best been summarized by Neil Livingstone, president of the Institute for Terrorism and Subnational Conflict in Washington when he said: "What they have done basically is to have a second disaster which was even worse than the original one."9

The comment made above is the real reason why contingency plans exist, so that security officials can avoid creating a second disaster which is even worse than the first. Anti-terrorism operations extend this avoidance mechanism even further by concentrating on the prevention roles which security can carry out in discouraging a potential attack by terrorists. Preventing attacks by

terrorists or making people or facilities less attractive as targets is regarded as the best defense.<sup>10</sup> It is through a viable combination, of both anti-terrorism operations directed towards prevention and contingency plans developed to deal with any penetration of those preventive efforts, that the best security for airports and airlines is afforded and risk reduction for the public, who use their services, is maximized.

## Lack of Anti-Terrorism Operations and Contingency

### Planning: A Persistent Problem

Considering all of the benefits to be gained from airports and airlines conducting anti-terrorism operations and contingency planning it would seem overly risky, if not foolhardy, for any airport security planner to fail to give sufficient attention to these critical issues. For, in other sectors of industrial security, the increasing threat of terrorism towards businesses and their executives has recently created a good deal of attention. Many security professionals and planners must now include the specter of terrorist attacks in their contingency plans and scenarios.<sup>11</sup> However, in studying current aviation security requirements and procedures relating to these concerns, it is apparent that while additional measures may be desirable, and even necessary in some locations, they are not always identified or implemented. It is obvious that if this problem is allowed to continue, without a proactive/preventive approach being applied, the only remaining response which aviation security officials will have is an after-the-fact reaction. As Canadian aviation authorities discovered after the loss of Air India Flight 182, the third worst disaster in aviation history, a reactionary response becomes a very deadly and costly proposition to bear.

### Causality

In order to search for an appropriate solution to this problem, it is imperative that the primary factors, which contribute to its existence, be identified. Available information directs the focusing of the issue on a number of existing limitations which combine to cause this problem: limitations in threat understanding/appreciation by officials involved with reducing the risk of that threat; limitations on available information which can more clearly define the threat; limitations in the availability or application of substantive security requirements which clearly address the issue of terrorism; limitations in necessary security resources or the fiscal means to acquire them; limitations in essential training; and finally, limitations in the communications process between facilities and agencies. When these limitations are all totaled it is no coincidence that they have such a stifling effect on current operations and planning.

In order to generate a meaningful response to any issue, an individual must obtain adequate knowledge about the issue and its potential impact(s). Once that exists, reason and experience can be applied in the formulation of an appropriate response to the issue. There are two basic means of gaining knowledge about the threat of terrorism. The first is through experiencing a first-hand exposure.

While some individuals have been placed in that position, like the members of TWA Flight 847 last summer, most people have not. The other is by conducting an extensive (not just a cursory overview) examination of a variety of information available through a number of sources (media, books, bulletins, etc.) about each particular organization which could realistically pose a potential threat. While most security officials associated with aviation have not had that first-hand exposure, the majority must rely on an examination of available information. The availability of that information tends to vary between locations and individuals, and so does any response which may follow.

Information on terrorist groups and the threats which they pose exist in many forms. The most critical of these forms is intelligence. Timely and accurate intelligence data is absolutely necessary if appropriate prevention and response strategies are to be planned and initiated. A basic problem exists in our national intelligence network in that a great deal of intelligence amassed within our country is not distributed to those who may encounter terrorism in the course of their law enforcement duties.<sup>12</sup> Airport and airline security officials are not exempt from this problem.

While Federal Aviation Regulations spell out certain basic security requirements, which are supposed to have across-the-board applicability, this is not always the case.

This flexibility in application has been, and continues to be, a source of irritation between airport operators, airlines and the FAA. Airlines have been traditionally held to a fairly strict compliance with their passenger screening requirements, with substantial penalties being levied by the FAA for noted deviations. Airports, meanwhile, are often granted lengthy extensions of time for compliance with fencing, lighting or other basic safeguard requirements. Another issue which compounds this problem is that in practice, large metropolitan airports are generally held to a more rigid adherence to established guidelines with more leeway being given to the smaller airports.<sup>13</sup> These practices create an imbalance in standards application and in the actual security procedures in operation from location to location. This variability in standards application can have a direct bearing on the vulnerability level. If security measures in operation are stringent and well-executed, vulnerabilities may be decreased. If security measures are only partially applied or weak, that location may be viewed as a "soft target" and its vulnerability dramatically increased.

Availability of security resources, in both equipment and manpower, is another limiting factor. Most airports in the United States are owned by local or regional governments. They are generally operated by authorities or commissions who report to the elected officials of that

government. Whether the airport routinely operates at a stable deficit, breaks even, or returns a surplus to their governmental unit, any increase in costs will create a financial problem. There are generally three ways that problem can be resolved: increase airport revenue by raising fees (i.e. parking, landing, hanger), reduce airport services, or draw from the general revenue of their government unit. None of those alternatives are very appealing to the general public. Hence, all airports, but especially the ones smaller than metropolitan size, generally have operated with moderate to severe financial limitations.<sup>14</sup> For the purpose of this study, smaller airport refers to those facilities which are non-hub, serviced by at least three and generally no more than ten airlines, and with yearly passenger counts ranging from 100,000 to 700,000. These financial limitations directly impact on the quantity and quality of security resources available for day-to-day airport security operations.

The quality of training for airport security personnel, as well as law enforcement officers who may support their operations, has a direct bearing on the application of any security program. In fact, "Education and training ..is now recognized as an essential element of any successful security program".<sup>15</sup> Any well-run airport security program should have an on-going training program for all its



employees-subordinates, superiors, and new employees, as well as experienced employees.<sup>16</sup>

All of the sworn security officers at the facilities studied had initially been certified under their state law enforcement officer training standards certification program. Any additional training past initial certification varied dramatically from location to location. Situations may range from having a well-developed, regular training program conducted by an appointed training officer, to having no training staff and an extremely limited amount of continuing training. Lack of a standardized airport security training program with broad application has created vast differences in the array of security procedures being applied between each facility. While this situation may have some merit in lessening the predictability of operations between locations, it generally reduces the level of protection which may be afforded by the existence of a sound training program.

Finally, communications between airports and airlines, and their security staffs is extremely important. While each facility operates in its own individual sphere, there are many security needs which are common to all. There are needs for a secure perimeter, for unauthorized access control, and for monitoring "secure" areas to ensure that status is maintained. The security staff of each facility often devises unique and cost-effective ways to deal with

these requirements. Yet that information is all too often not communicated to other facilities which may yet need to meet similar requirements and have not found the right solution. A networking system, which provides for a cross-flow of information between similar-sized facilities or operations, could meet this need. At present a system such as this does not appear to exist.

It would be improper to assert that any one of these individual limitations could be the sole cause of the deficiency being addressed. Yet when combined, they have a significant impact on preventing changes from occurring, changes which could bring about improvements in the responsiveness of aviation security in dealing with its vital role in risk reduction. To create an atmosphere, which will allow those changes to take place will require a basic change in the present mind-set of airport and aviation officials. As Dr. Robert Trojanowicz, director of Michigan State University's School of Criminal Justice said recently during an interview concerning terrorism: "The American mentality is such that we are not orientated toward terrorist activities...as victims. This must change." If airport security planners are to create a useful and meaningful plan to successfully confront the growing threat of terrorism they must think like a potential victim and plan for the worst. To do anything less only increases the risk of becoming a victim and ultimately invites disaster.

## CHAPTER II

### REVIEW OF LITERATURE

#### Introduction

Much literature has been devoted to the issue of terrorism, and some to airport security, but each as separate subjects. However, very little information has addressed the relationship between these two areas. Most of the available information is in the form of articles written for periodicals or professional journals. These articles generally develop a concise position or analysis of one or more issues concerning one of the areas. A review of the resources located at the Michigan State University Library and the State of Michigan Library uncovered only one book which addressed both subjects. A computer search of the National Criminal Justice Reference Service disclosed a limited number of useful documents. The majority of information used in this study was derived from the InfoTrac Database and the Criminal Justice Periodical Index. In turn, articles identified often produced leads on additional relative information.

The literature described hereafter was used to develop an understanding and appreciation of the problem. Once that was attained it was possible to proceed to develop a problem

statement, identify causes and design a method of research which would address the issue.

#### Understanding Airport Security.

In order to realistically examine any security operation it is necessary to understand what threat or risk that operation is designed to protect against or prevent. Airport security operations provide a vital role in allowing aviation services to continue without disruption by various threats. In this sense an airport security operation conforms to a traditional definition of security; it provides:

"Those means, active or passive, which serve to protect and preserve an environment which allows for the conduct of activities within the organization or society without disruption."<sup>17</sup>

Those two terms, protection and preservation, are the cornerstone for all security programs including airport security.<sup>18</sup> The protection and preservation services at airports are generally provided through a combination of protective service programs. Public Protective Services (Governmental) are provided through the airport authority governmental unit. These services may be provided by an Airport Police Department, Public Safety Department or a branch of a local department, i.e. Sheriff's Department, maintaining a detachment at an airport. In each case

members of those units are generally responsible for activities related to law enforcement, crime prevention, loss control and property protection.<sup>19</sup> Additionally, to comply with Federal Aviation Regulations Part 108 requirements, the airlines contract for Private Protective Services (Proprietary) to conduct their passenger screening operations at the airports which they service. These operations are carried-out by private guard service agencies to protect the airlines assets and operations from direct losses.<sup>20</sup> The combined efforts of these two protection programs should provide for the security and risk reduction requirements of both present and future threats. An examination of those threats can elaborate on the problem.

#### A General Perspective of the Threat.

Before any security planner can develop some plan of action against a particular threat it is necessary to first gain a clear understanding of the elements of that threat. It is imperative that planners see clearly what the problem is before they attempt to propose solutions. An examination of the incidents that have occurred in the past and the groups responsible for them should be a key item on the agenda of every airport security official. By studying what has already happened, airport security planners will be able to compile a bank of intelligence allowing them to operate

in a proactive rather than the prevailing reactive, stance.<sup>21</sup>

The prevailing threat against airport security has taken a major shift since the hijacking threats of the late 60's and early 70's. The primary threat, which occurred during that time, came from the lone hijacker seeking to divert an aircraft on an unplanned trip to San Marti Airport in Havanna, Cuba. Of the 22 hijackings, which occurred in the United States in 1968, 19 of those were required to fly to Cuba.<sup>22</sup> It was the result of these and similar hijackings that the one-hundred percent passenger screening requirement in the United States was instituted in 1973. Those measures appeared to have a significant impact in bringing about a dramatic decline in the subsequent numbers of hijackings which would be initiated in the United States. In 1976, when author Kenneth C. Moore published his book, Airport, Aircraft & Airline Security, there had not been a successful hijacking in the United States in the previous four years. However, he cautioned that airport security officials should not rest on past laurels when he stated:

"Terrorist activities in Europe and the Middle East suggest that the present calm may prove to be only the eye of the hurricane."<sup>23</sup>

It has taken the United States these past ten years to see that hurricane eye move slowly over our land. In the front-side of the storm we experienced the numerous

hijackings which took place prior to 1976. The acts of terrorism directed against American civil aviation and citizens in Europe and the Middle East in 1985, and again in 1986, have established the trend that airport security planners should be studying and concerned with now. For this trend could become our "back side of the storm". To better understand this threat it is necessary to make a closer examination of who these groups are, how they are financed, how they operate, and what makes them a formidable threat to any airport security program.

### The Groups

Although many terrorist groups could pose a threat to airport security in the United States, none bares need for a closer examination than do the Middle-Eastern, Palestinian associated terrorist groups. These groups were founded as a result of the tumultuous political situation which exists in the Middle East. As terrorist organizations, these groups' actions continue to represent the extreme in cruelty and ruthlessness in their operations. Often viewed as "the founding father of international terrorism" the Popular Front for the Liberation of Palestine (PFLP) exemplifies this type of terrorism.

The PFLP was established in 1967, following the Six Day War, by a merger of several smaller guerilla groups, who

supported the Arab Nationalist Movement, founded by Dr. George Habash. Until his death in 1978, their operational commander was Dr. Wadi Hadad. As the head of the PFLP Foreign Operations Group, Hadad built up significant contacts with terrorist groups from other countries, especially with the European, Japanese and South American groups. So close were these ties, that many of their notable operations were carried out with the assistance of other terrorist groups. Examples of these "combined operations" against airports/airlines include Entebbe (West Germans/PFLP), Mogadishu (PFLP supporting the West German Kidnappers of Hans Martin Schleyer), and the Lod Airport massacre (Japanese Red Army supporting the PFLP). Its targets are primarily linked with Israel, imperialism, and capitalism. The PFLP international links extend beyond their operations. They are supported by several countries including Libya, Iraq, Algeria and South Yemen. Having connections with other groups in Italy, Turkey, Iran, Holland, and France, the PFLP is the framework in which international terrorism functions. Combined, they are truly a terrorist organization which flourishes with one of terrorism's biggest tools, FEAR!24

Another group, which has emerged from the extremist mold and gained increasing public notoriety during 1985, is the Fatah Revolutionary Council (FRC), whose leader is Sabri al Banna, a.k.a. Abu Nidal. The FRC is a splinter group of



the PFLP, and all of the top aides in the organization were once members of the Al Fatah unit of Yassir Arafat. With an operative strength of between 500 and 800, FRC members have carried out more than 100 terrorist operations in twenty countries. Attacks by Nidal's members have been noted for their extreme ruthlessness. Such was the case December 27th, 1985, when his operatives struck almost simultaneously at the Rome and Vienna Airports. Those attacks left 19 civilians dead, including 5 Americans (one an 11-year old girl). Although these operations took a small toll on Abu Nidal's membership, he has little problem refilling his ranks. The FRC recruits normally receive between two to five times the pay per month that a veteran PLO fighter receives, with many other noteworthy side benefits as well. It is small wonder that when his recruits are drawn from such places as the Sabra and Shatila refugee shantytowns outside Beirut, that the life of a "freedom fighter" working for Abu Nidal might not be quite appealing. For as a Palestinian in Damascus, a former top aide in the PLO said: "To the whole world they are terrorists, to our own people they are heroes."<sup>25</sup> As long as FRC members view themselves as heroes, Abu Nidal will continue to plot his ruthless attacks with willing volunteers waiting to carry them out. As European nations continue to expand their fight against terrorism, often at the cost of civil liberties, there is a very strong possibility that America's open society will

attract terrorist organizations, such as the FRC, as a new stage for conducting their ruthless operations.<sup>26</sup>

Another recently emerging Mideast terrorist group, which deserves the attention of airport security officials, is Hizbullah, or the Party of God. It was this group which carried-out the hijacking in 1985 of TWA Flight 847 from Athens, Greece to Beirut. Throughout that ordeal, it was the Americans on board who were constantly singled out by the hijackers for possible reprisals if their demands were not met. In the final analysis of that event, it was an American serviceman, Robert Dean Stetham, a U.S. Navy diver, who was the sole passenger killed by the hijackers. Hizbullah has continued to expand its base of operations. There is recent concern by United States security and intelligence officials concerning the level of that expansion effort here in the United States. In a recent article by syndicated columnist Jack Anderson entitled, "Terrorists Set Up Here", that movement was highlighted with these comments:

"Fanatical Shiite Moslem terrorists, ready to die for the Ayatollah Khomeini, are in position in the United States, hoping to make 1986 the year when Middle Eastern terrorist strikes on this side of the Atlantic. The G-men know there are already at least 100...agents in place. In addition... 100 or more ...agents have entered the United States during the past year alone. U.S. intelligence agencies know the Shiites' orders to begin operations in the United States come right from the top: the Supreme Council of Islamic Revolution, formed by Khomeini... to oversee

some two dozen terrorist organizations. Khomeini has allocated millions of dollars to build up a Shiite terrorist organization among the more than 60,000 students from Islamic countries who attend U.S. universities. Recruiters are reportedly paid \$1200 a month to sign up potential assassins."<sup>27</sup>

Airport security officials were prompted to raise their concerns about this group last fall, when information circulated throughout the field of a possible hijack attempt by persons of Middle Eastern nationalities. Those potential hijackers had been trained on hijack operations inside Iran.<sup>28</sup> The indiscriminate violence which this group has demonstrated equals, if not surpasses, that shown by its Palestinian counterparts. They are an organization which bares considerable watching. Prudent airport security officials here in the United States would do well to closely monitor the activities and movements of this organization.

### Their Financing

Terrorism operatives are allowed to expand their base of operations, but only when ample financial resources are available. For "money is the fuel of terrorism" which allows these organizations to reach into new arenas as they search out alternative targets.<sup>29</sup> While terrorist groups often receive operations money from various sources, none appears more generous than the financial backing which is received from Muammar Qaddafi of Libya. Abu Nidal was paid between five and six million dollars by Qaddafi for the Rome and Vienna attacks last December, in addition to the annual five million stipend which he allegedly pays that terrorist group.<sup>30</sup> In addition to these overall expenditures, Qaddafi has established a form of financial insurance for individual terrorists and their families. This aspect of financial security for terrorism was aptly identified by Dobson and Payne in their book, The Terrorists, when they pointed out:

"When Colonel Qaddafi set up his own multi-national terrorist organization, he established a fund to provide...social insurance. One of his men, who surrendered after hijacking a plane to Kuwait, told interrogators that the Libyan leader had promised ...compensation of \$500,000 to the families of any of them killed on the mission. Hans-Joachim Klein, who was wounded during the OPEC operation, had his pain eased by an insurance payment of \$200,000 from Qaddafi. The Libyan fanatic has become to terrorism what Lloyds of London is to Shipping. Their worlds, in fact, actually overlap, because Lloyds pays out on the aircraft hijacked by the people whose lives Qaddafi insures."31

With such security and financial support for their operations and members, the PFLP and the FRC, along with their various splinter groups, will be able to extend future operations. Business enterprises examine their competition's financial holdings to better appreciate their depth and breath of operations. So, too, airport security officials should foster an enhanced understanding of their opposition's financial support. This is necessary to gain a fuller appreciation of their motivation and resource purchasing capabilities, both key elements of a countermeasure planning strategy.

#### Their Weapons

With such impressive financial backing it is little wonder that the arsenal of terrorism today is so extensive. When compared with the knives and revolvers often used by early hijackers, the weaponry used by present terrorists is

devastating. Usually armed with the newest and most advanced weapons available on the black market, their superiority in firepower is readily attainable. Airport security forces throughout the world today are being confronted by terrorists armed with weapons capable of inflicting massive losses: the Kalashnikov AK-47 and VZ 58 V Assault Rifles (90-100 rounds per minute), the Beretta Model 12 Sub-machinegun (120 rounds per minute), the Skorpion VZ 61 (840 rounds per minute), several types of grenades, the RPG-7 Portable Rocket Launcher (range: 555 yards) and the SAM 7 Strela Infra-Red Guided Missile (range 3792 yards) (Appendix A). Several of these weapons were used in the 1985 terrorist attacks at the Rome and Vienna airports. Fortunately, security forces at those airports were able to respond with force-in-kind once the terrorists used those weapons. Had the security forces been armed instead with inferior weapons, a higher loss of life could have been experienced. These two attacks and their associated responses by security forces are scenarios which airport security officials in the United States should be familiar with. It would appear that the basic principle, "For every action there is an equal and opposite reaction," would hold a notable degree of relativity in planning appropriate countermeasures against a potential terrorist threat.

### Their Tactics

There is no real mystery about the tactics used by terrorists. Their greatest shock value rests with their unexpectedness and novelty. Their desire is that television coverage of their activities will bring them into every home.<sup>32</sup> "Many of the victims of these terrorists are randomly selected for the sole purpose of obtaining maximum shock action calculated to attract widespread exposure via the communications media."<sup>33</sup> Seeking this broad exposure for their cause, today's terrorists exclude no one from their list of potential targets:

"In today's world, any person could become a victim of a terrorist regardless of his or her innocence or neutrality. Many terrorists' actions are intended to appear indiscriminate, but are purposely designed for the sole reason of strewing a certain number of bodies on the street for "all the world to see." By these actions, the terrorists seek to enhance the fearsome reputation of the organization which they represent."<sup>34</sup>

This situation was all too obvious in 1984 when a suicide terrorist drove his explosives-laden vehicle into the U.S. Marine barracks in Beirut. Then again, it appeared in the Rome and Vienna airport massacres. While it would appear that terrorist tactics would always require "the more bodies, the better" this is not always the case. In some instances singling out one key victim can leave the same lasting impression in the public's eye as would leaving a

hundred victims. Such was the case in the killing of wheelchair-bound Leon Klinghoffer aboard the Italian cruise ship Achille Lauro in the fall of 1985. The mentality behind such a reviling act may have been best summed up in the comments of one of the ship's hijackers as they went to trial in an Italian court on June 18, 1986. When questioned why an invalid, old man was killed the Palestinian terrorist said:

"We selected him to die because we wanted to show the world that we have no pity."<sup>35</sup>

A study of terrorist tactics is crucial if airport security officials are to develop viable terrorist threat countermeasures. Very few, if any, victors in the annals of warfare have achieved their success without first knowing their opponents' tactics, and then being able to develop a countervailing strategy which can negate those tactics and create that success. Airport security planners require a continuing and determined study of the terrorist threat in its entirety, if they are to be successful in their total preparations to confront that threat in both the present and the future. For, if that threat strikes home, ignorance of the threat will not provide an acceptable excuse for a lack of security preparedness.



### The Need for Intelligence.

If airport security officials are to execute anti-terrorism operations in a useful manner and to be prepared to implement contingency plans as necessary, they must receive intelligence. Accurate and timely intelligence can make the difference between having a successful airport security operation and one which is "a day late and a dollar short." For airport security planners who receive this type of intelligence, forewarned is forearmed. Nothing can be done in the area of counterterrorism without effective intelligence.<sup>36</sup> But, the overall value of any intelligence rests in the accuracy of the source:

"The gathering of information is particularly important because information can, obviously, only be as good as its source. Good, reliable sources of information about terrorism should be developed, and the information collected from them should be ...processed so that it can be available in a useful form to those needing to use it for decision-making purposes."<sup>37</sup>

Yet developing reliable sources for obtaining intelligence data on terrorist organizations/operations is not easy; it presents a formidable challenge. There are several reasons for this situation.

Terrorists, in this decade, are generally considered by many experts to be the most dangerous of all the intelligence collection targets. As one of the experts points out:

"Like communists they are clandestine, but terrorists rob, kidnap, and kill and are criminal not political. Their hands are soiled so they cannot come back into society until the revolution is successful. The only path for a terrorist who has thrown a bomb or killed is to continue to work for the defeat of the government. Having killed, the terrorist will kill again, especially a collector who intrudes into his clandestinity, unwisely seeking his recruitment."38

To be a collection operative for an intelligence agency, seeking to penetrate a terrorist organization can be a very "short term" occupation.

Another factor, which compounds this collection problem, is the often small size of a terrorist organization. While some terrorist organizations such as the PLO have ample membership, many of the emerging, and most deadly splinter groups, are quite small in comparison. Compounding this problem even further is the fact that many of these organizations are broken down into individual four or five member "cells". Each of these cells is then compartmented from the other cells, which confounds any attempted penetration efforts by intelligence agencies.

Another factor which compounds this problem is the fact that terrorist organizations have had very few defectors, especially here in the United States. Generally, as part of their standard operations, terrorist organizations will inflict terrible punishment, normally death, on a defector from their organization when they catch. If they cannot directly attack the defecting member, they often turn their

retaliation for that defection upon the defector's family. Additionally, the United States has not had much success in capitalizing on terrorist capture situations from the standpoint of gaining useful intelligence. The primary reason for this is that we, in the U.S., are not oriented towards using "hostile interrogation" techniques on a defector source, holding potential valuable intelligence. Other democracies in the world have used this method of interrogation, successfully gaining valuable intelligence information from captured terrorists. An example of this occurred in 1981-82 when U.S. Army General James Dozier was kidnapped by terrorists from his Verona, Italy apartment. Italian authorities expertly applied hostile interrogation technique on a number of captured Red Brigade members, successfully leading to the General's release by a police raid, and the eventual capture of over 1200 Red Brigade members. In a time of terrorist crisis, hostile interrogation can provide the "cutting edge" to security forces carrying out successful counterterrorism operations.

However, gathering solid intelligence information is only half the battle. The other half is seeing that the information obtained gets to the people who most need it. As previously noted, a good deal of the intelligence information, which is collected, does not get to the people, like airport security planners, who may encounter terrorism.

While a number of means presently exist to disseminate this type of information, they do not always work harmoniously to ensure the most efficient dissemination possible. The basic problem appears to be with regards to who gets what and how they get it once the former issue is resolved. Some consumers get too much material, but at times will miss the one item they need.<sup>39</sup> A study of the intelligence dissemination function a few years ago pointed to a number of ways which the users of intelligence could assist the producers of intelligence in bringing about improvements in this system. One of the problems noted was the, "failure of consumers to provide producers with sufficient information concerning ..policies and plans."<sup>40</sup> In other words, if the intelligence producers are to provide the users of that information with the best type of information, which can benefit the user's operation, the producers need to know how the consumer plans to use that information. Without that concrete understanding of purpose being present between the intelligence producer and consumer, the exchange of information which occurs may very well lead to a "garbage in, garbage out" situation.

The timely receipt of accurate intelligence information allows airport security officials to readily assess two major intelligence capabilities which have a direct bearing on how security functions. These two critical intelligence capabilities involve warning and estimating. Warning of

impending hostilities is the number one priority of intelligence providers.<sup>41</sup> The failure to warn could have a profound impact on the basic survival of an airport or airline. It can also cost lives and create tremendous economic difficulties for the operation which is caught unaware. While present warning capabilities have provided significant amounts of beneficial information in the past, deficiencies still exist. These deficiencies can only be eliminated if the intelligence user and producer work jointly to further develop a stronger congruence in the warning operation and its ultimate application. The second major capability of intelligence involves the estimating function.

Underestimating the capabilities and intentions of any potential adversary can bring ultimate damage to a security activity and its interest. The problem of obtaining effective estimates has been the topic of much debate and some criticism in both intelligence user and producer circles. As one intelligence analyst noted:

"The estimating process over the years has been severely criticized. A key objection has been that estimates are written so that they won't be wrong. Of course, this does not necessarily mean they will be right-or useful. There is great reluctance to stick one's neck out and then be called wrong if the estimative judgement goes awry. The safer course is to waffle, say just enough about the subject, describe rather than estimate, and make the judgements broad and fuzzy."<sup>42</sup>

When this situation occurs, on both the producers' and users' ends, there is a strong propensity for an invalid estimation to occur. When an invalid estimation occurs, security is directly impacted. Too high an estimation can create an over reaction by security and the development of a "cry wolf" syndrome. Too low an estimation may lull an organization into a false sense of security and a reluctance to create a change in its existing security posture when one may really be in order. If this situation continues over time, a complacency towards any change may emerge. If that complacency is fostered, it may prove to be the biggest obstacle to any security operation, especially when the time actually arrives that fundamental changes are really necessary.

Intelligence information plays a strategic role in allowing airport security operations to provide for a flexibility in response necessary to meet the changing threat which is posed by terrorism. How security responds to that information will determine whether a terrorist attack is successfully thwarted or a re-creation of the Rome and Vienna massacres occurs.

#### Reviewing Security Requirements.

The level of security present at any location will directly affect the potential vulnerability of that site.

While no airport, currently in existence, is one hundred percent secure from becoming the target of a terrorist act, some are more vulnerable than others. Those airports "with a series of obvious protective safeguards and counter measures will often discourage an attack, so that another target with less protection will be attacked."<sup>43</sup> Hardened targets are much more difficult and costly to attack than are those with few, if any, defensive/offensive measures. While the most effective defense against terrorism is, without question, the establishing of a police state, that option presents a major problem in a democracy like the United States. For freedom of movement and action for individuals is one of the primary underlying principles of our system of government, as well as our airport security program. Providing an airport security system which does not impose too many restrictions on individual freedoms has been the standard for this operation.

Prior to the late 1960's the concept of freedom of movement in airports and onto airlines was in total domination of airport operations. Airport security, per se, did not exist. During that decade the primary threat to airports and airlines was slow to emerge. The first hijacking in the United States occurred on May 1, 1961, when a National Airlines flight between Miami and Key West, Florida was diverted to Cuba.<sup>44</sup> Between 1961 and 1967 the U.S. continued to experience this threat, but only to a

limited degree. A total of twelve hijackings were experienced in the U.S. during that seven year period. Then came the turning point which acted as the catalyst for change in our airport security posture. During 1968 a total of twenty-two hijacking incidents occurred, nearly double the total of the previous seven years. With this trend continuing through 1969, it became apparent to the United States government that something must be done, some new measures had to be taken to stop these hijackings. In February of 1969, the Federal Aviation Administration (FAA) organized a Task Force for the Deterrence of Air Piracy. The charter of that organization stated:

"There is an immediate need for the FAA to take positive action to discourage would-be aircraft hijackers. Initial emphasis must be placed on developing, testing, and installing a weapons detection system. It should be applied to the airline passengers prior to boarding. The existence of the system must be made known to the public in such a way as to have the greatest possible deterrent effect on would-be hijackers. In addition, operating the system should give us the greatest state-of-the-art probability of detecting persons who have weapons on or about their person."<sup>45</sup>

Thus, the focus was established on passenger screening as the primary means of preventing the then current threat to civil aviation occurring at that time, hijackings.

The implementation of full-scale passenger screening at all airports was not automatic. Much debate and skepticism ensued concerning the proposed benefits and the obvious



detriments of implementing such an operation. In the final analysis, it was a trial-run of this new concept by one airline which brought the entire U.S. civil aviation operation to its eventual acquiescence on this subject.

After being victimized by hijackers numerous times during the late sixties, Eastern Airlines took the lead in establishing a test of passenger screening operations. Initially tested at their Washington National Airport annex, passenger screening soon moved to other Eastern operations' locations, especially to high-risk stations. Eastern considered their facilities in the "northeast corridor" of the U.S., which had flights destined for Florida, to fall within this category. Their results were quite impressive:

"The hijackings of Eastern Airlines flights ceased, and firearms and other weapons were often found on passengers.....Guns, knives, and other dangerous articles were also discovered in trash receptacles, public lavatories and at other locations throughout the airport.....The effectiveness of the new passenger and baggage screening program was obvious to everyone concerned, including the would-be hijacker."46

With this situation occurring, the "hardened target" theory was placed into operation and became quite evident.

Hijackers turned their attention away from Eastern flights and began to increasingly victimize other airlines which were less protected. The result was that other airlines soon initiated their own passenger screening operations. With the passenger screening movement gaining rapid momentum

in the ranks, the FAA needed only to fine-tune the operational requirements. Once that was accomplished the FAA released, by emergency rule, in February 1972, the first United States Aviation Security Regulations, Parts 107 and 121, which were binding on all airports and airlines. By January 5, 1973 the FAA required all passengers to be screened and all carry-on items to be inspected by all airlines. The primary emphasis of airport security was established, an emphasis which continues even today.

The obvious improvement in airport security, via passenger screening operations, was a major change in operations. This change was created by the realism of a major threat affecting innocent people. However, since 1972, a new threat has emerged around the world, a threat which also affects innocent people in civilian airports. The December 1985 attacks at the Rome and Vienna airports were but additions to an on-going list of airports which have experienced similar terrorist attacks in the past. It is all too sobering to realize that passenger and cabin carry-on inspections would not have stopped any of these terrorist attacks from occurring. In reacting to these attacks, the responses by the various airports and airlines affected have been varied. Yet one response appears to be very consistent: increased/visible security measures appear to provide the best deterrence to terrorist attacks. While measures aimed at deterrence are occurring with increasing

regularity at international airports, both overseas and here in the United States, the application of these measures is not universal. Variance of action on the part of security officials from location to location can contribute to a threat transference or to making the less protected facility more vulnerable. This is where a fundamental problem exists for the mid-sized airport: security measures are not applied as intensively, and in some cases as conscientiously, as they are in the larger facilities.

The total security program for each airport centers around the requirements of Federal Aviation Regulations. The two primary regulations directing the development of the security program are Part 107-Airport Security and Part 108-Airplane Operator Security (Appendix B). Each of these regulations provides general guidance, of a very broad nature, to airports and airlines in developing their individual security programs. Once the airport develops its security program, it is submitted to the Regional Director of the FAA for approval. A similar process occurs with the airline security program, with the exception that their program is submitted to the FAA Administrator for approval. Once the security programs have been approved by the designated official, they are considered binding on the organization. Thereafter, the FAA acts in its regulatory, not enforcement, capacity to ensure that the airport and airplane operators are complying with the conditions of

operation outlined in their approved programs. However, it is the diversity of those approved programs, combined with the bureaucratic regulatory process, which confounds the issue of airport security.

While the promulgation of these Federal Aviation Regulations was designed to promote a degree of consistency in airport security operations, their lack of specificity allows for broad interpretation. While this allows for a certain degree of flexibility in program development, it may also have a counter-productive effect. Two of the areas in which this "flexibility " directly impacts on each airport are air operations area (AOA) security and law enforcement support (LES).

The air operations area is defined as "a portion of an airport designed and used for landing, taking off, or surface maneuvering of airplanes."<sup>47</sup> Each airport operator is required to have identified procedures included in the approved security program which will provide for the security of the air operations area. The procedures outlined in each security program must provide for the following control functions: "1) Controlling access to each air operations area, including methods for preventing the entry of unauthorized persons and ground vehicles. 2) Controlling movement of persons and ground vehicles within each air operations area, including, when appropriate, requirements for the display of identification. 3) Promptly detecting

and taking action to control each penetration, or attempted penetration, of an air operations area by a person whose entry is not authorized in accordance with the security program."<sup>48</sup> Given these requirements, it is important to recognize the fact that the level of security which is afforded the AOA is directly proportional to the level of security which governs adjoining areas. Those areas can generally be categorized as terminal and ramp/perimeter.

The terminal building presents special access security problems because, within it, there is a dividing line between the public areas and the air operations area.<sup>49</sup> How that dividing line is established at each facility, and enforced in practice, presents a variety of problems. One of these problem areas is the "sterile concourse". The sterile concourse is an area within the terminal where access is restricted to those individuals who have been screened for weapons before they are allowed to enter.<sup>50</sup> However, maintaining the sterility of this area is often very difficult at many airports. One of the major problems associated with maintaining sterility is the number of doors in each airport which lead from the terminal building to the air operations area. These doors may be located in the concourse, at passenger staging areas, in baggage handling bays, on jetways or in airline service areas. How these doors are secured, or not secured, will impact on the security of the air operations area. For example, if the

service door at the top of the mechanics stairs on a jetway is unlocked on the ramp side anyone can gain access to the sterile concourse via the jetway.<sup>51</sup> While it is presumed that there will not be any unauthorized personnel on the ramp, that presumption has been proven wrong several times in the past.<sup>52</sup> Additionally, how security is maintained on the concourse to ramp doors presents another problem. How each of these doors is ultimately secured will vary from airport to airport, subject to airline preferences and rule interpretations by airport officials and the FAA Air Transportation Security Field Officer.<sup>53</sup> While some airports may guard access control by the use of locks, card access or alarms, or a combination of these items, others do not. Whatever the location, access control to the AOA from the terminal/concourse area will present a major challenge.

The other method of gaining unauthorized access to the AOA is via the ramp through a breach of the perimeter. Two factors seem to directly affect this type of access: the type of barrier used on the perimeter of the AOA and the number of openings or gates in that barrier. The type and application of perimeter fencing may often vary considerably from airport to airport. Also the number of gates or openings in that fencing will also vary. One airport which was examined during this study had less than ten gates/openings in the perimeter fencing, while another had more than fifty. How these gates are secured and checked

will have a direct impact on an unauthorized person's ease of access to the controlled areas of the airport, such as the AOA. While controlling access of unauthorized people to AOA's and sterile concourses would appear to be the best means of eliminating or controlling a threat by penetration, how a penetration is dealt with via airport security/law enforcement support is equally critical.

Law Enforcement support for airport security is required by Federal Aviation Regulations to support its security program and each passenger screening system.<sup>53</sup> The regulations stipulate that the airport operators will provide those officers in the "number and in a manner adequate" to support those requirements.<sup>54</sup> This wording has contributed to a wide variety of law enforcement support operating in support of airports throughout the United States. The three airports examined in this study aptly demonstrate that diversity: one had an airport police department, one had a public safety department, and the third had a detachment of the local sheriff's department providing the required law enforcement support. While the type of law enforcement support varies from airport to airport, so too does the standard of training required for those officers. Federal Aviation Regulations require that law enforcement officers supporting airport security training must include: "The use of firearms; the courteous and efficient treatment of persons subject to inspection,

detention, search, arrest, and other aviation security activities; the responsibilities of a law enforcement officer under the airport operator's approved security program; and any other subject the Administrator determines is necessary."<sup>55</sup> In addition, the training program must either, "Meet the training standards, if any, prescribed by either the State or the local jurisdiction in which the airport is located for law enforcement officers performing comparable functions."<sup>56</sup> These broad requirements leave much latitude for local airport security officials to determine what, if any, additional training may be required for their officers.

With only the above minimum training required by the Federal Aviation Regulations for airport law enforcement officers, airport security managers are faced with the need to assess what types of training are necessary for their officers. One airport security author has identified a basic list of these needs:

"The law enforcement officer assigned to an airport must know the laws and ruling precedents covering crimes aboard aircraft, interference with flight crew members, search and seizure, and narcotics; into what jurisdiction various crimes fall; and the relevant Federal Aviation Regulations. The officer should be proficient in the use of firearms, have a knowledge of first aid and public relations, and be trained in the security control measures appropriate to civil disturbances, natural disasters, fire, bombs and explosives, as well as having a good knowledge of air carrier handling procedures for baggage and air freight. Too, terrorist activities have, with



increasing frequency, moved the point of attack from the aircraft to within the terminal.

Thus, for many reasons, it has become essential that airport terminals have a law enforcement presence made up of competent, well-trained police officers."<sup>57</sup>

While this list provides a good foundation in establishing a building block concept for training airport law enforcement officers, it is by no means all inclusive. The international threat of terrorism requires that many additional areas be identified and incorporated into this type of training program. If airport law enforcement is to be efficiently prepared for this formidable threat, training must focus, with an intensity equal that of the threat, on those areas which will best equip the front-line officer to respond to the threat. To do anything less will only place the lives of those officers, the airline passengers and the operations of the airport and its airlines in jeopardy.

One final note concerning law enforcement support as it regards jurisdiction, local law enforcement jurisdictional problems occasionally arise at airports.<sup>58</sup> These are often created by either the physical/geographical location of an airport or by overlapping jurisdictions of the law enforcement agencies which may support an airport. One of the airport's operations in this study, by virtue of both of the aforementioned situations, was subject to five separate law enforcement jurisdictions becoming involved in its security matters. It is imperative that any differences

resulting from such a situation be thoughtfully and efficiently resolved by airport security, law enforcement and local government management well before any situation would arise which could require law enforcement service.<sup>59</sup>

### Summary of Literature

The major portion of the literature review addressed the issues of international terrorism, the application of intelligence information concerning terrorism and physical security and law enforcement support for airport operations. It is believed that if airport security officials seriously study the issue of international terrorism they will be able to identify areas of their operations which could be subjected to this threat. Using this knowledge airport security planners may request and receive timely and accurate intelligence information which will allow them to carry out their operations more efficiently. While it is realized that no airport may be made 100 percent secure against a terrorist's attack, it is believed that the vulnerabilities which contribute towards an attack becoming a reality can be reduced.

If airport security planners expect to create a risk reduction opportunity, they must accurately analyze the physical security applications which they use to support their airports and their most sensitive areas. By

identifying shortfalls in their physical security standards, adjustments can be made to eliminate or compensate for them. These actions may be accomplished realizing that every vulnerability eliminated closes one more potential avenue of attack.

Airport law enforcement officers must be well-trained and competent to deal with the complex requirements of their operations in today's threat-filled environment. The standard of training applied to developing those officers will directly relate to their level of competency in addressing the situations they may encounter, including acts of terrorism.

This study was designed to examine how airport security operations conduct anti-terrorism operations and carry out contingency planning to deal with this type of threat to their operations. The concepts put forth by some authors are that there are existing problems within aviation security which, if left unchecked, can contribute to increasing an airport's vulnerabilities towards the terrorism threat. The primary goal of this study is to examine the airport security system which presently exists to determine how it may be improved to meet the potential threat of terrorism to its operations.

## CHAPTER III

### METHODOLOGY

#### Introduction

The purpose of this study is to identify major obstacles which could obstruct effective anti-terrorism operations and contingency planning at mid-sized airports. Identified obstacles will be analyzed to ascertain the reason for their existence. In conclusion, a recommendation is offered for defeating these obstacles and creating a set of circumstances which are conducive to conducting effective anti-terrorism operations and contingency planning at mid-sized airports.

It is clear that the issue of terrorism and its potential impact on airport operations is too vast to be addressed in its entirety in this study. Therefore, it is necessary to focus on one specific aspect of this issue, where any improvements generated may create a significant impact on the studied agency. The airport security management process was selected, for it is in this operation that the core of any successful anti-terrorism operation or contingency planning will be originated.

#### Definitions

As the aim of this study is to examine airport anti-terrorism operations and contingency planning, it is

imperative that a common definition of those terms be established. The Air Force Inspector General's Office of Anti-terrorism has defined anti-terrorism as "defensive measures used to reduce the vulnerability of personnel, facilities and equipment to terrorist acts."<sup>60</sup> As previously defined, contingency planning is "developing a preconceived course of action by devising ways and means to deal with a particular circumstance, either natural or man-made."<sup>61</sup> For the purpose of this study, then, anti-terrorism operations at airports provide the defensive measures to reduce the vulnerability to terrorist acts, while contingency planning provides a course of action to deal with a terrorist act if defensive measures do not prevail.

### Study Sites

It should be noted that significant differences exist in organizational structures and security philosophies used in actual operations conducted at various airports. Specific actions implemented at one location, which prove successful, may be inapplicable at another location. However, the management process which initiated those actions could be applicable, with modifications, to a majority of similarly sized facilities.

Three separate mid-sized airports located in a mid-west state, with identifiable security operations, were contacted. Each facility was noted for the major role which it has in the area aviation industry. All three airports agreed to provide information. In order to confine the focus of the study, contacts were generally limited to key airport operation managers and security staffs. Limited contacts were made with other instrumental agencies which impact on airport security: Federal Aviation Administration and Law Enforcement organizations.

### Research Questions

The study sought to answer five primary questions:

- 1) Are airport managers and security officials prepared to admit that "their" airport is no longer immune from becoming a target of opportunity for a terrorist group?
- 2) Are airport security officials prepared to confront a growing presence of international terrorism which potentially poses a threat to local airport facilities?
- 3) Is the development of policies, plans and procedures which govern airport anti-terrorism operations more proactive than reactive?
- 4) Are present security procedures at mid-sized airports sufficient to counter an increased level of terrorist activity?
- 5) Where should future research on airport security issues be directed?

## Collection of Information

### Personal Interviews

A series of questions were used during personal interviews with airport operations officials and security managers. The questions were designed to obtain information about the overall structure of the organization, area responsibilities, the security planning process, training and evaluation options, security concerns, and security orientation (proactive vs. reactive) (Appendix C). The purpose of the personal interviews was to establish a sense of direction for the security operation of the airport being studied and to gain an appreciation as to how the subject of terrorism was addressed by airport security operations and plans. Follow-up interviews were conducted, as necessary, for clarification or elaboration once the contents of the original interviews had been evaluated.

### Participant Observations

Each facility was examined to gain an understanding of the scope of its security operations. Security officers were asked to explain their duties and responsibilities and how they were trained to carry those out. Passenger screening operations were observed and screening agents

provided explanations on various operational and training questions.

On-site inspections were made, in the company of an airport security officer, of terminal facilities, operational zones, area perimeters and other areas having security implications. Limited access was afforded for review of some existing security plans and programs. Both day and night operations were observed. Based upon information obtained from the personal interviews and on-site observations, the discussion which follows will provide a descriptive background for each of the facilities studied.

#### Description of Geographical Locations

This study will focus specifically on three mid-sized, "feeder" airports located within the same mid-western state. They each serve a substantial population from one or more neighboring cities. Each airport was selected for its proximity in operations with the other studied facilities.

Because the airports are similar in operations and size they are subjected to the same federal aviation regulations and requirements. These must be adhered to on a continuing basis by the security program of each airport. They are also subjected to similar economic, social and political impactors on their security operations. While each airport



will have unique concerns, overall, they are quite similar in their organization and operations.

### Description of Studied Facilities

The following information was obtained from personal interviews with airport officials and on-site observations. This section is intended to provide an understanding of the current situation within each facility regarding the propensity towards conducting anti-terrorism operations and contingency planning.

#### Airport One

This airport is located in a semi-rural, predominantly residential area. The airport served over 175,000 passengers during the first six months of 1985. Passenger screening is conducted by a nationally based private security firm. The nearest major city, located within a ten-mile radius listed a 1980 census of over 130,000 people.

The nearby city is a major industrial center and located in the vicinity is a university with international students included in its student population. The chief executive officer of the airport is the airport manager. The Director of Public Safety is responsible to the airport manager for all matters concerning airport security. The Department of Public Safety (DPS) consists of 11 sworn

officers, of which one is a sergeant. The sergeant serves as the training NCO of the department. Two officers are scheduled for duty during any given shift. The officers are dual-hatted in their public safety roles, being responsible for both airport security and crash-fire-rescue (CFR) operations.

The training NCO conducts an extensive training program which supplements the initial training the officers receive when they hire-in. Initial security/law enforcement training consists of 240 hours conducted at a state-approved training facility. Officers obtain sworn police officer status upon successful completion of that training. Follow-on local orientation training is conducted at the airport by the training NCO. In-service training is conducted at the airport, using DPS facilities and equipment. The equipment includes a VCR camera, player and color monitor. The training NCO has compiled an extensive library of video tapes for training which serve as the foundation of the training program. Training subjects are scheduled on a monthly basis and time-slotted into an officer's duty schedule. This training is normally accomplished on one of the 24-hour duty days which an officer is scheduled to work during a given month. Of all of the studied facilities, Airport One had the most organized and comprehensive training program in operation.

The training program, although extensive, primarily focused its attention on the crash-fire-rescue area. As airport safety concerns appeared paramount, the majority of the in-service training effort was focused on the crash-fire-rescue role of the public safety officer. It consistently appeared that the CFR role was of primary importance, while the security role of the officer was secondary.

Some specialized equipment was dedicated to airport terminal and air operations area security status monitoring. The primary system was remoted to the DPS stand-by facility, which was physically separated from the terminal. All security systems used could be monitored from both the primary and remote locations, either independently or jointly.

Liaison was maintained with both local and state supporting law enforcement agencies. Some joint tabletop type exercises had been conducted to enhance command efforts during actual situations. Future plans were being laid for joint exercise scenarios to be conducted. Of the facilities studied Airport One had the most proactive program for security planning and the testing of various contingency operations.

## Airport Two

This airport is located in a semi-rural, predominantly industrial park area. The airport served over 600,000 passengers during the first six months of 1985. Passenger screening is conducted by a regionally based private security firm. The nearest major city, located within a ten-mile radius, listed a 1980 census of over 180,000.

The nearby city and surrounding area is a major industrial area boasting more than 1,000 manufacturing plants. The city is also a major convention center, which plays host to an international population. The chief executive officer of the airport is the Director of Aeronautics. The Chief of Police of the Airport Police Department, a special division of the county sheriff's department, is responsible to the Director of Aeronautics for all matters relating to airport security. The airport police department consists of 13 sworn officers, of which two are sergeants. No formal appointment of a training officer/NCO existed. The officers generally worked either an eight or ten hour shift. Three officers are scheduled for duty during any given shift. The primary responsibility of an airport police officer is to provide law enforcement and security support to airport operations. A totally separate airport fire department handles all CFR responsibilities for the facility.

The airport security training program was primarily limited to initial training requirements. Each officer was required to successfully complete an initial 240 hours of security/law enforcement training at a state-approved training facility. Following successful completion of that training sworn police officer status was attained. Limited local orientation training was completed at the airport, using the on-the-job training method of indoctrination for newly assigned personnel. Follow-on training was primarily limited to the police role in crash-fire-rescue situations and as an emergency medical technician.

Special security equipment applications were very limited. Plans had been made early in 1986 for the future purchase of some supporting security systems. However, at the time of this study, the terminal facility was undergoing extensive renovations and no equipment additions were anticipated until completion of that work.

While a conservative degree of liaison with area law enforcement agencies was maintained, opportunities for joint training ventures had not been pursued. Present plans did not reveal any indication that joint training opportunities were being sought in the near future. Contingency plans were fairly limited and security operations were predominantly reactionary in nature.

### Airport Three

This airport is located in a rural, predominantly agricultural area. The airport served over 190,000 passengers during the first six months of 1985. Passenger screening was conducted by a regionally based private security firm. Three cities located within a fifteen-mile radius listed a combined 1980 census of over 150,000 people. The neighboring cities play host to a variety of industrial and agricultural based commodities. A nearby college supports a limited enrollment of international students. The chief executive officer of the airport is the Airport Manager. The Director of Operations is responsible to the airport manager for all matters relating to airport security. Airport security is provided by a detachment of the county sheriff's department located at the airport. The detachment is permanently manned by one officer working an eight hour shift, five days per week. A totally separate airport fire department handles all crash-fire-rescue responsibilities for the airport.

The training program for an airport security officer consists of completion of 240 hours of initial law enforcement/security training conducted by a state-approved training facility. Sworn police officer status is achieved upon successful completion of that training. Any follow-on training basically consists of a self-paced, self-study of

pertinent directives and operating instructions. No organized version of a continuing training program was identified.

Application of security support systems was extremely limited. However, some innovative steps had been taken to maximize the benefit of existing hardware. Liaison was maintained with local law enforcement agencies. Although joint training activities had not been conducted, long term plans were being made to enhance the opportunities for such training. Contingency plans were limited and security operations functioned in the reactionary mode.

### Conclusion

Through a combination of personal interviews and on-site observations a solid comprehension of the scope of airport security operations was able to be obtained. While no two facilities operated identically, as their geographical locations and populations served created unique sets of circumstances, they did have a certain degree of similiarity in their style of operations. Those factors which distinguished each facility's operations and their capacity for conducting anti-terrorism operations and contingency planing are addressed in the following chapter.

## CHAPTER IV

### FINDINGS

#### Introduction

This section serves two purposes: first, to examine information obtained through the personal interviews; and second, to conduct a sociological analysis of that information to identify a process, whereby, airport anti-terrorism operations and contingency planning may be enhanced.

#### Results of Personal Interviews

As the focus of this study is on airport security management, these findings will address those management levels which create security policy and oversee its implementation. While it is recognized that other levels of management, both senior and junior, have significant roles in both anti-terrorism operations and the contingency planning process, none is more central to their ultimate success or failure than the positions identified herein.

#### Director of Public Safety - Airport One

The Director of Public Safety is a highly knowledgeable and very capable individual. In addition to serving in his present capacity for nearly ten years, he is a retired state



police officer with over twenty years experience in that profession. He has been instrumental in keeping a strong focus on security in a unique department tasked with a multitude of responsibilities. He was extremely supportive of this study.

The Director of Public Safety manages a very unique department. Throughout the United States aviation system there are only a handful of true public safety departments located on airports. These public safety departments are different than the most common airport police department because they provide both the security and crash-fire-rescue capability for the airport which they serve. Their personnel are unique because not only are they certified, sworn police officers, but also emergency medical technicians or paramedics with fire science backgrounds. The airport public safety officer truly is tasked with wearing many hats.

The Director of Public Safety reports directly to the airport manager on all security matters affecting the airport. He is responsible for the formulation and implementation of the airport security program. He, also, maintains the primary liaison with other agencies having an impact on the overall airport security program.

The Director of Public Safety stressed the need to maintain open lines of communication and good rapport with other agencies. These agencies include the airline security

representatives, the maintenance department, and flight services, including the control tower staff and other fire and police departments in neighboring jurisdictions. This contact was particularly important for Airport One because of its geographical location. Any outside support in fire or police services could be provided by five or more separate jurisdictions located near the airport. The establishment of a prior working knowledge of unit capabilities was essential in determining how other units would mesh with DPS operations if they were called upon to augment certain airport operations. The Director of Public Safety saw a vital need for senior managers of each department to understand the operations of their counterparts so they might better work together if they were ever jointly tasked.

Having spent several years in the training department of his previous profession, the Director of Public Safety had a keen appreciation for the impact of training on the ultimate performance of any public service officer. As such, he had specifically structured his department to include a training sergeant. The training sergeant had total responsibility for conducting both orientation and in-service training, as well as training in any special interest areas. Having special talents in the use of electronics, the training sergeant had built a training program which involves the use of micro computers and video

recording and playback equipment. Using this method, public safety officers may view specified training tapes during their duty schedules. This allows for a minimization of training to impact on off-time and reduces the expenditures in overtime pay. The Director of Public Safety allows the training sergeant a high degree of flexibility and autonomy in conducting the training function. While taped training, which specifically relates to anti-terrorism operations, is currently limited, both the Director of Public Safety and his training sergeant desire to expand that area of their training program.

Manpower reductions in recent years have required the Department of Public Safety to do more with less resources. To compensate for manpower losses the Director of Public Safety has sought out new types of security equipment, which can augment the human security efforts of his department. To enhance this effort the Director of Public Safety has maintained close liaison with the airport engineer. A cooperative effort between these two offices saw the addition of a new closed-circuit television system for the public safety operation during 1985. The system, having several advanced capabilities, has been a significant addition to the public safety function. Other equipment assets serve to create a well-rounded approach to the merging of technological and human efforts in providing airport security.

Realizing the benefits of prior coordination, the Department of Public Safety has established an on-going rapport with both local and state law enforcement agencies. Joint meetings have been conducted, which brought key planners from each agency together in an effort to establish operational responsibilities in various joint venture scenarios. Table-top exercises were conducted in conjunction with facilities and equipment familiarization. During these activities a maximizing of information interchange was sought to create a harmonization of efforts between the various departments, which were represented. A continuing effort is planned to create further opportunities for exchanges of this type. Of all the studied agencies, Airport One had the most extensive and continuing operation of this type.

The Director of Public Safety was well studied in anti-terrorism operations. He has traveled extensively throughout the United States and overseas. Through his travels, he has been able to compare the various airport security systems he has observed in operation. He recognized, as have many others in the security profession, that El Al Airlines and the Israeli airports set the standard in anti-terrorism operations. While airports in the United States have not yet reached a position of need to duplicate that type of operation, the Director of Public

Safety believed that the Israelis presented a model operation, worthy of study.

Of all the facilities studied, Airport One represented the most proactive position in pursuing vulnerability reductions and contingency planning. While shortfalls and areas needing improvement were identifiable, the Director of Public Safety and his staff were working within their capabilities to effectively address those concerns.

#### Assistant Director for Operations - Airport Two

The Assistant Director for Operations was used as the focal point for the study of Airport Two. He was the primary author of the airport security program and in a position of direct accountability for the security program of the airport. A highly articulate and knowledgeable individual, he was a former officer in the Air Force and still serves as a pilot for his state Air National Guard. He was very cooperative and supportive of this study.

The Assistant Director of Operations reports directly to the airport Director of Aeronautics concerning all airport related security matters. Reporting to the Assistant Director for Operations is the Chief Safety Officer. The Chief Safety Officer oversees the operations of both the airport fire department and the airport police department, although these two operations are distinct and

separate. The airport police are actually a special division of the county sheriff's department, although their operations are completely autonomous from the sheriff department. The airport police has thirteen certified and sworn officers on its staff. Three officers are on-duty during any given shift, normally working either an eight or ten hour shift. The three officers on duty work in different capacities. One officer is assigned baggage detail in the baggage handling area. One officer will work traffic control and terminal entrance duties. The third officer, who has a mobile unit capability, will perform general patrol functions anywhere on airport property. While the airport police provide routine security and response capability, the mobile officer can augment the fire service in the crash-fire-rescue unit, if the need arises.

The prevailing concern of the Assistant Director of Operations, throughout the time frame of this study, was providing effective security in an ever-changing physical environment. The terminal area was undergoing significant structural renovations and expansion. Daily construction activity caused disruptions in security which required constant adjustments. While the security and passenger screening staffs remained flexible to accomodate these changes as necessary, they none-the-less created additional special concerns.

The airport police officer training program had need for significant expansion. Other than the initial certification training which the officers obtained prior to achieving sworn status, any additional training, which the officers received, appeared quite restrictive in scope. In-service training was generally confined to a few distinct areas needed to maintain certain qualifications or certifications. The need for an expanded formal training program had been recognized by senior staff and was desired by the line officers contacted in this study.

Contact with both internal and external support agencies was maintained, although joint training situations had not been conducted in recent history. The Assistant Director for Operations was concerned about this area and was hopeful that joint training opportunities could be created in the future to enhance the security capabilities of the airport police department in working with their various support agencies.

Use of specialized security support equipment was very limited due to the extensive construction which was taking place. Once construction was completed, there were plans to restore original equipment to its normal operating capabilities and to add some additional systems as funds became available. Equipment, which continued to function during the construction project, was frequently influenced by work activity occurring nearby.

While a proactive operation was a desirable option for Airport Two, they were basically locked into a reactionary mode due to their on-going construction project. Apparently, as long as that project continues to impact on the airport, the security staff will continue to be reacting on a daily basis to the various security concerns which are generated by the construction effort.

#### Director of Operations - Airport Three

The Director of Operations for Airport Three was singularly responsible for the development of the airport security program and its total operation. He was highly knowledgeable of airport operations, having previously served in similar capacities at two other midwestern airports before coming to Airport Number Three. He, also, is presently serving as a commanding officer in a unit of the Army National Guard. He is very knowledgeable and holds a keen interest in the area of airport security, having published a lengthy paper entitled "U.S. Hijackings and Efforts Toward Control" to gain certification as a member of a professional organization for airport executives. He was very supportive in this study.

Airport security at Airport Three is provided by a detachment of the county sheriff's department manned by a single officer during a given shift. The same officer is



regularly assigned that detail unless the need for vacation, sick days or personal leave arises. The officer completes the same original certification to attain sworn status as did the officers at Airports One and Two.

Due to the limited size of the security staff at Airport Three, any additional training beyond the initial certification training is basically limited to reoccurring proficiency training in certain skills and any other self-initiated training which the officer wishes to pursue.

Although joint training opportunities have not been conducted in the past, they are now being planned. On May 2, 1986 an initial meeting was held between airport security officials, airline security officials for each airline serving the airport, and local law enforcement officials; they met to discuss plans to conduct training in anti-terrorism/counterterrorism operations. At that meeting the groundwork was also begun for the development of various plans for security contingencies. The Director of Operations was optimistic that these meetings would continue to be as beneficial in the future as the initial meeting appeared to be concerning future anti-terrorism/counterterrorism operations for the airport.

The use of security support equipment was very limited. Some innovative measures had been implemented with the modification of some existing hardware. Funding for any

additional near-term acquisitions in security equipment was extremely limited.

While revenue sources for Airport Three fell significantly short of those of the other two airports in this study, they were making a dedicated effort to maximize their purchasing power. Long-term plans for airport expansion could bring about a marked increase in the scope of security operations necessary for this facility. While present operations are primarily reactionary, a long-term view is being taken, which can create a more proactive position as circumstances warrant.

### Sociological Analysis

In order to develop possible alternatives to the present position being maintained on anti-terrorism operations/contingency planning, it is necessary to understand the factors which exist that have caused the present situation.

#### Airport One

Airport One has a unique set of circumstances which contributes to its static position. As in other airports, funding seems to have dictated the direction of the security operation. It was funding which apparently caused the original creation of the public safety department. A

reduction in manpower costs, which comprised a significant portion of the fiscal expenditures in the security budget, was realized by this action.

The creation of the public safety department has created a workload for its officers, which is on the verge of being unmanageable. Officers have been tasked with so many responsibilities that prioritizing becomes a daily task. As crash-fire-rescue duties require the most time and effort, other areas of responsibility may come in second at best. This dual-hatting has created a visible imbalance in status between security and crash-fire-rescue in the application of human effort.

The key members of airport management have held their positions for a many years. While they have created change, as necessary, in past years, it appears that process has been a very cautious one. While this holds certain advantages, especially from a fiscal standpoint, it also may become a major barrier to innovation.

The basic position of the management appeared to be summed in the comments of one management official who said: "Don't cry wolf until the wolf arrives!" This position is firmly entrenched in the reactionary mode.

### Airport Two

Airport Two was in a static position due to a situational dilemma. While they had a security staff, which was large enough to create some proactive situations, they were basically reacting to the daily circumstances created by the terminal construction project. The majority of their efforts were dedicated to fighting "brush fires".

A centralized management philosophy also impacted on the functioning of the security department. Senior management was quite involved with the operation of the line staff. While keeping in touch with the "pulse" of the organization is an admirable position for management to take, too much scrutiny can leave line officers feeling little, if any, autonomy in their operations.

The construction situation combined with a management philosophy which kept the security operations primarily focused on the present. While this did not necessarily preclude proactive measures from forming, that option did not appear to be one with a high degree of emphasis. Day-to-day coping was the most noticeable course of action.

### Airport Three

The primary limitation on Airport Three was their size of operations. With limited security staffing and funding,

there is just so much anyone can do. Some long-term planning was in existence to expand interoperability between support agencies. However, localized security operations on the airport proper would be generally limited to any expansions in security manpower and funding.

A projected turnover in senior management also was an impactor on the long-term direction of the security operations at the airport. Until the management changeover was completed and new management philosophies assimilated, no significant changes were anticipated.

The Director of Operations had some admirable security concepts for long-term applications at the airport. However, manpower and funding shortfalls would need to be corrected as airport operations expanded in the future to see those concepts become a reality.

#### Limitations and Problem Areas

In addition to the situations outlined in the sociological analysis, which impact on the application of anti-terrorism operations and contingency planning at each individual airport, the following areas apply to all of the facilities in limiting their operations in these areas.

## Maintaining the Status Quo

The primary obstacle in seeing any change implemented in anti-terrorism operations and contingency planning at any airport is that management needs to see a need for change before any change may occur. America has been blessed with a relative degree of tranquility regarding terrorist attacks on airports, when compared with other locations around the world. Without a major terrorist situation occurring in our own "back yard" to spark the impetus for change, many airport managers are reluctant to commit their security operations to a more proactive stance. In many situations, to be reactive is viewed as being more cost effective. The costs involved with implementing preventive measures can rapidly become prohibitive in the face of limited fiscal means.

To develop a major change in management, thinking proactive instead of reactive, often requires the occurrence of a cataclysmic event to set the gears in motion for change. Unfortunately, management does not always heed the message as well when that event occurs to others rather than at home.

### Manpower Limitations

Manpower limitations continue to frustrate security expansion efforts in numerous airports. Without exception, when managers were asked during this study what measure they would take to bolster their security status if money were not a factor, increases in manpower was the answer. Manpower reductions in security staffs have generally occurred across the board as airport budgets have diminished in size. While physical security equipment additions can provide some degree of compensation for these manpower losses, they cannot totally replace the human effort in vulnerability reduction. A workable median between manpower and equipment applications must be obtained if anti-terrorism operations are to be implemented and effective. Such medians are not easily attained and require a diligent application on the part of management if they are to be achieved over time. Such a balance is not achieved overnight nor is it always effectively sought out.

### Funding Shortfalls

Monetary limitations have plagued airport security since the federal government determined, in 1972, that providing airport security was a local and not federal responsibility. Airport revenues dictate airport security

budgets. The general rule of thumb being: the larger the facility, the more sizable security budget it will be able to afford. Without substantial state or federal aid being available, the smaller airports are forced to tighten their fiscal belts just to meet minimum security requirements. When state or federal funds do become available they are often obscured and require a dedicated administrative effort in proposals and extended documentation just to receive a "small piece of the pie". Filing deadlines are often very limited and organizations may miss out due to some minor administrative matter being out of order. The bureaucratic struggle to obtain necessary funding for vital security programs often becomes a monumental task for the smaller airports with limited staffing to deal with these critical financial matters.

#### Information Transfer

Information transfer between airports is often limited at best. Cross-flows of new ideas or operations, which may have some universal applications at other facilities, do not always occur. While some organizations, such as the Airport Operator Council International, do attempt to curb that situation through publications, such as their weekly Airport Highlights, still, much valuable information falls by the wayside. Airports with computer access are impacting on



this situation with a nationwide "hotline" for addressing security problems. However, the scope of this service is still fairly limited. To find a situation where the left hand did not know what the right hand was doing between airports is not altogether uncommon. A more extensive cross-flow of information between facilities with similar operations is necessary if anti-terrorism operations and contingency planning efforts are to be maximized.

### Joint Activities

If organizations are to function efficiently together in a time of crisis, it is imperative that they work together in a time of tranquility. As this survey indicated, all airports do not routinely conduct joint training activities or operations with agencies which they may call upon to support them in a time of need. Some of this situation may be attributed to fiscal constraints imposed on the various departments by their operating budgets. However, some of it is created by the lack of exploring a "worst case" scenario, which would require a joint effort for resolution. Joint activities require planning and both internal and external coordination. Security planners must be willing to forego the easy option of relying on internal forces and put forth a dedicated effort to create joint activities. For the old adage "there

is security in numbers" may well be one of the primary keys to success in conducting airport anti-terrorism operations.

#### Expanded Inspection Program Needed

With an external inspection program of airport facilities and operations, currently there are certain limitations which do not necessarily enhance airport security operations. Inspection schedules for each facility are fairly limited. Visits by inspectors to facilities generally occur on an announced basis. Lead times in seeing broad-scale changes implemented, as a result of an area identified during an inspection, often are extensive. When the inspecting agency has only regulatory and no enforcement powers, that can complicate corrective action implementation.

In the military and other public service agencies, where high standards of efficiency and procedural compliance are expected (such as at Nuclear Power Facilities), inspection regimes are demanding. No-notice inspections are common. Corrective actions are normally swift and sure, with inspection reports having wide distribution to other organizations with similar missions.

Revisions in the airport inspection program appear necessary if the inspecting agency is to be viewed as having

a realistic corrective capacity rather than just a dictating role.

### Conclusion

Each airport in this study was providing a certain degree of security which created some risk reduction. While Airport One demonstrated the widest application of security equipment to enhance its operation, each airport had implemented some individualized measures to complement their security operations. However, limiting factors present, such as: lack of threat knowledge, manpower and funding shortfalls, minimal information transfer and lack of joint activities, combined together to create obstacles for future growth in anti-terrorism operations and contingency planning at each location.

Although these obstacles, which tend to impede additional growth in this critical area of operations, are present, measures are available which can ease these limitations. These measures, addressed in the following chapter, can facilitate an important expansion of anti-terrorism operations and contingency planning if applied.

## CHAPTER V

### ALTERNATIVES/RECOMMENDATIONS

#### Introduction

This study has focused on four areas which airport security managers can incorporate into their operations to reduce the risk of terrorism to their facility and operation. First, airport security officials must be familiar with terrorist threats and their potential for impact on airport operations. Second, they must assess the vulnerabilities which are present at their location. Third, they must plan for and implement improvements in physical security aids as technology and funds become available. Finally, they must expand their officer training programs to enhance the competency of their security personnel in combatting the terrorist threat.

In attempting to carry out these actions it is imperative that airport security managers develop a proactive position concerning the terrorist threat, versus the present reactive mode in which they generally operate. Only through this proactive role will they be able to readily apply those preventive measures which are necessary to reduce the risk of this ever-growing threat.

### Terrorism Familiarization Training

Within this study an attempt was made to point out that no threat can be adequately dealt with if it was not first identified and then studied by people in a position to impact on it. If airport security managers and their officers are to establish successful anti-terrorism operations and contingency plans, they must study terrorism. They must know who the terrorists are, how they are funded, what weapons they use, and how they operate.

While resources containing this type of information may be limited in some locales they are still available if security managers seek them. Some books contain excellent references to the subject of terrorism, as do many professional security and law enforcement journals, periodicals and major newspapers. Television has produced some fine documentaries on the subject. Universities and Colleges often have noted scholars on the subject among their ranks, willing and ready to share their knowledge and expertise with those in the security field who can use it. State and Federal law enforcement and security agencies often have designated anti-terrorism or counterterrorism offices which deal exclusively with the terrorism issue and house a wealth of information on the subject.

Although airport security managers may presently have need to expand their working knowledge of the terrorist

threat, this can be accomplished if they apply themselves to that end and use the many resources available. It was once said "Knowledge is power." Knowledge can be a very powerful resource when planning to confront the threat of terrorism.

### Analyzing Vulnerabilities

While understanding the terrorist threat is the first step in preparing to combat this menace, the second and equally critical concern is that airport vulnerabilities to that threat be evaluated. While that task is often delegated solely to the airport security staff, it is important that an alternative to that approach be considered. One such alternative is the "Team Approach to Vulnerability Assessment."<sup>62</sup>

The team approach focuses on the need for perspective in this crucial operation and the value in having multiple points of view. By having several individuals involved in this process the criticality of a threat may be evaluated for its total impact on an operation, not just one segment of that operation. The primary objective in using the team approach is coordinating, coordinating a team effort at risk reduction. Permanent team members of an airport vulnerability assessment team should include the security director, airport engineer, operations manager, maintenance manager, airline security representatives and a

representative of any proprietary guard service used for passenger screening operations. Temporary members could include representatives from: corporations having hangers at the airport, general aviation, contract services, local-state-federal law enforcement agencies and a host of other supporting agencies. The team could use a diagnostic approach in addressing vulnerabilities in the key areas of the airport operations. In using this approach one of the primary benefits is that the personnel dynamics in the conduct of the team process can act as a balance to ensure that certain areas do not "fall through the crack" during the evaluation process. If this type of program is to be successful for an airport, it would require initiation by the highest level of management, usually the Airport Manager or Director of Aeronautics. Either administrator would establish the team in formal airport policy and appoint its permanent members in writing. The team would play a key role in defining the actual threat, brainstorming and developing hypotheticals, conducting threat analysis and developing meaningful countermeasures. The basic composition of the team can assist in developing an on-going security awareness throughout the airport's total spectrum of operations. Application of the team approach to airport vulnerability assessment can reap significant benefits for any airport which incorporates this vital program into its operations.

### Standardized Security Training Needed

One of the major obstacles to the development of sound anti-terrorism operations at airports, universally, is the lack of standardized training for both security and law enforcement officers supporting airport security operations. This is primarily due to the broad requirements of the Federal Aviation Regulations, regarding the type of training, and the diversity of the training regimes of the organizations who provide security for an airport. This situation will hold true whether one examines the operations of airport law enforcement/security or passenger screening. If airport law enforcement/security officers are going to be prepared to meet the terrorist threats of the future they must be trained today.

The Transportation Safety Institute, sponsored by the Department of Transportation, in Oklahoma City, Oklahoma conducts an excellent airport security training program. While this program has been very valuable to some airports in providing an intensive and well-focused training opportunity for their officers, many others have not been able to or have not chosen to participate. Program replication could be useful to expand on its present availability by reaching out to other locations throughout the United States. An increasing number of Universities and Colleges are offering compatible programs in criminal



justice, criminology or law enforcement, which could develop curricula which would incorporate this essential training for airport security officers. Some schools organize training seminars, another method of making this program available to a broader spectrum of airport security organizations. Whatever tool is used to expand on this type of training opportunity is certain to provide an exposure to a higher number of airport security personnel than does the present training situation.

Conducting joint training operations is essential to the testing of contingency plans. Discovering mistakes or omissions in a plan by first implementing it during an actual situation can prove to be a fatal error, in both human lives and professional judgement. If airport security managers are to be confident in their contingency plans for combatting terrorism they must test them. Exercise plans must incorporate any and all agencies which could be called on to react to a similar actual situation. If agencies work together on a large-scale for the first time during an actual situation chaos and frustration may be the ultimate outcome. Exercises provide flexibility and the option to improve response capabilities. They allow prior coordination to ease the merging of operations. They provide for maximum realism in testing response without incurring the same cost for failure in a real situation.

Exercises allow professionals to be professional when their time comes. Airport security managers must regularly exercise their contingency plans if those plans are to be useful in an actual situation . For any security manager to sit by, while their contingency plans collect dust, is, in essence, issuing an open invitation to organizational disaster.

### Improving Physical Security

Building a solid physical security program is no inexpensive proposition. It takes long-term planning and a regulated allocation of financial resources to add those measures necessary to create such a program. With airport security budgets already constricted, in many cases, the primary means of accomplishing this task is to budget, budget, budget. Airport security managers must constantly be looking ahead for new security applications, which can benefit their operations. They must be familiar with present costs and inflation in order to accurately project for future purchases of security needs. Short- and long-term physical security needs of the airport must be identified and included in the overall airport budgetary process. Projections should be included in both the five and ten year plans of the airport. While intrusion detection systems and closed circuit television are heavy

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CONDUCTING AIRPORT ANTI-TERRORISM OPERATIONS AND  
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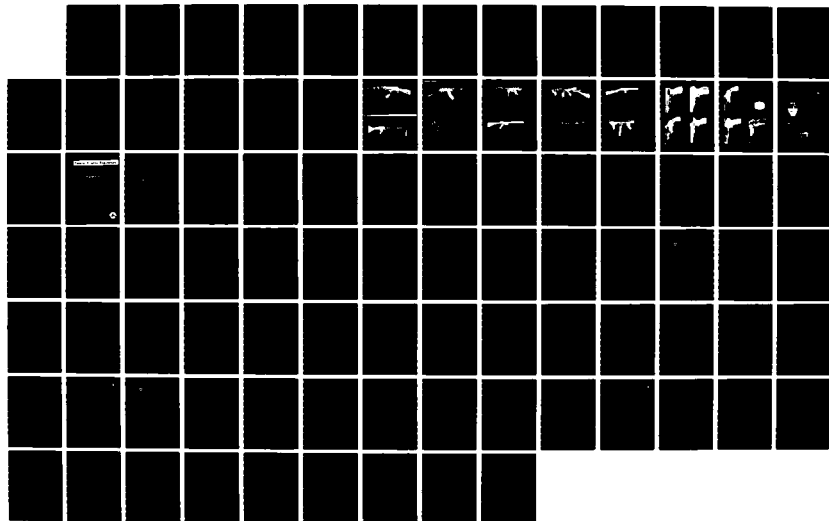
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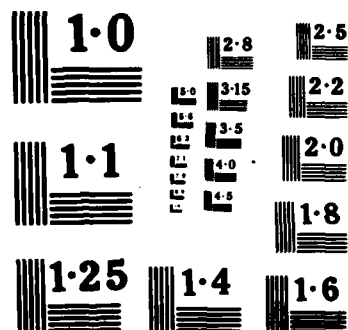
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financial burdens, they may weigh much less than a lawsuit for negligence.

Federal fund sharing has been available in recent years for application towards airport physical security purchases, up to 82 percent of the total cost in some instances.<sup>63</sup> This type of funding can often be combined with reasonable amounts of available airport funds to create opportunities to improve physical security. If a security manager is willing to do some research, other funding sources may be located, often yielding substantial amounts for security purchases. An airport engineer, at one of the survey sites in this study, located some obscure funding through a relatively unknown source. A proposal was drawn up and the funds, totalling more than \$100,000, were obtained and used to buy a closed circuit television system for the airport. Though seemingly in short supply, funds for airport physical security are available. One must just look for them a little harder than has been the case in the past.

### Implementation of Alternatives

Funding availability plays the key role in the acceptability of any alternatives to the present situation in airport security. Given that position, the alternatives/recommendations previously listed may be

rank-ordered in their order of acceptability. Obtaining a more comprehensive understanding of the threat of terrorism is probably the least expensive measure available. Resources can often be borrowed through loans from other agencies. Public libraries may be used, as well as, other public reference services. Expanding this base of knowledge, while possibly taking a certain amount of extra time, does not necessarily involve a significant expenditure of funds.

Use of the team approach to vulnerability assessment will likewise involve a limited expenditure, if any, of organizational funds. This option appears to have significant appeal when compared to the option of hiring a consultant to assist in this crucial process. The side benefits of this application can be quite substantial for the organization.

While training always involves a certain degree of financial outlay the benefits must be weighed against the costs to determine how that option might appeal to the organization. With many civil litigations now involving the issue of training of security officers, more and more, this option deserves serious consideration. Better training can provide an officer who is more competent and better prepared to deal with a broader scope of situations. This officer can provide many valuable returns to the organization,

returns which can often greatly exceed the initial cost of their training.

Finally, while physical security expenditures are, without exception, the most costly of the alternatives, they must be considered, if an airport is to "stay in touch with the times." Using old, outmoded passenger screening equipment, which was designed for a threat occurring twenty years ago, may not "fill the bill" for the threats we now face. Antiquated access control measures, may not be good enough to create a significant savings on an airport's insurance policy. Every additional physical security measure, which is incorporated into an airport's operation, fills one more square in providing as near a "terror-proof" blanket of protection as is possible, and, that is what risk reduction in airport security is all about.

### Future Research

Future research in airport security anti-terrorism operations and contingency planning should seek to serve three primary purposes. First, it should seek to determine what mixture of operations is necessary to support future airport security needs in the United States based on trends in terrorism as they continue to develop; second, it should attempt to further define what levels of training are necessary to prepare airport security officers and support

agencies personnel to appropriately deal with the changing face of terrorism; and third, it should attempt to identify additional methods, other than those created by cataclysmic events, of fostering the wide-scale implementation of anti-terrorism operations and contingency planning at airports.

As more is learned about the subject of terrorism and its potential for impacting on both airports and airlines, specific areas of concern must be addressed. In the past year alone new concerns have arisen over need for improvements in airport security equipment regarding baggage screening. It is specific needs such as these that future research should focus on to further reduce the vulnerabilities which airports now exhibit.



## CHAPTER VI

### EVALUATION/CONCLUSION

#### Introduction

This study has focused on how anti-terrorism operations and contingency planning efforts may be enhanced at airports. No course of action can provide all possible solutions to totally eliminate the threat which terrorism poses to airport and airline operations. However, by addressing the issue and taking reasonable and prudent steps to diminish the risk of this threat, improvements in airport security may be made and risk reduction can occur. If these measures are to be useful to the airports which implement them, they must be evaluated. The true worth of any plan or program may not be fully recognized until it is put to the test and evaluated on its application towards the purpose for which it is meant. A model which may be used to evaluate airport anti-terrorism operations and contingency plans will be discussed, and it will also draw conclusions about this study and the value of airport anti-terrorism operations and contingency planning will be presented.

#### Evaluation

When airport security managers or federal aviation security inspectors evaluate an airport security program, they are really trying to ascertain the value of that

program to that particular airport. The Federal Aviation Administration has structured their security regulations so that each individual airport can develop a security program which uniquely addresses its particular needs and concerns. Because no two airport security programs are identical, no two evaluations should ever be identical. Each evaluation should be tailored to truly test an airport's ability to provide security and its capability to respond to a variety of security situations which it could encounter. This concept will serve as the basis for the evaluation program outlined below.

#### Self-Inspection Is Critical

No prudent security manager will develop a security program and then shelve it only to wait for another party to evaluate the value of that program to the organization. It is essential that airport security managers conduct a continual self-evaluation of their security programs and the contingency plans associated with them. Security programs must be implemented and tested for flaws, just as a piece of steel is tempered repeatedly before being honed, in order to obtain a reliable end product. Contingency plans must be tested by exercise scenarios in order that all agencies involved may understand their roles, and so those roles may be adjusted, as necessary, to create a harmonious and

ultimately successful operation. In the military services field commanders are continually evaluating their forces for their combat readiness; the battlefield is no place to identify weaknesses, which can cost lives and lose wars. So too, airport security managers must conduct realistic and tough self-inspections of their anti-terrorism capabilities if they are to identify vulnerabilities, which later could cost lives or valuable resources in the event of a terrorist attack.

#### An Inspection Model

During this study, an interview was held with a civil aviation security inspector. In that interview it was learned that periodic airport security inspections are conducted by officials from the agency, which the inspector represented. With regard to the three airports concerned in this study, two were inspected twice a year and the third, three times per year. The inspections are "usually announced". While announced inspections do serve some useful purposes, their overall value as a true test of security capabilities may be questionable. With announced inspections, defenses are often bolstered for the short-term duration of the inspection. Oversights, overlooked before, may be remedied with a "quick fix", which may or may not be durable. Finally, "deadwood" or outmoded equipment may be

temporarily relocated or disabled to reduce the unfavorable impact which may occur if an inspector observes them. Having spent the past ten years being subjected to an intense inspection schedule, it is my opinion that the best external inspection programs are a combination of both notice and no-notice activities. In my experience this combination has provided the best test of an organization's capabilities.

As each of the facilities, in this study, is already inspected by an external agency at least twice each year, this inspection model may be readily adapted to present inspection schedules. Only very minor adjustments to current inspection operations would possibly be necessary to incorporate this model. In this inspection model each airport would be inspected, at a minimum, twice each year. The first inspection occurring would be announced. During that inspection, the airport security program would be predominantly inspected from an administrative view. The published security program would be reviewed, as would associated contingency plans, for applicability to the circumstances present at that time. Theoretical changes in those circumstances would be identified, in an effort to determine if any additional plans need to be developed or adjustments to existing plans made, to accommodate those situations. Security equipment would be tested for its compliance with existing requirements. Training programs

would be examined for their scope of coverage. Security staffs could be evaluated on their knowledge of various terrorist threats and countermeasures, which could be employed at their location to meet those threats. Phase I of the inspection cycle would basically be an overall assessment of the entire airport security operation to determine what type of anti-terrorism operations it was, or was not capable of, conducting. Prior to the conclusion of Phase I, a variety of security response exercise scenarios would be identified to the airport security manager, which could be used in the future to generate an exercise or exercises to test response capabilities and contingency plans in operation. Both the airport and potential support agencies which could be called upon in those scenarios would be placed on notice, for a time frame of two to four months, during which one or more of those contingencies would be actually exercised.

Phase II of the inspection cycle would be a no-notice exercise situation. Inspectors would arrive unannounced in the local area of the airport. Security operations would be observed unobtrusively. Circumstances could be created which would normally generate a change in airport security operations, to determine how quickly and readily that change actually occurred. An exercise scenario would be created, which caused the activation of one or more contingency plans. Security response and generation capabilities would

be evaluated. Joint operational responses would be assessed to determine how well they meshed with each other. Finally, the impact of conducting a sustained security operation would be examined. Organizational responsiveness and flexibility would be key areas to be evaluated during Phase II of the inspection program.

Through the combination of these two types of inspection styles, a more complete and substantive evaluation of airport anti-terrorism operational capabilities could be obtained. Such an evaluation, could readily lend itself to creating significant improvements in this critical operational capacity.

To give additional value to the inspection process a grading scale based on a "standard of excellence" could be developed. Incentives to excel could be created, savings might be realized in reduced commercial insurance rates for those airports receiving the highest ratings. For those airports establishing programs with recognized standards of excellence, other incentives might include: expanded commercial operations, an increase in service agencies, or a growth in general aviation basings for the facility. Many benefits could possibly be realized by those airports which have established a sustained record of superior performance in their anti-terrorism operations; public confidence is often a very strong motivator when public services are concerned.

Anti-terrorism operations and contingency planning can be significant impactors on total airport operations if: these critical operations are closely scrutinized by a comprehensive and intensive self inspection program; external evaluations are realistic and productive; and incentives in capital gains can be realized for achieving solid programs. Then anti-terrorism operations and contingency planning will occupy the meaningful capacity it should in today's airport operations.

### Conclusion

Anti-terrorism operations and contingency planning are vital aspects of any airport's operation in the world filled with increasing acts of terrorism directed at Americans. While no American airport has been the direct target of a recent act of terrorism, airports are now beginning to pay the price for other acts of terrorism directed at airports and airlines around the world. A recent article in a major newspaper regarding airport insurance rates bore the title "Terrorism Insurance Doubles".<sup>64</sup> The article went on to explain how a major mid-western metropolitan airport was notified by their insurance underwriters, in England, that their annual premiums for insurance which covered terrorist acts had increased from \$140,000 to \$280,000. In justifying the doubling of the premium, the insurance underwriters had

cited the increasing threat of terrorist acts worldwide. While insurance rates are increasing for airports, airline ticket sales are falling off for certain routes of travel. Declines in ticket sales for any airport also mean a general decline in operating revenue for that facility. If a financial indicator is required for airports to take notice of the importance which anti-terrorism operations and contingency planing means to their total operational capacity, it would appear that that indicator has now arrived.

If airport security managers desire to wage a successful war against terrorist acts, which may be directed against their facilities and operations in the future, they must plan and practice their strategies today. They must familiarize themselves and their staffs with the threats with which they may be faced. They must analyze their vulnerabilities, and conduct contingency planning and execute countermeasures to reduce the risk of those vulnerabilities. They must provide useful and realistic training for their security staffs, if they are to survive an initial confrontation with a terrorist organization. Finally, they must improve their physical security measures each and every time their financial status allows them that opportunity. For airport security managers to take a proactive stance and initiate these measures now could have a measurable impact on the outcome of a terrorist attack



against their facilities or operations in the future. To maintain a reactionary position and only respond once the firing has erupted and the casualties begin to mount, in both human lives and lost resources, will only tend to vividly and dramatically illustrate the fact that they are indeed: "TOO LATE".

## FOOTNOTES

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Appendix A

THE WEAPONS OF TERRORISM  
(8 pages)



Plate 1  
Kalashnikov or AK 47

Weight	9.5 lb (unloaded)
	11.31 lb (loaded with full magazine)
	Later models, unloaded, weigh just over 6.5 lb
Length	34.2 in
	27.5 in, with butt folded
Magazine	Curved metal box holding 30 rounds
Cartridge	7.62 mm. Steel core gives penetrating power to short bullet
Muzzle velocity	2330 ft/sec
Rate of fire	100 rounds a minute automatic
	40 rounds a minute single shot
Maximum effective range	330 yd

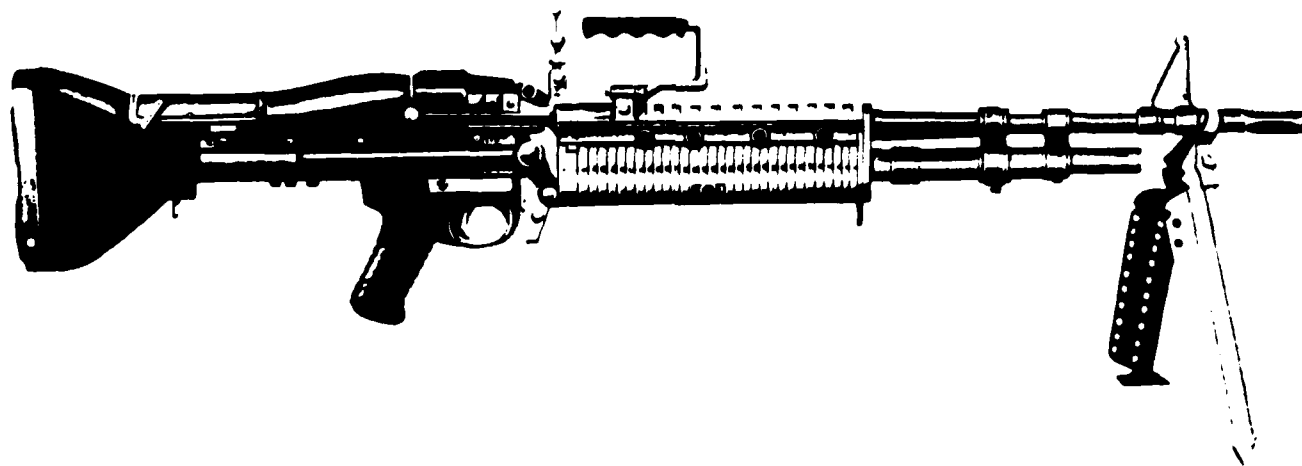


Plate 21  
M60 General Purpose Machine-gun

Weight	23.09 lb (unloaded)
Length	43.5 in
Feed	Disintegrating link belt
Cartridge	7.62 mm
Muzzle velocity	2800 ft/sec
Rate of fire	550 rounds a minute cyclic
	200 rounds a minute automatic
Maximum effective range	2000 yd with tripod
	1000 yd with bipod



Plate 2  
**VZ 58 V Assault Rifle**

<b>Weight</b>	6.9 lb (unloaded) 8.4 lb (loaded with full magazine)
<b>Length</b>	33.2 in 25 in, with butt folded
<b>Magazine</b>	Curved metal box holding 30 rounds
<b>Cartridge</b>	7.62 mm
<b>Muzzle velocity</b>	2330 ft/sec
<b>Rate of fire</b>	90 rounds a minute automatic 40 rounds a minute single shot
<b>Maximum effective range</b>	440 yd

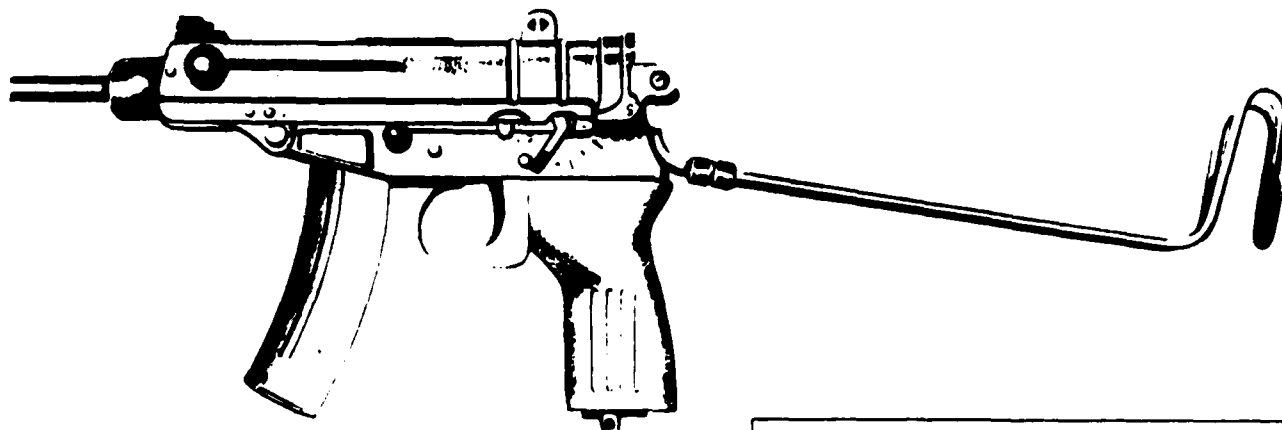


Plate 3  
**Skorpion VZ 61**

<b>Weight</b>	3.5 lb (unloaded) 4.4 lb (loaded with full 20-round magazine)
<b>Length</b>	20.2 in 10.6 in, with steel frame butt folded over top of barrel
<b>Magazine</b>	Slightly curved metal box holding 10 or 20 rounds
<b>Cartridge</b>	.32 (7.65 mm) automatic pistol cartridge
<b>Muzzle velocity</b>	1040 ft/sec
<b>Rate of fire</b>	840 rounds a minute automatic 40 rounds a minute single shot
<b>Maximum effective range</b>	219 yd with butt 55 yd with butt folded



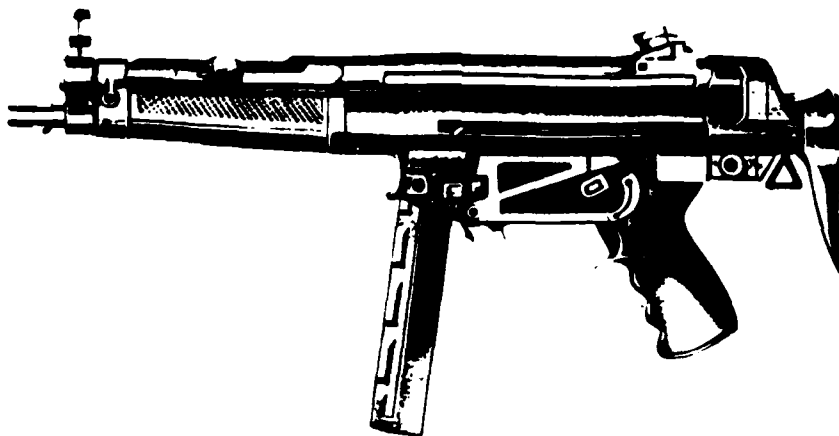


Plate 4  
**Heckler and Koch MP 5**

<b>Weight</b>	5.4 lb (unloaded)
	6.48 lb (loaded with full 30-round magazine)
<b>Length</b>	26.77 in
	19.29 in, with telescopic butt retracted
<b>Magazine</b>	Straight metal box holding
	10, 15 or 30 rounds
<b>Cartridge</b>	9 mm Parabellum
<b>Muzzle velocity</b>	1312 ft/sec
<b>Rate of fire</b>	100 rounds a minute automatic
	40 rounds a minute single shot
<b>Maximum effective range</b>	220 yd

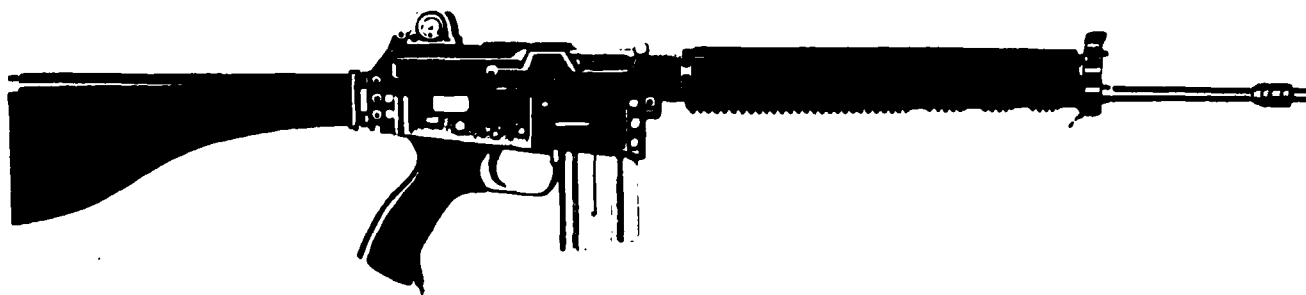


Plate 5  
**Armalite AR-18**

<b>Weight</b>	7 lb (unloaded)
	7.76 lb (loaded with full magazine)
<b>Length</b>	36.38 in
	Straight metal box holding 20 rounds
<b>Magazine</b>	
<b>Cartridge</b>	5.56 mm (.223)
<b>Muzzle velocity</b>	3250 ft/sec
<b>Rate of fire</b>	80 rounds a minute automatic
	40 rounds a minute single shot
<b>Maximum effective range</b>	600 yd

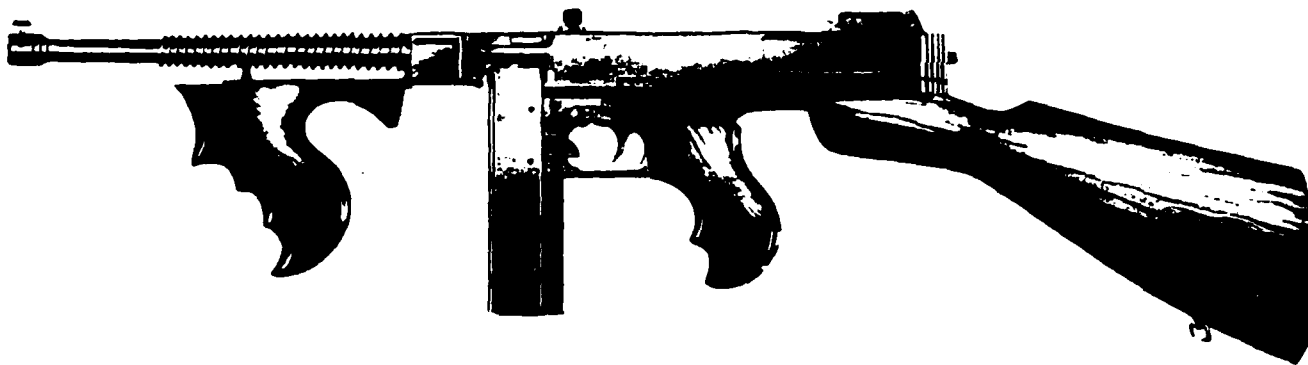


Figure 7  
**Thompson Sub-machine-gun**

<b>Weight</b>	10.5 lb (unloaded) 12.1 lb (loaded with full 30-round magazine)
<b>Length</b>	32 in
<b>Magazine</b>	Straight metal box holding 20 or 30 rounds
<b>Cartridge</b>	.45 automatic pistol cartridge
<b>Muzzle velocity</b>	920 ft/sec
<b>Rate of fire</b>	120 rounds a minute automatic 40 rounds a minute single shot
<b>Maximum effective range</b>	220 yd

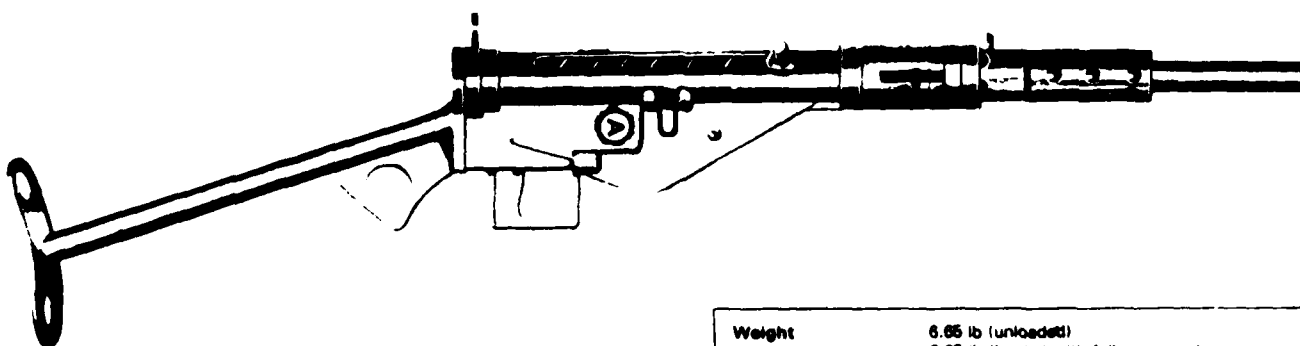


Figure 7  
**Sten Sub-machine-gun**

<b>Weight</b>	6.65 lb (unloaded) 8.05 lb (loaded with full magazine)
<b>Length</b>	30 in
<b>Magazine</b>	Straight metal box holding 32 rounds feeding horizontally into left of gun
<b>Cartridge</b>	9 mm Parabellum
<b>Muzzle velocity</b>	1200 ft/sec
<b>Rate of fire</b>	128 rounds a minute automatic 40 rounds a minute single shot
<b>Maximum effective range</b>	200 yd

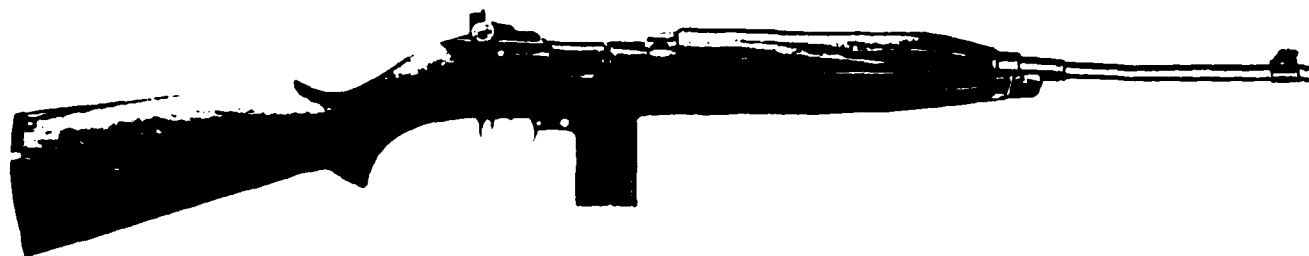


Plate 8  
**M1 Carbine**

<b>Weight</b>	5.19 lb (unloaded)
	5.80 lb (loaded with full magazine)
<b>Length</b>	35.58 in
<b>Magazine</b>	Straight metal box holding 15 rounds
<b>Cartridge</b>	.30 short rifle
<b>Muzzle velocity</b>	1970 ft/sec
<b>Rate of fire</b>	40 rounds a minute single shot
<b>Maximum effective range</b>	330 yd

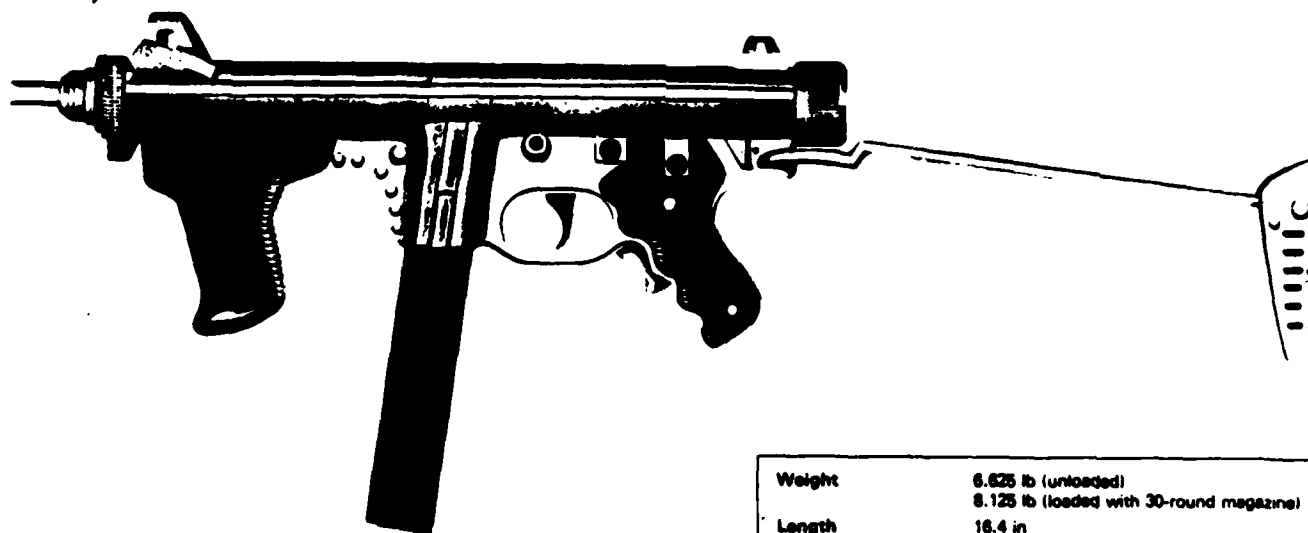


Plate 9  
**Beretta Model 12 Sub-machine-gun**

<b>Weight</b>	6.625 lb (unloaded)
	8.125 lb (loaded with 30-round magazine)
<b>Length</b>	16.4 in
<b>Magazine</b>	Metal stick holding 20, 30 or 40 rounds and sliding into holder
<b>Cartridge</b>	9 mm Parabellum
<b>Muzzle velocity</b>	1280 ft/sec
<b>Rate of fire</b>	120 rounds a minute automatic 40 rounds a minute single shot
<b>Maximum effective range</b>	220 yd

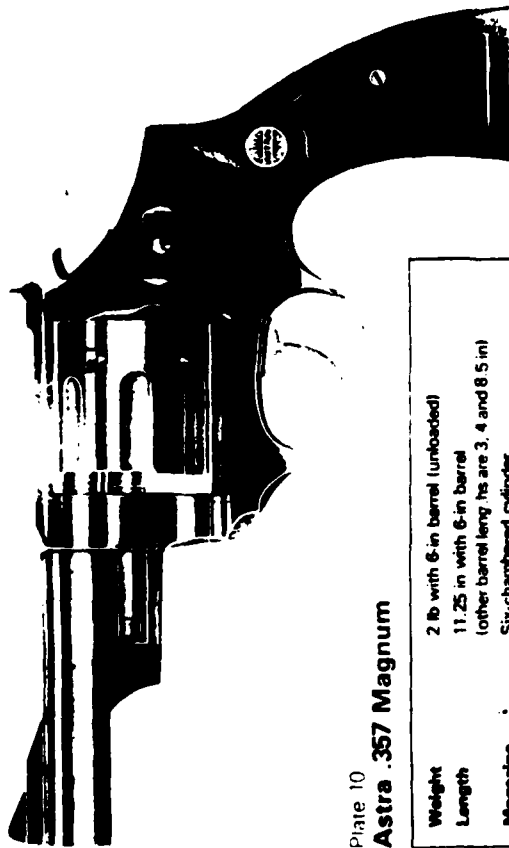


Plate 10  
**Astra .357 Magnum**

Weight	2 lb with 6-in barrel (unloaded)
Length	11.25 in with 6-in barrel (other barrel lengths are 3, 4 and 8.5 in)
Magazine	Six-chambered cylinder
Cartridge	.357 of various types
Muzzle velocity	1410-1550 ft/sec depending on cartridge used
Maximum effective range	55 yd depending on barrel length

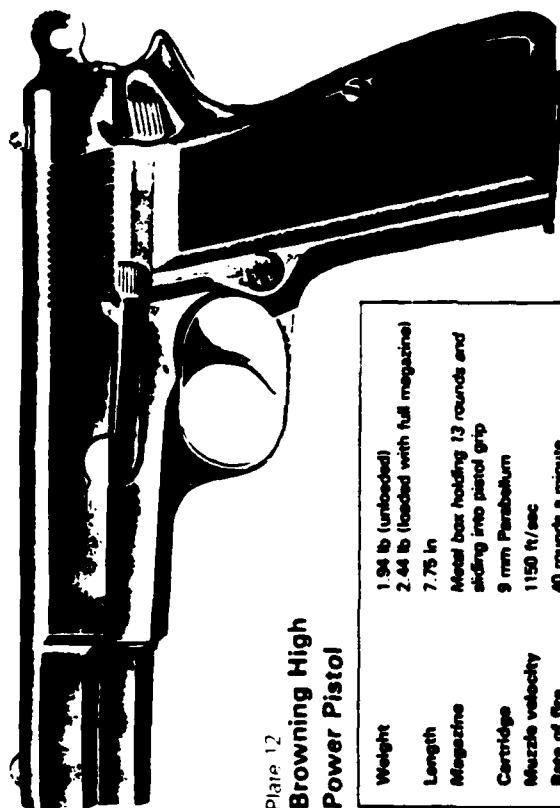


Plate 12  
**Browning High Power Pistol**

Weight	1.94 lb (unloaded) 2.44 lb (loaded with full magazine)
Length	7.75 in
Magazine	Metal box holding 13 rounds and sliding into pistol grip
Cartridge	9 mm Parabellum
Muzzle velocity	1150 ft/sec
Rate of fire	40 rounds a minute
Maximum effective range	50 yd

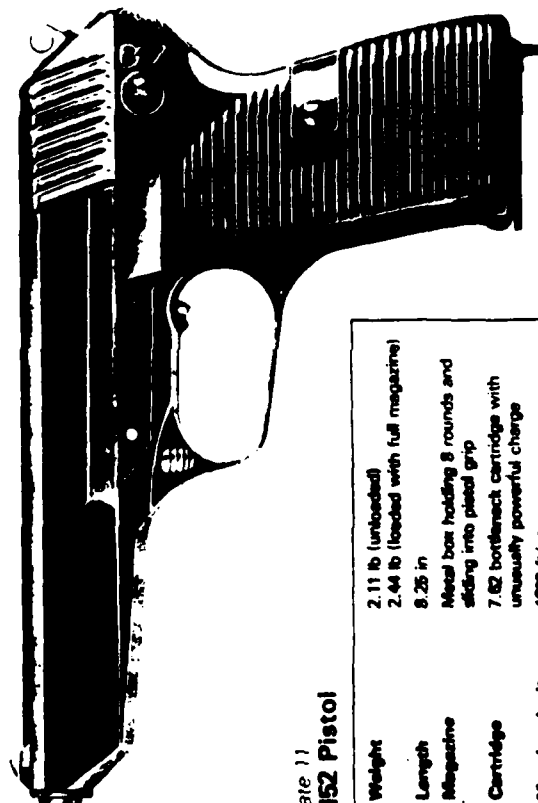


Plate 11  
**MS2 Pistol**

Weight	2.11 lb (unloaded) 2.44 lb (loaded with full magazine)
Length	8.25 in
Magazine	Metal box holding 8 rounds and sliding into pistol grip
Cartridge	7.62 bottleneck cartridge with unusually powerful charge
Muzzle velocity	1600 ft/sec
Rate of fire	32 rounds a minute
Maximum effective range	70 yd

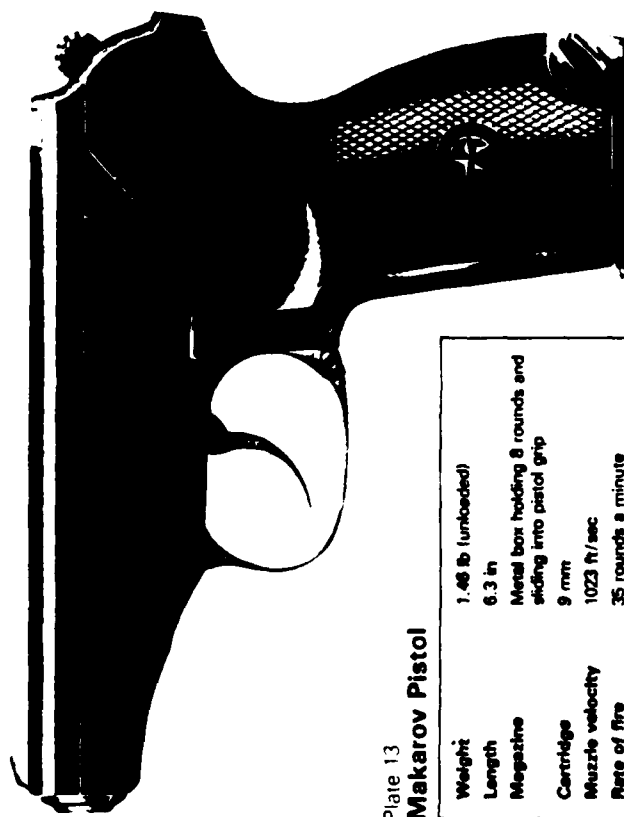


Plate 13  
**Makarov Pistol**

Weight	1.46 lb (unloaded)
Length	6.3 in
Magazine	Metal box holding 8 rounds and sliding into pistol grip
Cartridge	9 mm
Muzzle velocity	1023 ft/sec
Rate of fire	35 rounds a minute
Maximum effective range	54 yd

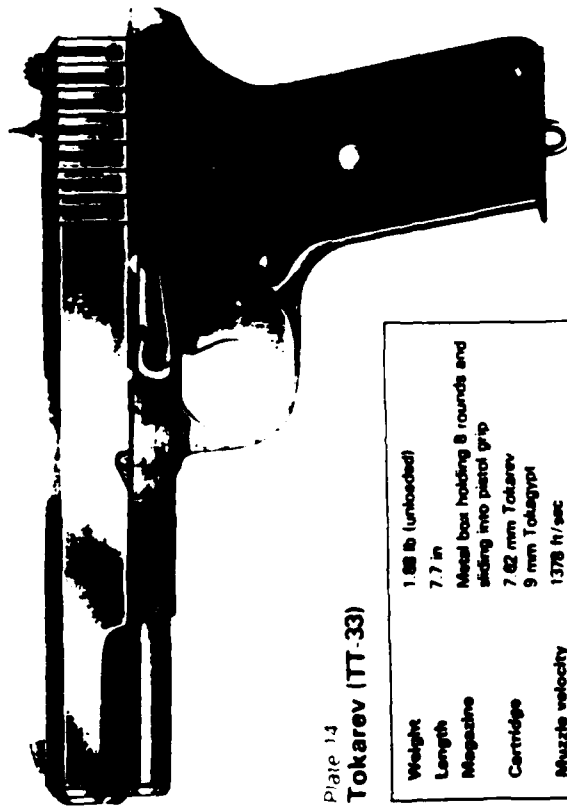


Plate 14  
**Tokarev (TT-33)**

Weight	1.88 lb (unloaded)
Length	7.7 in
Magazine	Metal box holding 8 rounds and sliding into pistol grip
Cartridge	7.62 mm Tokarev 9 mm Tokayev
Muzzle velocity	1376 ft/sec
Rate of fire	32 rounds a minute
Maximum effective range	55 yd

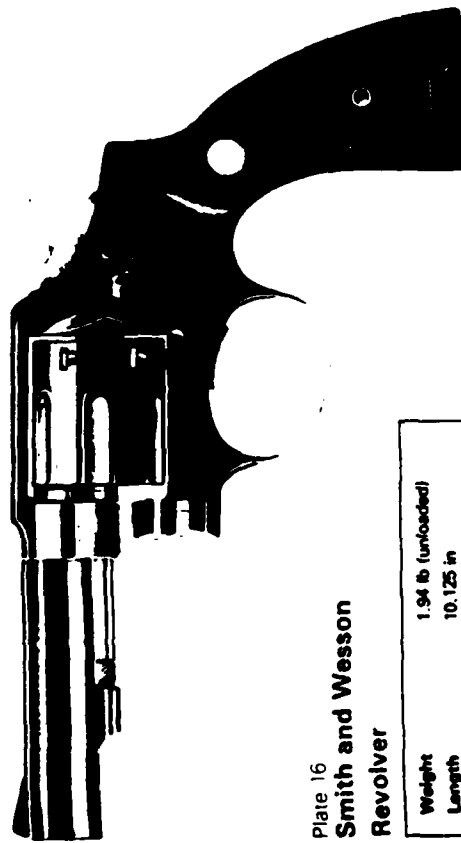


Plate 16  
**Smith and Wesson  
Revolver**

Weight	1.94 lb (unloaded)
Length	10.125 in
Magazine	Six-chambered cylinder
Cartridge	.38 in
Muzzle velocity	850 ft/sec
Rate of fire	24 rounds a minute
Maximum effective range	44 yd

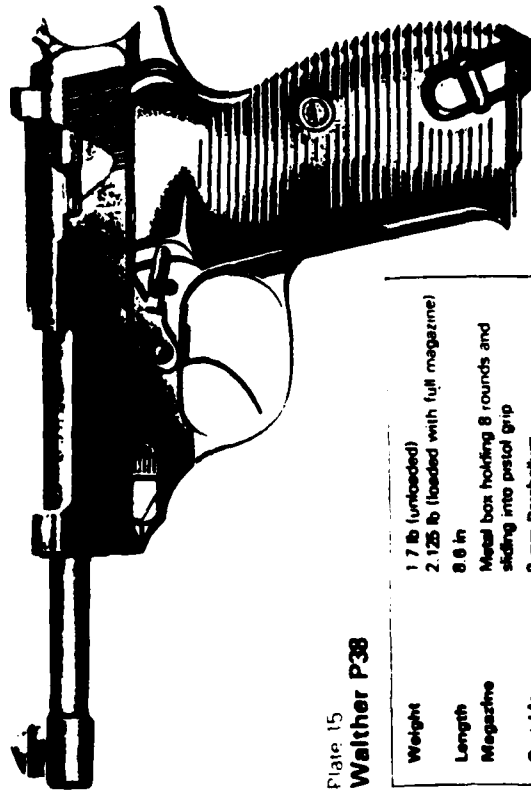


Plate 15  
**Walther P38**

Weight	1.7 lb (unloaded) 2.125 lb (loaded with full magazine)
Length	8.6 in
Magazine	Metal box holding 8 rounds and sliding into pistol grip
Cartridge	9 mm Parabellum
Muzzle velocity	1135 ft/sec
Rate of fire	32 rounds a minute
Maximum effective range	54 yd

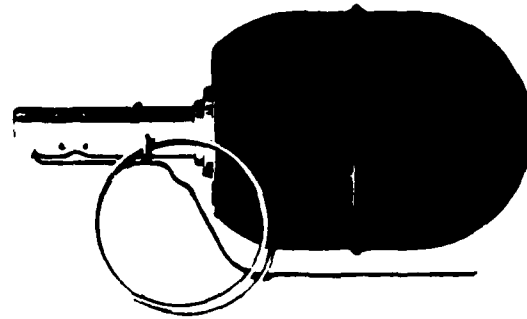


Plate 17  
**RGD-5 Anti-personnel  
Hand Grenade**

Weight	0.89 lb
Length	4.5 in
Diameter	2.25 in
Colour	Apple green with RGD 5 (in Cyrillic) written on body
Explosive	110 grams of TNT
Fuse	Percussion with delay of 3.2 to 4.2 seconds

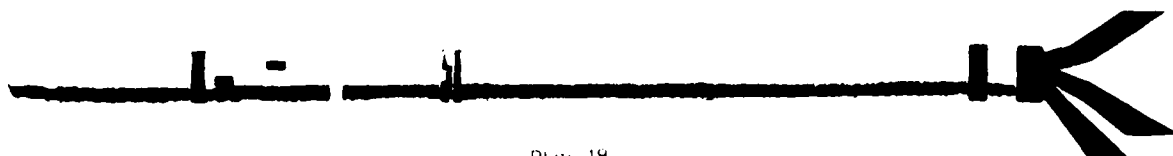


Plate 18

### SAM 7 Strela (Arrow)

Weight of launcher	20.3 lb
Weight of missile	20.25 lb
Length of launcher	53 in
Length of missile	51.2 in
Rocket motor	Three-stage solid propellant
Maximum range	3792 yd
Maximum height	6560 ft
Guidance system	Infra-red



Plate 19

### M26 Grenade

Weight	1 lb
Length	3.9 in
Diameter	2.25 in
Colour	Standard US Army olive with yellow lettering
Explosive	155 grams of TNT-based Composition B
Fuse	Electrical impact

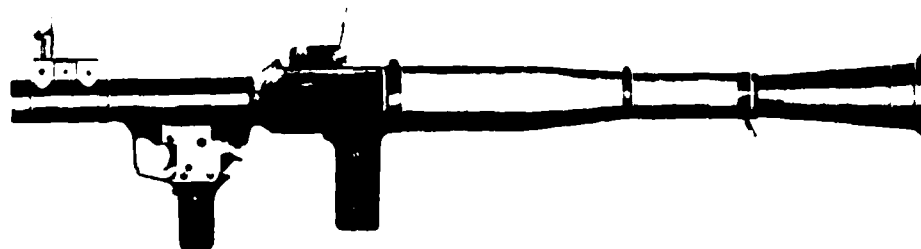
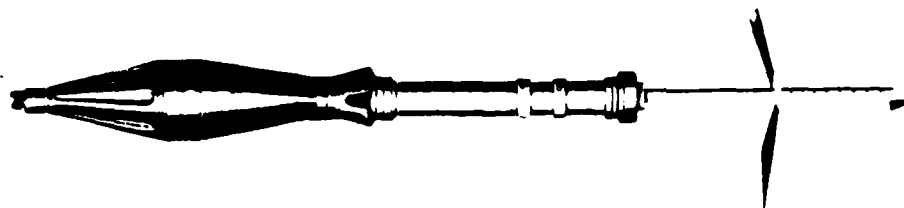


Plate 20

### RPG-7 Portable Rocket-launcher

Weight of launcher	15.4 lb
Weight of grenade	4.85 lb
Length of launcher	39 in
Calibre of launcher	1.6 in
Calibre of projectile	3.3 in
Range, static target	555 yd
Range, moving target	330 yd
Penetration of armour	12.6 in

FEDERAL AVIATION REGULATIONS

PART 107 - AIRPORT SECURITY

ADMENDMENT 107-1

ADMENDMENT 107-2

(59 pages)

4.610712

# **Federal Aviation Regulations**

## **PART 107.**

### **Airport Security**

*Revised March 29, 1979*

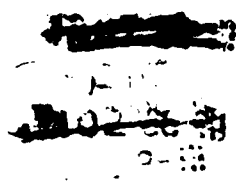
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### **Introductory Note**

Part 107, Revised effective March 29, 1979, is codified under Subchapter F, Air Traffic and General Operating Rules, of Title 14, of the CODE OF FEDERAL REGULATIONS.

This Revised Part 107 was published as Part VI in the FEDERAL REGISTER on December 28, 1978 (43 FR 60786).

## Part 107—Airport Security

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## Revision of Part 107

**Adopted: December 21, 1978**

**Effective: March 29, 1979**

Published in 43 FR 60786, December 28, 1978

**SUMMARY:** This amendment revises those Federal Aviation Regulations which are designed to ensure the security of airports serving scheduled air carriers required to have screening programs. The experience of operators of those airports and the FAA has indicated that these regulations are in need of revision. In addition, it is necessary to add certain requirements, which Congress has directed the FAA to adopt. The amendment is intended to update and clarify airport security regulations, and to provide more effective protection of persons and property in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

### **FOR FURTHER INFORMATION CONTACT:**

Milford T. Conarroe, Ground Operations Security Division (ACS-300), Civil Aviation Security Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-8768.

### **SUPPLEMENTARY INFORMATION:**

#### **I GENERAL**

Interested persons have been afforded an opportunity to participate in the making of this amendment by Notice of Proposed Rule Making No. 77-8 issued on June 10, 1977 (42 FR 30766; June 16, 1977). For the most part the proposals made in Notice 77-8 for amending Part 107, Airport Security, are adopted by this amendment.

This amendment changes Part 107 as follows:

1. Expands the security program content requirements.
2. Revises and makes more explicit the procedures for approval and amendment of a security program.
3. Adds procedures for notifying the FAA when changed security conditions require an amendment to a security program.
4. Revises and clarifies the requirement for law enforcement officers and adds standards for their training. (As will be noted, these standards are less burdensome than proposed, in that they provide for the use of either State or local standards.)
5. Adds procedures for requesting the use of Federal law enforcement officers.
6. Adds a prohibition against carrying a firearm, an explosive or an incendiary device, but, unlike the proposal, the prohibition is limited to sterile areas.
7. Adds a provision requiring the airport operator to make a record of certain law enforcement actions available to the FAA.

Due consideration has been given to all comments received in response to the Notice 77-8. Except as otherwise discussed in this amendment, the amendment and the reasons for it are identical to the proposal and the reasons set forth in the proposal.

Approximately 250 comments were received in response to Notice 77-8. Over half of the responses were from individuals, most of whom commented on § 107.21, relating to the carriage of weapons on airports. Comments were received from: airport operators and authorities; elements of municipal, county, and State governments; agencies of the Federal government; and outdoor sports associations and related businesses. A number of comments were received from domestic and foreign air carriers and organizations representing the aviation industry. Comments were also provided by police and security organizations.

A number of comments were received that were beyond the scope of the notice. These have not been addressed in this preamble.

A small number of commenters stated that many of the proposals in Notice 77-8 had no legal basis because the Federal Aviation Act of 1958 (Act) gives the FAA authority to issue regulations protecting persons and property against acts of criminal violence and aircraft piracy aboard aircraft only. However, in adding Section 315, Screening of

Passengers, and Section 316, Air Transportation Security, (49 U.S.C. 1356 and 1357) to the Act (Pub. L. 93-366, § 202, 88 Stat. 409 (1974)), the Congress articulated the FAA's authority in this area by requiring the Administrator to provide persons traveling in air transportation and intrastate air transportation protection from acts of criminal violence and aircraft piracy. Therefore, the Administrator is authorized to prescribe regulations affecting activity on the airport, as well as aboard aircraft, when they are necessary to provide this protection.

## II. SPECIFIC SECTIONS

Comments relating to specific sections and subsections of the amendment are set out below:

### A. Applicability

A number of comments were received concerning the applicability of the part. A small number of commenters felt that § 107.1(a)(3), which would apply Part 107 to each person on an airport subject to the part, was unconstitutional or at least an unjustified extension of Section 316 of the Act, if it were to be used to bring civil action against persons found to be in possession of weapons or other prohibited articles. Some believed this rule would comply with the requirements of Section 316 if applied only to people in "sterile areas." These comments and others on proposed § 107.21, (Carriage of firearms, explosives, or incendiary devices) are discussed below.

### B. Air Operations Area

Concerning the definition of Air Operations Area (AOA) contained in § 107.1(b)(2), one commenter stated that helicopter operations areas should be included in the definition and another wanted to include general aviation operations. Conversely, others would exclude from the definition general aviation areas and areas under the exclusive control of Part 121 and 129 air carriers.

The FAA considers it to be more efficient for security programs to be based upon the security needs of an entire, specifically-defined area, rather than individual elements within that area. Therefore, all operations occurring within an area "designed and used for the landing, taking off, and surface maneuvering of airplanes" (including helicopter and general aviation operations) are part of the AOA. Areas that are used exclusively by helicopters are not included in the definition of an AOA because they do not pose a sufficient threat to air carrier operations subject to § 121.538.

An air carrier may limit its responsibility within an AOA to an "exclusive area" under Part 107, as adopted, for which the carrier exercises exclusive security responsibility in accordance with a written agreement between it and the airport operator.

### C. Law Enforcement Officer

#### 1. Warrantless Arrests

Proposed § 107.3(b)(3) would have defined a law enforcement officer (LEO) as an individual who is, among other things, authorized to arrest for the violation, either in or out of the officer's presence, of any criminal law of the State and local jurisdictions in which the airport is located. With regard to this part of the definition the Criminal Division of the Department of Justice pointed out that many police officers of State and local jurisdictions do not have authority, without a warrant, to arrest for misdemeanors not committed in their presence. The Department of Justice recommended striking the phrase "either in or out of his presence" from the definition so as to conform it to the arrest authority ordinarily possessed by law enforcement officers for misdemeanor offenses.

The FAA recognizes that arrest power is frequently limited as between misdemeanors and felonies, in that police officers often do not have authority, without a warrant, to arrest for misdemeanors committed outside their presence. Upon further consideration, the FAA has determined that it is not essential that officers have authority to arrest for misdemeanors committed outside their presence. Therefore, the LEO provisions, as adopted, require only that an LEO have authority to arrest with or without a warrant: (1) for a crime committed in the officer's presence, and (2) for a felony, when the officer has reason to believe that the suspect has committed it.

## 2. Scope of Authority

Some commenters also believed that a limited authority to enforce only statutes relating to aviation security would be adequate for officers supporting security programs. A few were of the opinion that Federally-mandated "guards" had no reason to enforce State or local laws. Authority to arrest for violations of the criminal law of the State and local jurisdiction in which the airport is located is necessary to provide the level of law enforcement contemplated by Section 316 of the Act, "adequate to insure the safety of persons traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy." It should be noted that locally deputized LEOs need not have the authority to arrest for Federal offenses. The majority of enabling State statutes and local ordinances provide authority to the deputized persons to arrest for both local and Federal offenses; however, a few States do not. In these instances the LEO's authority to arrest for local violations that are comparable to Federal violations has proven adequate under the current rule and is expected to be sufficient under this amendment.

## 3. Private Law Enforcement Personnel

Finally, a number of commenters also pointed out that many types of peace officers, cadets, trainees, and, particularly, private law enforcement personnel would be excluded from participation in security programs. On the contrary, this amendment does not preclude the use of any type of police officer, including a privately employed officer, if the officer has the arrest authority specified in § 107.17 and meets the other requirements of Part 107. Whether an individual employed by a private security force could perform the LEO function would depend on the existence of appropriate State statutes or local ordinances which confer the arrest power required by § 107.17. This authority is necessary to provide for immediate law enforcement action in situations in which the threat of criminal violence or aircraft piracy demand it.

In this amendment, all the requirements that must be met for a person to be used as an LEO, including those in proposed § 107.1(b)(3), have been placed in § 107.17. As adopted, § 107.1(b)(4) defines a law enforcement officer as "an individual who meets the requirements of § 107.17."

## D. Security Program Generally

### 1. Degree of Security

Some commenters mistakenly believed that new § 107.3(a)(1) calls for absolute security when it requires that the airport operator adopt and carry out a security program that "provides for the safety of persons and property traveling in air transportation against acts of criminal violence and aircraft piracy." The rule does not require the airport operator to go to unreasonable extremes to meet all possible security threats.

### 2. Revision of Security Programs

One commenter was concerned that the proposed revisions would require every existing security program to be rewritten. Although certain new requirements in Part 107, including training provisions, may call for an amendment to security programs, no other substantial revisions will be necessary if the program otherwise meets § 107.3(a)(1).

## E. Security Program Contents

### 1. Necessity of Requirements

A number of commenters felt that the requirements in § 107.3(b), as to the content of the security program, would result in a vast increase in the amount of information required in the security program. They described these requirements as unnecessary, bureaucratic, and burdensome, particularly on smaller aircraft with limited staffs and resources.

Many of the requirements of new § 107.3(b) are already met in security programs which were submitted under the current § 107.3. The requirements added to new § 107.3(b) are necessary to ensure the effectiveness of each security program in accordance with Section 316. Since most of the requirements in new § 107.3(b) are contained in existing



security programs, the increase in overall workload in administering the program will not be significantly increased. In addition, standards for complying with the new requirements are readily available, which will lessen any additional workload. As a result of these factors, the new program should not be burdensome.

## 2. Description of the AOA

Some commenters were convinced that listing the dimensions of the AOAs serves no purpose, particularly if the areas are graphically illustrated. Others objected to the listing of areas adjacent to the AOAs unless the areas were specified by type in the rule or determined solely by the airport operator, and were limited to areas which posed a genuine threat of hijacking.

It is necessary for the airport operator to describe the areas over which it proposes to maintain security so that the FAA can determine the adequacy of the security program and approve it. Specific dimensions are necessary in order for the AOA to be precisely described and a graphic description may not be sufficient for this purpose. In addition to these dimensions, it is necessary for the AOA to include pertinent features, such as terrain and barrier composition.

The only areas other than AOAs that need to be identified in security programs in accordance with § 107.3(b)(2) are those that clearly present a danger to persons and property in the AOAs.

## 3. Description of Facilities, Equipment and Training

Several commenters objected to the requirement of including procedures and a description of facilities and equipment used to protect AOAs, as duplicating information contained in security programs required by Parts 121 and 129. Similarly, one commenter considered a description of LEO support and LEO training programs to be duplicative, unwarranted, and unnecessary.

A clear description of the procedures, equipment, and facilities intended to be used to secure the AOA is needed to evaluate the program for approval and determine the effectiveness of its implementation in accordance with § 107.13. For the same reason, a description of the law enforcement support and LEO training is also needed.

## 4. Alternate Emergency Procedures

A number of commenters objected to requiring the description of alternate emergency procedures, as too broad, too narrow, or not needed. Section 107.3(b)(6) does not require airport operators to develop alternate security procedures to be used during emergencies and other unusual conditions. These procedures must be included in the security program only if the airport operator has developed them. Section 107.3(b)(6), as adopted, clarifies this requirement. It should be noted that this section is intended to complement, not duplicate, the requirement in § 139.55 for an airport emergency plan.

## 5. Implementing Documents

Commenters also objected to the requirement that implementing documents be included in the security program. Proposed § 107.3(b)(8) does not require airport operators to include all implementing documents in their security programs. Rather, it allows them to avoid duplication by appending to the security program already existing documents which contain the information required by § 107.3(b), without having to restate the information elsewhere in the program. This provision has been deleted and a new paragraph (c) has been added to § 107.3 to make this clear.

## F. Security Program Availability

With respect to the availability of the security program, as provided in proposed paragraphs (c) and (d) of § 107.3 (adopted as paragraphs (d) and (e)), one commenter would have the security program available to all air carriers served by the airport and another would have it available to all FAA personnel assigned to inspect the airport. One commenter stated that airport operators already restrict security program information, whereas another felt that the information should be made available to all airport users. A few believed that the provisions conflict with the Freedom of Information Act and the Executive Orders regarding security classifications.

Under paragraph (e) the airport security program is available only to those persons who have an operational need-to-know. The thrust of paragraphs (d) and (e) is to ensure that a copy of the security program is maintained and that it is made available to those inspectors who must monitor its implementation. The airport security program contains sensitive information of inestimable value to those who would commit offenses against civil aviation. In recognition of this fact, the Congress provided, in Section 316 of the Act, for the Administrator to protect that type of information by prohibiting disclosure if it would be "detrimental to the safety of persons traveling in air transportation." Congress specified that disclosure would not be required, notwithstanding any provision of the Freedom of Information Act that would otherwise be applicable. Moreover, these provisions are not contrary to any Executive Order applying to national security. Therefore, under paragraph (e), the airport operator must restrict access to its security program to those who have an operational need-to-know.

#### G. Changed Conditions Affecting Security

With respect to § 107.7, which contains the procedures to be followed if there is a change in conditions on the airport which affects security, one commenter requested clarification as to who determines when a security program becomes inadequate. Section 107.7 requires the airport operator to make the initial determination as to the program's continued adequacy after a change in condition occurs. This determination would be subject to FAA review.

#### H. Amendment of Security Program by Airport Operator

##### 1. Field Office Involvement

With respect to the procedures in § 107.9 for amending security programs by airport operators, one commenter believed that they derogate the Air Transportation Security Field Office's responsibility in favor of the Regional Office. Another felt that the Regional Director should be able to modify proposed amendments. Although new § 107.9 provides specific procedures for submission of requests for amendment directly to the Regional Director, the FAA sees no reason to provide the Regional Director with specific authority to amend a proposal, since it is expected that modification at an early stage can be accomplished by mutual agreement between the Regional Director and the airport operator. It should be noted that when amendments are submitted to the Regional Director, the involvement of the operational field element in review of these will not be changed.

##### 2. Coordination with Tenants

Another commenter believed that each air carrier operating on an airport should approve in writing each proposed amendment. Although coordination of the security program provisions with air carrier tenants would be a reasonable method of ensuring their cooperation, understanding, and support, the FAA believes that it would be impractical for the airport operator to be required to submit proposed amendments to the tenants for their prior written approval.

##### 3. Regional Director Approval

One commenter wanted the failure of the Regional Director to notify the airport operator in writing of approval or disapproval of the amendment to constitute approval. The FAA believes under most circumstances, 15 days should be sufficient for approval or disapproval by the Regional Director. Every effort will be made, including close cooperation with the airport operator, to ensure that a decision is made within this time period. However, it would not be in the public interest to provide for automatic approval after a specific time on matters dealing with aviation safety.

#### I. Amendment to Security Program by FAA

Concerning amendments to security programs by the FAA under § 107.11, one commenter felt that the Administrator should approve all amendments for the purpose of standardization. A small number of commenters were of the opinion that airport operators should be granted the same period for response as the Administrator under § 107.9, i.e., 30 days instead of seven.

The FAA believes that, since security programs are approved by the Regional Director, the Director should have the authority to amend these programs under ordinary circumstances. Complete standardization is neither possible nor desirable, because airports have security problems of an individual character. However, to the extent that uniformity is possible, it will be effected through FAA security policy.

The seven-day period for response to amendments proposed by the FAA has been in use as a minimum time period for over five years without any known problem. However, after consideration of the comments, the FAA agrees that a minimum response period of 30 days would be more reasonable. Therefore, the section, as adopted, has been changed to provide for this response period.

## J. Security of Air Operations Areas

### 1. Airport Tenant Responsibility

A number of commenters noted that the provisions of proposed § 107.13 would eliminate the exceptions contained in current §§ 107.3(a)(2)(i)(d), 107.9(b), and 107.11(b)(2). These exceptions relieve the airport operator of the responsibility for controlling unauthorized access to, and requiring personal and vehicle identification for, AOA's that are exclusively occupied or controlled by an air carrier required to have a security program under § 121.538.

Several commenters argued that the change would give responsibility to airport operators for areas over which they might exercise little or no control. They referred to the provisions of long term lease arrangements or other legal restrictions, and asserted that airport operators would have no power to demand compliance. Others contended that airport operators are not economically or physically capable of exercising this responsibility. Some commenters argued that each tenant has responsibility, or should be delegated responsibility, for security in its own leased area. A few felt that there would be "confusion and conflict."

After consideration of these comments, the FAA has determined that the airport operator should not be required to share the responsibility for control of persons and ground vehicles entering, and moving within, an air carrier's exclusive area, and § 107.13, as adopted, provides this relief. An "exclusive area" is defined in new § 107.1(b)(3) as that part of an AOA for which an air carrier has agreed in writing with the airport operator to exercise exclusive security responsibility under an approved security program or a security program used in accordance with § 129.25.

Although an area may be exclusively controlled or occupied by an air carrier, it can have an effect on the security of other areas of the airport. The closest coordination of security activities is needed between all airport tenants, including those subject to §§ 121.538 and 129.25. The airport operator is in the best position to act as the necessary focal point for this coordination.

Section 107.13 provides that the airport operator is not required to exercise the control functions specified in that section with respect to an air carrier's exclusive area. To ensure a coordinated security effort, the rule requires that the procedures, facilities, and equipment used by the air carrier to perform those functions must be appended to, or described in, the airport security program. The program must also contain the procedures by which the air carrier will notify the airport operator when procedures, facilities, and equipment are not adequate to perform the control functions.

The FAA agrees that airport tenants are frequently in the best position to know their own security needs and, because of their direct involvement, are the ones who can effectively implement procedures in their areas. An effective overall airport security program can be achieved only if all concerned are involved in its design and implementation.

It should be emphasized that nothing in § 107.13 prevents any airport tenant from accepting responsibility for the security of its leased area, or from carrying out its own security program. The tenant's program and the airport security program must be compatible; however, this can be achieved effectively by making appropriate sections of all tenants' security programs, including those of air carriers, a part of the airport security program.

## 2. Security Costs

Some airport commenters were concerned that they would have substantially increased costs because of the need for added patrols, guards, and other added measures. Air carrier commenters were also concerned because they anticipated that airport operators would pass their increased costs on to them, or require them to have costly security measures or facilities beyond those currently required by the air carrier's FAA approved security program.

The FAA believes that there is little likelihood of increased costs for either airport operators or airport tenants, including air carriers, as a result of § 107.13, as adopted. Where the security measures of tenants other than air carriers are already adequate, the provision does not require the airport operator to provide any additional security measures, and, the current practice of the acceptance of responsibility by these tenants may be continued. Second, it is not anticipated that any additional air carrier security measures will be needed where the level of security presently provided, pursuant to an FAA approved security program, is already acceptable. While modification of specific measures or procedures used by an air carrier at a particular airport may be necessary to achieve compatibility with the airport's security program, this should not result in a significant overall cost increase.

## 3. Access to AOA's

A small number of commenters on § 107.13 would substitute the word "controlling" for "preventing" in paragraph (a), which requires control of access to each AOA, including methods for "preventing" entry by unauthorized individuals and ground vehicles. Section 107.13(a) merely requires items described in the security program to be put into use. It does not impose absolute liability for unauthorized entry on the airport operator. Therefore the FAA believes the suggested substitution is unnecessary.

## 4. Unauthorized Persons and Vehicles

Two commenters requested a definition of "unauthorized persons and ground vehicles." For the purpose of § 107.13, an unauthorized person or ground vehicle is one whose entry is not approved by the airport operator or by the air carrier, for an exclusive area. Procedures for determining which persons and ground vehicles are authorized must be set out in the security program.

## 5. Means of Identification

Some commenters believed personal recognition as a means of identification is untrustworthy and recommended the use of identification media in all cases. Personal recognition is accepted by security experts and is used in the most secure areas, such as top secret facilities, as the most trustworthy system of identification. It is more useful than other systems of identification at small, low volume airports. The requirement of carrying identification media under all conditions has therefore been eliminated.

## 6. Clarifying Changes

For clarity, changes to certain language have been made in § 107.13. The word "contained" in the introductory clause in § 107.13 is replaced with the word "described." In paragraph (a) the words "or attempted penetration" have been added.

## K. Law Enforcement Support

### 1. Response Time

In regard to the law enforcement support required by § 107.15, some commenters endorsed the section as written and applauded the increased flexibility it provides. Others agreed with the concept, but were of the opinion that a required one-minute response, whether stated in the rule or established as a condition for approval of security programs, was unrealistic. Some reasons given for this opinion were that such a restriction would limit the officers to the vicinity of the checkpoint, and would effectively eliminate the intended flexibility. Of those who favored the flexibility, but who also objected to the one-minute response constraints, a small number observed that a maximum of three minutes with an average response of one minute was more realistic. In this regard, it was noted by one commenter that Part 139 provides for a period between three and four and one-half minutes for emergency vehicle response.

New § 107.15 allows airport operators to adopt, with FAA approval, the most efficient system of law enforcement support to meet the individual needs of the vast variety of airports and conditions. The Federal Aviation Act of 1958, as amended, requires, and experience at United States airports demonstrates the need for, law enforcement presence. That same experience and the experience at airports in other countries indicates that the specific form of LEO presence should vary depending on a number of factors including the volume of passenger traffic and the configuration of the terminal screening point.

In the preamble of NPRM 77-8, the FAA suggested one minute as the maximum permissible time under the current conditions. It is not possible to specify a minimum response time in the regulation, because it is necessary to evaluate the individual characteristics of the airport and the specific capability of the support system being proposed. Minimum response time for emergency vehicles under Part 139 should not be compared with those for security threats since the distances involved and the nature of the response are not the same.

## 2. Flexible Response System

Other commenters felt that the time-tested deterrent of the visible presence of an officer at the screening point and the protection provided to screening personnel and passengers by "front line" physical presence could not be provided by a flexible response system. A few contended that a flexible response system lacked the capability to interdict hijackers, terrorists, and other persons threatening criminal violence.

It should be emphasized that not all airports have configurations that will permit a flexible system of LEO support in lieu of stationing an LEO at each screening point. Moreover, even at an airport that lends itself to a flexible system, some screening points may still require that an LEO be stationed at the screening point. In addition, LEO visibility does have an important deterrent effect and must be considered in the development of any support system in which the LEO is not physically located at the screening point.

## 3. Legal Objections

In its comments the Criminal Division of the Department of Justice (DOJ) took the position that the Congress, in enacting Section 316 of the Act, endorsed the LEO's presence at the screening point as prescribed in § 107.4, which had already been adopted. It suggested that, in view of this and the recent history of the effectiveness of the LEO's presence at the screening point, the rule should require a provision in security programs for law enforcement presence at the screening point as well as other airport areas requiring that presence.

The DOJ indicated that "presence" could contemplate an LEO patrolling in the immediate area of the screening point, but that proposed § 107.15 contains very broad standards which may not provide for a quick law enforcement response. For this reason, it suggested that the rule provide that the response not fall below a minimum interval of time, arguing that the LEO cannot be "present" at the screening point within the ordinary meaning of the word if the response time to the screening point is greater than one minute. In addition, the DOJ contended that because the regulation is so broadly structured and because the physical designs of the nation's airports, as well as the security devices and methods to be used at each of those airports, could vary greatly, a subjective determination by the FAA would be required in each instance to determine whether or not each individual airport operator was in compliance.

The FAA does not agree with the DOJ's position that Section 316, in effect, requires the presence of an LEO at the screening point in every case. The FAA recognizes that the Congress, in enacting Section 316, statutorily endorsed the security policies and procedures of the FAA that were in effect at the nation's airports at the time. However, although it is clear that the Congress intended that the level of aviation security be maintained and that security programs be uniformly effective, it chose not to specifically require the LEO to be physically located at the screening point. Instead it provided that the LEO presence at the airport be "adequate to ensure the safety of persons traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy."

In so doing, the Congress left to the Administrator the technical decision as to what law enforcement presence is adequate to provide this protection at each airport. While law enforcement presence demands a security program which provides an effective response to each screening point, it does not preclude the use of more efficient and effective systems of LEO support where the same or a higher level of security would result. In view of this, the FAA believes that adoption of the proposed rule is consistent with the explicit directive and the intent of Congress.

As noted by the DOJ, § 107.15 does not contain specific directives as to how law enforcement support is to be provided. However, for a security program to be approved, it will have to describe the law enforcement support provided by the airport operator with sufficient specificity to allow an evaluation of its potential effectiveness and a determination of the level of security provided. Moreover, from the inception of this program in 1973, all airport security programs, including those providing for law enforcement support, have been approved on an individual basis predicated on an evaluation of the particular system. For this reason, the FAA does not anticipate any difficulty in determining whether a program provides for adequate law enforcement visibility and for an effective response to each passenger screening station.

#### 4. Screening Process

A few commenters also advocated the concept of one person carrying out both the screening process and the law enforcement functions at certain small airports. The FAA has conducted tests of systems that would allow the use of one person to carry out both the screening process and the law enforcement functions. These tests have shown that these systems can provide adequate security, and they are being authorized by the Administrator where appropriate.

#### L. Cost of Law Enforcement Support

Generally, all the commenters on proposed § 107.15(c), which would require the airport operator to provide law enforcement officers to support passenger screening systems required by Part 129, were concerned with the cost of, and the payment for, this service. The principles of comity and reciprocity were advanced by some as reasons for requiring the United States Government to bear all the costs involved. Others believed that the foreign air carriers should pay for their own security in the United States.

Meeting the costs of compensation for law enforcement services is an economic issue requiring resolution by the airport operators, the air carriers (both foreign and domestic) and the Civil Aeronautics Board. However, the United States' position has been that security is a service which should be paid for by the recipient of that service through the passenger fare structure, as are other safety-related operating costs incurred by the air carrier. Therefore, the cost of law enforcement support for passenger screening which is charged to the air carrier by the airport operator can be expected to be passed on to the passenger.

#### M. Law Enforcement Officers

##### 1. Uniforms

There were several comments concerning the requirement in § 107.17(a)(2) that LEOs be in uniform. Two commenters felt that the police administrator (or an equal) should prescribe dress for officers, since a uniform might not be advantageous under all circumstances. One commenter remarked that some off-duty policemen, who might be used as airport LEOs, are prohibited from wearing their uniforms by departmental regulations.

The FAA believes uniforms are essential for public recognition. Moreover, where the flexible response concept is adopted with officers patrolling in the terminal rather than stationed at the screening point, there is an even greater need for the LEO to be immediately recognizable as a police officer, both by the public and by fellow officers. The design and style of the uniform will remain the prerogative of the responsible agency; however, the uniform must be one that can be easily recognized by the traveling public as a police uniform.

## 2. Training Programs

A few commenters applauded the FAA for setting high standards for training programs. Others noted that, as proposed, the standards were unnecessarily stringent and would require the replacement of many security personnel at a greatly increased and unjustified cost. A large number of the commenters felt that the FAA should establish only the minimum standards, and that they should be the same as those of the local jurisdiction furnishing LEO support. In addition, a number of commenters noted that many aspects of regular police duties are not required to adequately support an airport security program and that establishing standards that would call for training to meet the broadest spectrum of police duties is not necessary.

After further consideration, the FAA has determined that proposed paragraph (b) of § 107.17 (adopted as § 107.17(c) and (d)) should be modified in response to the public comments received. Either the State or local training standards will be adequate for law enforcement officers who protect persons and property in air transportation. Further, the scope of the training need only cover those aspects of police duties necessary to adequately support the airport security program. Where no State or local standards are set down, the airport operator must present a training program acceptable to the Administrator. The FAA will work with the airport operator to tailor training requirements to the airport's needs.

Private law enforcement personnel have always been acceptable and nothing in this rule is designed to preclude their use. However, standards required for the State or local police must also be met by private law enforcement officers.

## N. Carriage of Firearms, Explosives and Incendiary Devices

### 1. General Comments

Most of the commenters to Notice 77-8 made reference to proposed § 107.21 which would have provided that no person on an airport may have any firearm, explosive, or incendiary device, on or about that individual's person or property in violation of any applicable State or local law. A majority of these commenters expressed views on no other section.

Commenters in opposition to the proposal believed that the rule was unnecessary, arguing that local laws are adequate to cope with the existing situation. Many of the commenters noted that the wide variance in the weapons laws could lead to an unacceptable lack of uniformity. Others felt that passengers would be in peril of many local laws both existing and those which might be enacted. Some critics pointed out that, although hijackings in the United States have declined, this proposal expanded the FAA role, not only to the terminal area, but to the entire airport. These critics felt that the rule would do nothing to stop hijacking while it would infringe on the rights of persons who may or may not be in air transportation as defined in the Act. In the same vein, they were of the opinion that if the rule were not restricted to the area between the airplane and the screening point, the provision would be unrealistic, repressive, and lead to "sterile" airports.

A number of commenters endorsed the objectives of this section, but argued that it could be redrafted to make it more realistic. Most of these commenters suggested that the rule be modified to take effect between the screening point and the aircraft.

The FAA agrees that the only place on the airport where, as a practical matter, illegal firearms, explosives, or incendiary devices in a person's possession are likely to be discovered is at the passenger screening point. Further, should a weapon be found at a point on the airport other than the screening point or within a sterile area, it would remain subject to any local laws prohibiting or limiting the carriage of weapons. Modifying the rule to use the screening point and sterile area would allow the elimination of the reference to local laws in the rule.

For these reasons, the FAA has modified this section by prohibiting unauthorized carriage of firearms, explosives, or incendiary devices by persons in or entering sterile areas or presenting themselves for inspection at established passenger screening points. It should be noted that the rule does not prohibit the legal carriage of firearms for sporting or other purposes when those firearms are not accessible to unauthorized persons in a sterile area. It also specifies those persons to whom it does not apply because of their need to carry a firearm in the performance of their duty.

## 2. Constitutional Objections

As already noted, a small number of commenters objected to proposed §§ 107.1(a)(3) and 107.21 as unconstitutional, and as an unjustified extension of Section 316 of the Act. One implied that the proposal violated Article Four, Sections One and Two, the full faith and credit clause and the privileges and immunities clause. Another commenter asserted that the proposal was an "inappropriate impediment" to interstate commerce and, therefore, unconstitutional under Article One, Section Eight, the commerce clause. Finally, some commenters contended that the proposal violated the Second-Amendment right of the people to keep and bear arms and violated a general right to self-protection.

The FAA does not consider these constitutional arguments to have merit. The full faith and credit clause does not prohibit the FAA from making the carriage of a weapon a violation merely because its carriage is permitted under the laws of a State. The privileges and immunities clause is inapplicable in that it does not prohibit the Federal Government from imposing standards on the carriage of weapons.

As to the commerce clause, the addition of Section 316, Air Transportation Security, to the Federal Aviation Act of 1958, was clearly a reasonable exercise of the Congress' broad authority under the Constitution to regulate commerce. Moreover, § 107.21 is within the Congressional mandate in Section 316 to protect persons and property aboard aircraft in air transportation and intrastate air transportation against acts of criminal violence and aircraft piracy.

Finally, while the Second Amendment protects the right of the people to bear arms, it does not confer an absolute right on the individual to carry a weapon at all times and in all places.

## O. Records

In response to the record requirements of § 107.23, a few commenters said they did not oppose the requirement as long as requests are restricted to records which are reasonably available, pertain to the immediate disposition of detainees, and apply only to aviation security matters. Others felt that the FAA should generate its own records or compensate airport operators for maintaining them. A few believed there was no cost-benefit to this provision. A small number stated that the proposal duplicated air carrier responsibilities and suggested that the burden should either rest on the air carriers entirely or be completely eliminated.

Accurate information relating to the operation of the civil aviation security program is essential for the evaluation of its effectiveness, for determining its future direction, and for meeting the Congressional requirement for semiannual reports in Section 315 of the Act. The FAA believes that the airport operator is best qualified to ensure that this information is maintained and made available.

As adopted by this amendment, § 107.23 will become effective 30 days after notice has been published in the Federal Register that the requirements of that section have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

## ADOPTION OF THE AMENDMENT

Accordingly, Part 107 of the Federal Aviation Regulations (14 CFR Part 107) is revised effective March 29, 1979.

Compliance with § 107.23 is not required until 30 days after a notice of approval of the requirements of that section by the Office of Management and Budget is published in the Federal Register.\*

**AUTHORITY:** (Secs. 313, 315, 316, and 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1356, 1357, and 1421); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

**NOTE:** The reporting and or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

\* A notice of approval by the Office of Management and Budget of the record-keeping and reporting requirements of § 107.23 was published in the Federal Register on February 15, 1979 (44 FR 9744). The notice made that section effective March 29, 1979.



## Part 107—Airport Security

### § 107.1 Applicability and definitions.

(a) This Part prescribes aviation security rules governing—

(1) The operation of each airport regularly serving scheduled operations of a certificate holder to whom § 121.538 of this chapter applies;

(2) The operation of each airport regularly serving scheduled operations of a permit holder to whom § 129.25 of this chapter applies; and

(3) Each person who is in or entering a sterile area on an airport described in paragraph (a)(1) or (a)(2) of this section.

(b) For purposes of this Part—

(1) “Airport Operator” means a person who operates an airport regularly serving scheduled operations of a certificate holder or a permit holder to whom § 121.538 or § 129.25 of this chapter applies;

(2) “Air Operations Area” means a portion of an airport designed and used for landing, taking off, or surface maneuvering of airplanes;

(3) “Exclusive area” means that part of an air operations area for which an air carrier has agreed in writing with the airport operator to exercise exclusive security responsibility under an approved security program or a security program used in accordance with § 129.25.

(4) “Law enforcement officer” means an individual who meets the requirements of § 107.17.

(5) “Sterile area” means an area to which access is controlled by the inspection of persons and property in accordance with an approved air carrier passenger screening program or a program used in accordance with § 129.25.

### § 107.3 Security program.

(a) No airport operator may operate an airport subject to this Part unless it adopts and carries out a security program that—

(1) Provides for the safety of persons and property traveling in air transportation and intrastate air transportation against acts of criminal violence and aircraft piracy;

(2) Is in writing and signed by the airport operator or any person to whom the airport operator has delegated authority in this matter;

(3) Includes the items listed in paragraph (b) of this section; and

(4) Has been approved by the Regional Director.

(b) Each security program required by paragraph (a) of this section must include at least the following:

(1) A description of each air operations area, including its dimensions, boundaries, and pertinent features.

(2) A description of each area on, or adjacent to, the airport which affects the security of any air operation area.

(3) A description of each exclusive area, including its dimensions, boundaries, and pertinent features, and the terms of the agreement establishing the area.

(4) The procedures, and a description of the facilities and equipment, used to perform the control functions specified in § 107.13(a) by the airport operator and by each air carrier having security responsibility over an exclusive area.

(5) The procedures each air carrier having security responsibility over an exclusive area will use to notify the airport operator when the procedures, facilities, and equipment it uses are not adequate to perform the control functions described in § 107.13(a).

(6) A description of the alternate security procedures, if any, that the airport operator intends to use in emergencies and other unusual conditions.

(7) A description of the law enforcement support necessary to comply with § 107.15.

(8) A description of the training program for law enforcement officers required by § 107.17.

(9) A description of the system for maintaining the records described in § 107.23.

(c) The airport operator may comply with paragraph (b) of this section by including in the security program as an appendix any document which contains the information required by paragraph (b).

(d) Each airport operator shall maintain at least one complete copy of its approved security program at its principal operations office, and shall make it available for inspection upon the request of any Civil Aviation Security Inspector.

(e) Each airport operator shall restrict the distribution, disclosure, and availability of information contained in the security program to those persons with an operational need-to-know and shall refer requests for such information by other than those persons to the Director of the Civil Aviation Security Service of the FAA.

#### **§ 107.5 Approval of security program.**

(a) Unless a shorter period is allowed by the Regional Director, each airport operator seeking initial approval of a security program for an airport subject to this Part shall submit the proposed program to the Regional Director at least 90 days before any scheduled passenger operations are expected to begin by any certificate holder or permit holder to whom § 121.538 or § 129.25 of this chapter applies.

(b) Within 30 days after receipt of a proposed security program, the Regional Director either approves the program or gives the airport operator written notice to modify the program to make it conform to the applicable requirements of this Part.

(c) After receipt of a notice to modify, the airport operator may either submit a modified security program or petition the Administrator to reconsider the notice to modify. A petition for reconsideration must be filed with the Regional Director.

(d) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the notice to modify and either amends or withdraws the notice or transmits the petition, together with any pertinent information, to the Administrator for reconsideration.

(e) After review of a petition for reconsideration, the Administrator disposes of the petition by either directing the Regional Director to withdraw or amend the notice to modify, or by affirming the notice to modify.

#### **§ 107.7 Changed conditions affecting security.**

(a) After approval of the security program, the airport operator shall follow the procedures prescribed in paragraph (b) of this section whenever it determines that any of the following changed conditions has occurred:

(1) Any description of an airport area set out in the security program in accordance with § 107.3(b)(1), (2), or (3) is no longer accurate.

(2) The procedures included, and the facilities and equipment described, in the security program in accordance with § 107.3(b)(4) and (5) are not adequate for the control functions described in § 107.13(a).

(3) The airport operator changes any alternate security procedures described in the security program in accordance with § 107.3(b)(6).

(4) The law enforcement support described in the security program in accordance with § 107.3(b)(7) is not adequate to comply with § 107.15.

(b) Whenever a changed condition described in paragraph (a) of this section occurs, the airport operator shall—

(1) Immediately notify the FAA security office having jurisdiction over the airport of the changed condition, and identify each interim measure being taken to maintain

adequate security until an appropriate amendment to the security program is approved; and

(2) Within 30 days after notifying the FAA in accordance with paragraph (b)(1) of this section, submit for approval in accordance with § 107.9 an amendment to the security program to bring it into compliance with this Part.

**§ 107.9 Amendment of security program by airport operator.**

(a) An airport operator requesting approval of a proposed amendment to the security program shall submit the request to the Regional Director. Unless a shorter period is allowed by the Regional Director, the request must be submitted at least 30 days before the proposed effective date.

(b) Within 15 days after receipt of a proposed amendment, the Regional Director issues to the airport operator, in writing, either an approval or a denial of the request.

(c) An amendment to a security program is approved if the Regional Director determines that—

(1) Safety and the public interest will allow it, and

(2) The proposed amendment provides the level of security required by § 107.3.

(d) After denial of a request for an amendment, the airport operator may petition the Administrator to reconsider the denial. A petition for reconsideration must be filed with the Regional Director.

(e) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the denial and either approves the proposed amendment or transmits the petition, together with any pertinent information, to the Administrator for consideration.

(f) After review of a petition for reconsideration, the Administrator disposes of the petition by either directing the Regional Director to approve the proposed amendment or affirming the denial.

**§ 107.11 Amendment of security program by FAA.**

(a) The Administrator or Regional Director may amend an approved security program for an airport, if it is determined that safety and the public interest require the amendment.

(b) Except in an emergency as provided in paragraph (f) of this section, when the Administrator or the Regional Director proposes to amend a security program, a notice of the proposed amendment is issued to the airport operator, in writing, fixing a period of not less than 30 days within which the airport operator may submit written information, views, and arguments on the amendment. After considering all relevant material, including that submitted by the airport operator, the Administrator or the Regional Director either rescinds the notice or notifies the airport operator in writing of any amendment adopted, specifying an effective date not less than 30 days after receipt of the notice of amendment by the airport operator.

(c) After receipt of a notice of amendment from a Regional Director, the airport operator may petition the Administrator to reconsider the amendment. A petition for reconsideration must be filed with the Regional Director. Except in an emergency as provided in paragraph (f) of this section, a petition for reconsideration stays the amendment until the Administrator takes final action on the petition.

(d) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the amendment and either rescinds or modifies the amendment or transmits the petition, together with any pertinent information, to the Administrator for consideration.

(e) After review of a petition for reconsideration, the Administrator disposes of the petition by directing the Regional Director to rescind the notice of amendment or to issue the amendment as proposed or in modified form.

(f) If the Administrator or the Regional Director finds that there is an emergency requiring immediate action that makes the procedure in paragraph (b) of this section impracticable or contrary to the public interest,

an amendment may be issued effective without stay on the date the airport operator receives notice of it. In such a case, the Administrator or the Regional Director incorporates in the notice of the amendment the finding, including a brief statement of the reasons for the emergency and the need for emergency action.

#### **§ 107.13 Security of air operations area.**

(a) Except as provided in paragraph (b) of this section, each airport operator shall use the procedures included, and the facilities and equipment described, in its approved security program, to perform the following control functions:

(1) Controlling access to each air operations area, including methods for preventing the entry of unauthorized persons and ground vehicles.

(2) Controlling movement of persons and ground vehicles within each air operations area, including, when appropriate, requirements for the display of identification.

(3) Promptly detecting and taking action to control each penetration, or attempted penetration, of an air operations area by a person whose entry is not authorized in accordance with the security program.

(b) An airport operator need not comply with paragraph (a) of this section with respect to an air carrier's exclusive area, if the airport operator's security program contains—

(1) Procedures, and a description of the facilities and equipment, used by the air carrier to perform the control functions described in paragraph (a); and

(2) Procedures by which the air carrier will notify the airport operator when its procedures, facilities, and equipment are not adequate to perform the control functions described in paragraph (a) of this chapter.

#### **§ 107.15 Law enforcement support.**

Each airport operator shall provide law enforcement officers in the number and in a manner adequate to support—

(a) Its security program;

(b) Each passenger screening system required by Part 121 of this chapter; and

(c) Each passenger screening system required by Part 129 of this chapter after June 29, 1979 or, after the date specified by the foreign air carrier involved, whichever date is earlier.

#### **§ 107.17 Law enforcement officers.**

(a) No airport operator may use any person as a required law enforcement officer unless, while on duty on the airport, the officer—

(1) Has the arrest authority described in paragraph (b) of this section;

(2) Is readily identifiable by uniform and displays or carries a badge or other indicia of authority;

(3) Is armed with a firearm and authorized to use it; and

(4) Has completed a training program that meets the requirements in paragraph

(c) of this section.

(b) The law enforcement officer must, while on duty on the airport, have the authority to arrest, with or without a warrant, for the following violations of the criminal laws of the State and local jurisdictions in which the airport is located:

(1) A crime committed in the officer's presence.

(2) A felony, when the officer has reason to believe that the suspect has committed it.

(c) The training program required by paragraph (a)(4) of this section must provide training in the subjects specified in paragraph (d) of this section and either—

(1) Meet the training standards, if any, prescribed by either the State or the local jurisdiction in which the airport is located, for law enforcement officers performing comparable functions; or

(2) If the State and local jurisdictions in which the airport is located do not prescribe training standards for officers performing comparable functions, be acceptable to the Administrator.

(d) The training program required by paragraph (a)(4) of this section must include training in—

- (1) The use of firearms;
- (2) The courteous and efficient treatment of persons subject to inspection, detention, search, arrest, and other aviation security activities;
- (3) The responsibilities of a law enforcement officer under the airport operator's approved security program; and
- (4) Any other subject the Administrator determines is necessary.

**§ 107.19 Use of Federal law enforcement officers.**

(a) Whenever State, local, and private law enforcement officers who meet the requirements of § 107.17 are not available in sufficient numbers to meet the requirements of § 107.15, the airport operator may request that the Administrator authorize it to use Federal law enforcement officers.

(b) Each request for the use of Federal law enforcement officers must be accompanied by the following information:

- (1) The number of passengers enplaned at the airport during the preceding calendar year and the current calendar year as of the date of the request.
- (2) The anticipated risk of criminal violence and aircraft piracy at the airport and to the air carrier aircraft operations at the airport.
- (3) A copy of that portion of the airport operator's security program which describes the law enforcement support necessary to comply with § 107.15.
- (4) The availability of State, local, and private law enforcement officers who meet the requirements of § 107.17, including a description of the airport operator's efforts to obtain law enforcement support from State, local, and private agencies and the responses of those agencies.
- (5) The airport operator's estimate of the number of Federal law enforcement officers needed to supplement available State, local,

and private law enforcement officers and the period of time for which they are needed.

(6) A statement acknowledging responsibility for providing reimbursement for the cost of providing Federal law enforcement officers.

(7) Any other information the Administrator considers necessary.

(c) In response to a request submitted in accordance with this section, the Administrator may authorize, on a reimbursable basis, the use of law enforcement officers employed by the FAA or by any other Federal agency, with the consent of the head of that agency.

**§ 107.21 Carriage of firearms, explosives, or incendiary devices.**

(a) Except as provided in paragraph (b) of this section, no person may have a firearm, an explosive, or an incendiary device on or about the individual's person or accessible property—

(1) When performance has begun of the inspection of the individual's person or accessible property before entering a sterile area; and

(2) When entering or in a sterile area.

(b) The provisions of this section with respect to firearms do not apply to the following:

- (1) Law enforcement officers required to carry a firearm by this Part while on duty on the airport.
- (2) Persons authorized to carry a firearm in accordance with § 121.585 or § 129.27.
- (3) Persons authorized to carry a firearm in a sterile area under an approved security program or a security program used in accordance with § 129.25.

**§ 107.23 Records.**

(a) Each airport operator shall ensure that—

- (1) A record is made of each law enforcement action taken in furtherance of this Part;
- (2) The record is maintained for a minimum of 90 days; and

(3) It is made available to the Administrator upon request.

(b) Data developed in response to paragraph (a) of this section must include at least the following:

(1) The number and type of firearms, explosives, and incendiary devices discovered during any passenger screening process, and the method of detection of each.

(2) The number of acts and attempted acts of air piracy.

(3) The number of bomb threats received, real and simulated bombs found, and actual bombings on the airport.

(4) The number of detentions and arrests, and the immediate disposition of each person detained or arrested.

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# FEDERAL AVIATION REGULATIONS



*Department of Transportation*  
*Federal Aviation Administration—Washington, D.C.*

## Part 107—Airport Security

This Change incorporates Amendment 107-1, Airplane and Airport Operator Security, effective September 11, 1981, in Federal Aviation Regulation Part 107.

The effective date of the new material, which is marked by black brackets, is carried at the bottom of each page. Preamble pages and rearranged pages having no new material carry the Change number only.

### Page Control Chart

Remove Pages	Dated	Insert Pages	Dated
P-11	----	P-11	----
		P-12 thru P-20	Ch. 1
1 thru 6	----	1 thru 4	9/11/81
		5 and 6	Ch. 1

DOCUMENTS

AUG 25 1981

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Suggest filing this transmittal at the back of the FAR. It will provide a method for determining that all Changes have been received as listed in the current edition of AC 00-44, Status of Federal Aviation Regulations, and a check for determining if the FAR contains the proper pages.





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## 2. Constitutional Objections

As already noted, a small number of commenters objected to proposed §§ 107.1(a)(3) and 107.21 as unconstitutional, and as an unjustified extension of Section 316 of the Act. One implied that the proposal violated Article Four, Sections One and Two, the full faith and credit clause and the privileges and immunities clause. Another commenter asserted that the proposal was an "inappropriate impediment" to interstate commerce and, therefore, unconstitutional under Article One, Section Eight, the commerce clause. Finally, some commenters contended that the proposal violated the Second-Amendment right of the people to keep and bear arms and violated a general right to self-protection.

The FAA does not consider these constitutional arguments to have merit. The full faith and credit clause does not prohibit the FAA from making the carriage of a weapon a violation merely because its carriage is permitted under the laws of a State. The privileges and immunities clause is inapplicable in that it does not prohibit the Federal Government from imposing standards on the carriage of weapons.

As to the commerce clause, the addition of Section 316, Air Transportation Security, to the Federal Aviation Act of 1958, was clearly a reasonable exercise of the Congress' broad authority under the Constitution to regulate commerce. Moreover, § 107.21 is within the Congressional mandate in Section 316 to protect persons and property aboard aircraft in air transportation and intrastate air transportation against acts of criminal violence and aircraft piracy.

Finally, while the Second Amendment protects the right of the people to bear arms, it does not confer an absolute right on the individual to carry a weapon at all times and in all places.

## O. Records

In response to the record requirements of § 107.23, a few commenters said they did not oppose the requirement as long as requests are restricted to records which are reasonably available, pertain to the immediate disposition of detainees, and apply only to aviation security matters. Others felt that the FAA should generate its own records or compensate airport operators for maintaining them. A few believed there was no cost-benefit to this provision. A small number stated that the proposal duplicated air carrier responsibilities and suggested that the burden should either rest on the air carriers entirely or be completely eliminated.

Accurate information relating to the operation of the civil aviation security program is essential for the evaluation of its effectiveness, for determining its future direction, and for meeting the Congressional requirement for semiannual reports in Section 315 of the Act. The FAA believes that the airport operator is best qualified to ensure that this information is maintained and made available.

As adopted by this amendment, § 107.23 will become effective 30 days after notice has been published in the Federal Register that the requirements of that section have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

## ADOPTION OF THE AMENDMENT

Accordingly, Part 107 of the Federal Aviation Regulations (14 CFR Part 107) is revised effective March 29, 1979.

Compliance with § 107.23 is not required until 30 days after a notice of approval of the requirements of that section by the Office of Management and Budget is published in the Federal Register.\*

**AUTHORITY:** (Secs. 313, 315, 316, and 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1356, 1357, and 1421); Sec. 6(e), Department of Transportation Act (49 U.S.C. 1655(e)).)

**NOTE:** The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

\* A notice of approval by the Office of Management and Budget of the recordkeeping and reporting requirements of § 107.23 was published in the Federal Register on February 15, 1979 (44 FR 9744). The notice made that section effective March 29, 1979.

**Amendment 107-1**  
**Airplane and Airport Operator Security**

**Adopted: January 12, 1981****Effective: September 11, 1981**

(Published in 46 FR 3782, January 15, 1981)

**SUMMARY:** These amendments revise and consolidate security regulations for scheduled passenger and public charter operations in a new Part of the Federal Aviation Regulations and extend those regulations to certain commuter and air taxi operations and small airplane operations conducted by U.S. and foreign air carriers. The consolidation facilitates public access to aviation security regulations. These changes provide an appropriate response to the current threat of criminal violence and air piracy against scheduled and public charter operations of U.S. air carriers, intrastate operators, and foreign air carriers.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:**

On November 1, 1979, the FAA published Notice of Proposed Rule Making No. 79-17 (44 FR 63048), to extend the FAA security regulations applicable to scheduled passenger and public charter operations of U.S. and foreign air carriers and U.S. intrastate operators to certain air taxi operators and small airplane operations conducted by U.S. and foreign operators. It also proposed to simplify these regulations and consolidate them (for U.S. certificate holders) into a new Part of the Federal Aviation Regulations to facilitate public access to security regulations.

All interested persons have been given an opportunity to participate in the making of this new Part 108 and the revisions to Parts 107, 121, 129, and 135. Due consideration has been given to all matters presented. In response to comments received and after further study by the FAA, a number of changes are reflected in the rule as adopted.

**Background**

Since their inception in 1972, FAA security regulations have been designed to meet threats of hijacking and other crimes against the specific kinds of aircraft operations that have proven to be most attractive to the potential hijacker or saboteur. For the most part these operations have involved large transport type airplanes with scheduled departure times, and generally have been conducted by air carriers under Certificates of Public Convenience and Necessity (CPCN) and other limited economic authority issued by the Civil Aeronautics Board (CAB), as well as by certain wholly intrastate operators who are not air carriers. Operating rules for these operators are set out in Part 121 (14 CFR Part 121) and, for this reason, FAA security regulations were initially placed in that Part.

Scheduled operations with large airplanes also have been conducted under § 135.2 of Part 135 (14 CFR Part 135). Security for these operations has been achieved through voluntary compliance with requirements similar to those in Part 121; however, the number of these operations is increasing.

Recently, and in particular since the passage of the Airline Deregulation Act of 1978 (Deregulation Act), the CAB has liberalized its policies and has granted broad authority to conduct scheduled operations with large aircraft. There now are numerous air carriers referred to in the Deregulation Act as "commuters" operating under Part 135 with authority to conduct operations similar to those that were previously conducted only by CPCN holders under Part 121. While CPCN holders are being allowed to discontinue service at different terminals, commuter air carriers are gaining these terminal and route

authorizations. As a result, commuter air carriers are now using identical aircraft in scheduled and public charter operations formerly used only by CPCN holders. These airplanes are being operated over routes formerly served by CPCN holders, and the operations are conducted without being subject to full FAA security requirements.

The Deregulation Act carries with it a mandate that there be no diminution in safety in situations where commuter carriers provide substitute service on routes previously served by route carriers. Section 33(c) (3) of the Deregulation Act requires the FAA to "impose requirements upon such commuter air carriers to assure that the level of safety provided to persons traveling on such commuter air carriers is, to the maximum feasible extent, equivalent to the level of safety provided to persons traveling on air carriers which provide service pursuant to certificates issued under Section 401 of this title."

#### The Proposal

To ensure consistent application of FAA's security rules and to achieve the necessary level of security, Notice 79-17 proposed security requirements based upon airplane complexity instead of CAB authorizations. The proposal called for multilevel security requirements to be equally applicable to all scheduled and public charter passenger operations conducted by air carriers and other FAA certificate holders. The FAA certificate holder would have been required to meet the full security requirements that have been set out in Part 121, including an approved screening system, for operations conducted in airplanes with a seating configuration of 20 or more passenger seats. For operations conducted in airplanes configured for less than 20 passenger seats, the certificate holder would have been subject only to minimal security requirements, including passenger and shipper identification, airplane security, and arrangements for law enforcement response when needed. The proposal also would have retained the existing requirement in Part 135 for crewmember antihijack training.

A number of changes have been made in the final rules, as discussed in this preamble. A table is provided for comparing the major provisions of the proposed rule and the final amendments. It is to assist in understanding the changes that have been made and should not be relied upon as a complete statement of the amendments.

#### Passenger Seating Configuration

#### Security Requirements

##### NOTICE OF PROPOSED RULE MAKING

1-19	Modified airplane and airport operator security program would have been adopted and implemented
more than 19	Full airplane and airport operator security program would have been adopted and implemented, including screening of all passengers and law enforcement presence.

##### FINAL AMENDMENTS

1-30	No security program is required unless passengers have uncontrolled access to a sterile area and then a screening system and law enforcement presence must be provided for those passengers.
31-60	Airplane and airport operator security program must be adopted, but screening and law enforcement presence must be implemented only when the FAA identifies a security threat or passengers have uncontrolled access to a sterile area.
more than 60	Full security program must be adopted and implemented, including screening of all passengers, law enforcement presence, and other significant safeguards.

### Comments

Approximately 320 public comments were received in response to Notice 79-17. Nearly all of the commenters were against the proposal. The major objections were the cost of implementing the security requirements and the absence of any threat that justified extending screening and other security requirements to commuter operations. The commenters argued that the proposal would place an undue hardship on small communities and inhibit industry growth by causing commuters to avoid use of larger airplanes in order to gain advantage of the minimal security requirements for airplanes with less than 20 passenger seats.

### Economic Study

In analyzing financial data provided by the commenters, the security costs per passenger enplanement were found to vary so much that the FAA decided that further economic study was necessary. A sample of typical airports was examined to determine what the actual costs would be to implement the proposed requirements. The results of this small sampling indicated that a comprehensive indepth cost study was needed.

This indepth study identified potentially affected airplane operators (25) and airports (20). The personnel of FAA regional security divisions completed structured interview forms for each potentially affected airline station (90) and for each airport. This information was collected and analyzed by the FAA's Office of Aviation Policy and Plans; and in many cases followup discussions were held with airline and airport personnel. The final regulatory evaluation that resulted from this study is available in the public docket for this rulemaking action.

The study indicates that the FAA estimated costs provided in Notice 79-17 are generally accurate when considered against the total projected enplanements. However, when viewed for a particular airport, or for a particular flight, costs might be unreasonably high because of the limited enplanements at that airport or for that flight.

Considerable reduction in the cost impact of this final rule has been effected through the changes in the proposal. While adoption of Notice 79-17 could have resulted in an estimated maximum annual operating cost of \$8.80 million and maximum capital investments of \$5.30 million (for airplane operators) and \$.36 million (for airports), the maximum annual operating cost for the final rule will not exceed \$3.15 million and no capital investment will be necessary. These changes and their economic impact are discussed below.

### Security Threat

The increased security threat to the commuter industry that was expected to result from implementation of the Deregulation Act has not materialized. Only one attempted hijacking of a commuter-operated airplane has occurred since the Deregulation Act was implemented. This attempt was thwarted by skillful FBI negotiations resulting in apprehension of the hijacker.

While the threat of air piracy and sabotage exists for all levels of air transportation, the historical record clearly establishes that the threat is very serious for some levels and less serious for others. Although all sizes of aircraft have been subjected to hijackings, the most severe threat has been against the larger, longer-range, jet airplanes in scheduled passenger operations. Typically these airplanes have more than 60 passenger seats, the smallest being the BAC-111, which may be configured for as few as 65 passenger seats, and the more commonly used DC-9, which is typically configured for approximately 90 passenger seats. The number of U.S. hijackings of such airplanes has continued to rise in relation to worldwide hijackings and, over the past 3 years, the U.S. air transportation system has experienced 40 hijackings of these air carrier airplanes.

### Final Rule

Considering the economic burden that could be imposed on the small airport and airplane operators and the fact that the hijacking threat directed against commuters has not significantly increased, it is not appropriate to fully implement the proposed rule

changes at this time. This final rule requires implementing a full security program only for scheduled and public charter operations with airplanes having a passenger seating configuration of more than 60 seats and for operations providing deplaned passengers access to a sterile area at the next landing when the access is not controlled by another airplane operator's security program.

For operations with airplanes having a passenger seating configuration of more than 30 but less than 61 seats, a full security program need not be implemented. A full program for these operations will have to be implemented only if the FAA notifies the airplane operator that a security threat exists with respect to a particular operation or set of operations.

While the frequency and extent of these threats cannot be predicted, the FAA expects that this contingency seldom will be invoked. If it is, it will probably not involve all airplane operators or all points served by a single operator, nor would all precautions have to be taken in every contingency.

Antihijack security training will continue to be required for all crewmembers of FAA certificate holders operating under Part 121 or Part 135. In addition, throughout Part 108 and the changes to Part 107 and § 129.25 of this chapter, the term "airplane" instead of "aircraft" is used since threatened operations have only involved airplanes and no other aircraft.

#### Airplane Operator Security Requirements

None of the comments suggest, nor does FAA intend, lessening in any way the current security requirements for U.S. or foreign air carriers utilizing airplanes configured for more than 60 passenger seats or for U.S. airports presently served by these carriers on a regular basis. To ensure that passengers in scheduled or public charter operations with these airplanes benefit from a degree of security commensurate with the existing threat, the rule, as adopted, continues to require the implementation of a full security program for these operations.

For airplanes with a passenger seating configuration of less than 61 seats, the larger the airplane, the more attractive it can be expected to be for the potential hijacker. The great majority of airplanes currently used by commuters are of less than 31 seat configuration. However, a number of larger airplanes are now in production or "on the drawing board" to serve the commuter airline market. The larger airplanes have a greater stage length and fuel capacity and carry many more passengers than those in current use. As a result, potential hijackers are more apt to see them as containing more hostages and having the range to serve their purposes.

Additionally, the FAA's economic study generally reflects significant increases in security costs per passenger as the airplane capacity decreases. The study indicates that for the lower half of the spectrum (the 1- through 30-seat airplanes), the economic hardship far outweighs the security benefit derived from even the minimal security requirements proposed in Notice 79-17 for airplanes configured for less than 20 seats.

For these reasons, the FAA has determined that airplanes with a seating configuration of 31 through 60 should be treated differently from those with 30 or fewer seats. Part 108, as adopted, requires FAA certificate holders conducting scheduled passenger and public charter operations in 31- through 60-seat airplanes to continue to conduct security training for crews, as presently required by §§ 121.417 and 135.331. Further Part 108 and changes to Part 129 require the adoption of a comprehensive security program for operations with 31 through 60 seats comparable to that required for operations with airplanes having more than 60 seats. However, the operator will normally only have to implement for 31- through 60-seat airplanes those portions of the program that call for (1) having procedures for contacting the law enforcement agency identified by the airport operator and arranging for response to an incident when needed; and (2) advising appropriate employees, including crewmembers, of the procedures and instructing them when and how to use them. If the operator also uses airplanes above 60 seats, a full security program must be implemented for these operations.

Each operator of 31- through 60-seat airplanes must be prepared to implement its full security program for all or part of its operations at a particular station or systemwide upon notification by the FAA that a threat exists. Such a threat would exist, for example, where operations in this category have been subjected to hijacking and a specific threat has been made that more hijackings will be perpetrated. Such a threat might also exist where information has been received or developed concerning airplanes in this category without a prior hijacking.

FAA certificate holders utilizing airplanes with a seating configuration of 1 through 30 seats, under the provisions of this rule, are only required to conduct antihijack crew training currently required by § 135.331. Because of the size, range, and public perception of the capacity and capability of these airplanes, this reactive security measure is considered adequate to meet the level of threat against this type operation.

#### Law Enforcement Support

When a U.S. or foreign air carrier is required to implement a security screening system at an airport governed by Part 107, the airport operator is required to provide law enforcement support for that screening. When a carrier conducts operations from an airport not governed by Part 107 of this chapter and is required to use a screening system, the carrier continues to be required to provide law enforcement officers to support the screening system.

#### Access to Sterile Areas

To protect the security of sterile areas, this amendment provides that operators of airplanes of any seating configuration may not discharge scheduled or public charter passengers into a sterile area unless: (1) the passengers and their accessible items are properly screened by the airplane operator; or (2) their access is controlled through surveillance and escort procedures or through the screening procedures of another operator.

Thus, unscreened passengers may have access to a sterile area where the discharging operator has made a prior arrangement with another FAA certificate holder or foreign air carrier, or in some cases the airport operator, having responsibility for the sterile area either for escort of the deplaning passengers into, through, and out of the sterile area or for the screening of those passengers before entry. Without these arrangements, operators not otherwise required by Part 108 or 129 to screen their passengers who wish to deplane their passengers in a particular operation into a sterile area at a particular airport must adopt and implement all the provisions of an appropriate security program with respect to that passenger operation. This requires that: (1) 100 percent screening of the passengers and their accessible items be completed before the last departure; (2) the airplane be protected; and (3) procedures be used to prevent or deter the introduction of explosives and incendiaries into checked baggage and cargo for those flights.

This process currently is being followed by a number of air carriers operating under § 135.2. These air taxi and commuter operators, because of their desire to allow their passengers to have direct and uncontrolled access to a sterile area, have voluntarily elected to amend their operations specifications to adhere to the security requirements of § 121.538. With implementation of Part 108, this will no longer be necessary, and operators requiring direct uncontrolled access to sterile areas for their passengers will follow the security program procedures in § 108.25.

As a result of these amendments, certain FAA certificate holders that operate smaller airplanes and have been required to meet the security provisions of § 121.538 are no longer required to implement full security programs. Under § 108.5 these operators or other operators utilizing 1- through 60-seat airplanes may elect to continue to operate under a full security program in order to discharge passengers into a sterile area, or may elect to operate under a full or modified security program to meet passenger expectations, to fulfill company security policies, or for other reasons. However, when FAA approval is obtained for any security program, § 108.5 requires that the airplane operator carry out the provisions of that program. Operators utilizing smaller airplanes who use their own

separate facilities at certain airports will now be able, at those airports, to operate without screening passengers or providing law enforcement presence. For these operators this rule may represent a considerable economic savings.

An Air Carrier Standard Security Program meeting the requirements of this rule is available for use by all certificate holders. This program, jointly developed by FAA and industry, has proven very effective in lessening the certificate holder's administrative burden. The FAA encourages adoption of the Air Carrier Standard Security Program to ensure uniform implementation and use of security procedures.

#### Airport Security Requirements

At U.S. airports regularly serving scheduled passenger operations of FAA certificate holders and foreign air carriers utilizing airplanes with more than 60 seats, this final rule requires the airport operator to adhere to the current provisions of Part 107.

At those airports regularly serving scheduled passenger operations utilizing 31-through 60-passenger-seat airplanes and at which the airplane operator is not required to screen its passengers, the airport operator must only identify the law enforcement agency that will respond to the airplane operator's request for assistance. Responsibility for establishing and implementing the actual arrangements and for obtaining assistance in the case of an incident rests with the airplane operator.

For these operations, the airport operator is required to submit to the FAA for approval a security program that identifies: (1) the law enforcement support available to respond upon request of the airport operator; (2) a description of the procedure to be used by the air carrier to summon support; (3) a description of the training the law enforcement officers have received; and (4) a description of the system of records of law enforcement actions taken in support of aviation security as called for by § 107.23.

If an airplane operator using airplanes with less than 61 passenger seats must adopt and carry out a full security program with a screening system, the airport operator must provide law enforcement support during all required passenger screening operations. The airport operator is required to submit to the FAA for approval a security program identifying the law enforcement support, the training received by law enforcement officers, and a description of the system for recording law enforcement actions taken in support of aviation security. These law enforcement support requirements are the only security requirements imposed on the airport operator for operations with airplanes configured for less than 61 passenger seats where screening is performed under a required security program.

#### Economic Evaluation

Assessment of the economic impact of these amendments indicates that certain airplane and airport operators not previously required to have a security program may incur some costs in connection with scheduled and public charter passenger operations with airplanes having a passenger seating configuration of 31 through 60 passenger seats. Some additional costs will occur for these operators if they must implement contingency procedures included in security programs because of a threat condition. Most, if not all, of the costs of meeting contingencies would be associated with personnel and would not involve investments in X-ray machines, metal detectors, and alterations to airport terminals as might have been the case if the proposal in Notice 79-17 had been adopted. If a threat situation occurs, the FAA will work closely with the affected parties to ensure adequate, efficient, and cost-effective implementation of contingency procedures.

The only other new cost resulting from this rule may occur when some operators of airplanes with less than 61 passenger seats desire to discharge passengers directly into a sterile area. No additional cost will occur to the many operators already voluntarily providing security for these operations through amendments to their operations specifications. Airplane operators that do not now provide this security, and who desire access to a sterile area, will incur new costs for providing the necessary security safeguards.



The economic assessment indicates that the final rule may have an impact on 11 Part 135 operators of airplanes seating 31 through 60 passengers at as many as 39 stations. Virtually all of this cost impact would occur if contingency procedures are implemented. Based on the FAA's analysis of the current threat, coupled with the historical record, airplane and airport operators will rarely, if ever, be required to take these heightened precautions and a threat necessitating such action would probably never involve all 11 carriers or 39 stations at a time.

However, in the unlikely event that all operators of 31- through 60-seat airplanes are required to implement contingency procedures at all stations for an entire year because of the greatest hijacking threat, the annual cost could be as high as \$3.15 million. Whatever costs occur may be recovered through fare or temporary subsidy increases.

This \$3.15 million maximum cost contrasts with the possible costs that would have resulted from the proposed rule. The FAA's evaluation indicates that it could have resulted in as much as \$8.8 million in new annual operating costs for the affected airplane operators, \$5.3 million in investments for security equipment and construction by airplane operators and \$360,000 in airport improvements.

Because these amendments impose uniform security requirements on the basis of airplane size and the protection of sterile areas instead of the kind of FAA and CAB operating authority, some Part 121 operators will have an opportunity to reduce security costs at some stations. As is the current case, all Part 135 operators now screening voluntarily under an operations specifications amendment can elect to discontinue screening under this rule if they choose not to continue to have access to a sterile area. While the FAA cannot determine the exact amount of cost savings, it estimates the maximum possible annual operating cost savings of \$13,720,526.

#### ADOPTION OF THE AMENDMENT

Accordingly Parts 107, 121, 129, and 135 are amended and new Part 108 is added as follows, effective April 1, 1981, or 60 days after a notice of approval of the recordkeeping and reporting requirements of new Part 108 by the Office of Management and Budget is published in the *Federal Register*, whichever is later.

(Secs. 313, 315, 316, 317, 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, 1358, 1421-1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

This rule is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

NOTE: The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

**Reference Amendment 107-1  
Airplane and Airport Operator Security**

**Adopted: June 15, 1981****Effective: September 11, 1981**

(Published in 46 FR 36053, July 13, 1981)

**SUMMARY:** This document prescribes the effective date for a new Part of the Federal Aviation Regulations that consolidates security regulations for scheduled passenger and public charter operations and extends those regulations to certain commuter and air taxi operations and small airplane operations conducted by U.S. and foreign air carriers. At the time this new Part was adopted, its reporting and recordkeeping requirements had not been approved by OMB, and the Part could not be made effective. That approval process has now been completed.

This document also corrects a reference in the words of issuance of Amendment 107-1.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:**

On January 12, 1981, the FAA adopted amendments that added a new Part 108, Airplane Operator Security (46 FR 3782; January 15, 1981), and amended other associated security regulations. The new Part revises and consolidates aviation security regulations for scheduled passenger and public charter operations, and extends those regulations to certain commuter and air taxi operations and small airplane operations conducted by U.S. and foreign air carriers. The consolidation facilitates public access to aviation security regulations. The changes provide an appropriate response to the current threat of criminal violence and air piracy against scheduled and public charter operations of U.S. air carriers, intrastate operators, and foreign air carriers.

Because new Part 108 contains reporting and recordkeeping requirements for which OMB approval is required, the effectivity of the new Part was delayed until April 1, 1981, or 60 days after OMB approval, whichever would be later. On April 29, 1981, OMB approved these requirements. A copy of the approval may be examined at the Federal Aviation Administration, Office of the Chief Counsel, Rules Docket, No. 19726, 800 Independence Avenue, SW, Washington, DC 20591.

Accordingly, this notice prescribes the necessary effective date and, except as noted, provides the 60-day notice referred to at the time these amendments were adopted.

In order to relieve certain airplane operators immediately of an unnecessary financial burden, this notice permits compliance without delay with new Part 108. When issuing Part 108, the FAA considered the economic burden that could be imposed on the small airplane operators and the fact that the hijacking threat directed against commuters has not significantly increased. It was determined that the implementation of a full security program should only be required for scheduled and public charter operations with airplanes having a passenger-seating configuration of more than 60 seats and for operations providing deplaned passengers access to a sterile area at the next landing when the access is not controlled by another airplane operator's security program. Accordingly, Part 108 provides that for operations with airplanes having a passenger-seating configuration of more than 30 but fewer than 61 seats a full security program need not be implemented.

For Part 108 to be effective immediately for any operator, the operator need only advise the Director of Civil Aviation Security of its intention to comply with the Part.

**Correction**

In connection with new Part 108, the airport operator security rules in Part 107 were also amended (Amendment 107-1) to relate the airport operator's responsibilities, including law enforcement support, to the level of security required for airplane operators using the airport.

Section 107.7 requires the airport operator to notify the FAA, and appropriately amend its security program, whenever certain changed security conditions occur. Specifically, § 107.7(a)(4) provides that this action must be taken when the law enforcement support, as described in the airport operator's security program, is not adequate to comply with § 107.15. Amendment 107-1 was intended to add references in § 107.7(a)(4) to new security program requirements. However, because that provision is misnumbered in the current bound version of the Code of Federal Regulations (14 CFR 107.7), the amending language erroneously referred to it as § 107.7(a)(3). This amendment corrects the amending language to refer to § 107.7(a)(4). The Code of Federal Regulations will be corrected when it is next published in bound form.

**EFFECTIVE DATE AND CORRECTION**

Accordingly, Amendments No. 107-1, 108(New), 121-167, 129-11, and 135-10 will be effective September 11, 1981, or, for a certificate holder to which new Part 108 would apply, on the date that the certificate holder notifies the Director of Civil Aviation Security of its intention to comply with the Part, whichever date is earlier. The words of issuance of Amendment 107-1 are corrected to amend § 107.7(a)(4), instead of § 107.7(a)(3), by inserting the phrase ", (f) (1), or (g) (1)" after the phrase "§ 107.3(b) (7)". (Secs. 313, 315, 316, 317, 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, 1358, 1421-1430); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE: The FAA has determined that this document pertains to a rulemaking action which is not a major regulation under Executive Order 12291; that it is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and that, under the criteria of the Regulatory Flexibility Act, it will not have a significant impact on a substantial number of small entities. In addition, the FAA has determined that, while a regulatory evaluation was prepared for the final rule, the expected further impact of this notice and correction is so minimal that it does not require an evaluation.

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## Part 107—Airport Security

### § 107.1 Applicability and definitions.

[(a) This Part prescribes aviation security rules governing—

[(1) The operation of each airport regularly serving the scheduled passenger operations of a certificate holder required to have a security program by § 108.5(a) of this chapter;

[(2) The operation of each airport regularly serving scheduled passenger operations of a foreign air carrier required to have a security program by § 129.25 of this chapter; and]

(3) Each person who is in or entering a sterile area on an airport described in paragraph (a) (1) or (a) (2) of this section.

[(b) For purposes of this Part—

[(1) "Airport Operator" means a person who operates an airport regularly serving scheduled passenger operations of a certificate holder or a foreign air carrier required to have a security program by § 108.5(a) or § 129.25 of this chapter;]

(2) "Air Operations Area" means a portion of an airport designed and used for landing, taking off, or surface maneuvering of airplanes;

(3) "Exclusive area" means that part of an air operations area for which an air carrier has agreed in writing with the airport operator to exercise exclusive security responsibility under an approved security program or a security program used in accordance with § 129.25;

(4) "Law enforcement officer" means an individual who meets the requirements of § 107.17; and

[(5) "Sterile area" means an area to which access is controlled by the inspection of persons and property in accordance with an approved security program or a security program used in accordance with § 129.25.]

### § 107.3 Security program.

(a) No airport operator may operate an airport subject to this Part unless it adopts and carries out a security program that—

(1) Provides for the safety of persons and property traveling in air transportation and intrastate air transportation against acts of criminal violence and aircraft piracy;

(2) Is in writing and signed by the airport operator or any person to whom the airport operator has delegated authority in this matter;

[(3) Includes the items listed in paragraph (b), (f), or (g) of this section, as appropriate; and]

(4) Has been approved by the Regional Director.

[(b) For each airport subject to this Part regularly serving scheduled passenger operations conducted in airplanes having a passenger seating configuration (as defined in § 108.3 of this section of this chapter) of more than 60 seats, the security program required by paragraph (a) of this section must include at least the following:]

(1) A description of each air operations area, including its dimensions, boundaries, and pertinent features.

(2) A description of each area on, or adjacent to, the airport which affects the security of any air operation area.

(3) A description of each exclusive area, including its dimensions, boundaries, and pertinent features, and the terms of the agreement establishing the area.

(4) The procedures, and a description of the facilities and equipment, used to perform the control functions specified in § 107.13(a) by the airport operator and by each air carrier having security responsibility over an exclusive area.

(5) The procedures each air carrier having security responsibility over an exclusive area will use to notify the airport operator when the procedures, facilities, and equipment it uses are not adequate to perform the control functions described in § 107.13(a).

(6) A description of the alternate security procedures, if any, that the airport operator intends to use in emergencies and other unusual conditions.

(7) A description of the law enforcement support necessary to comply with § 107.15.

(8) A description of the training program for law enforcement officers required by § 107.17.

(9) A description of the system for maintaining the records described in § 107.23

[(c) The airport operator may comply with paragraph (b), (f), or (g) of this section by including in the security program as an appendix any document which contains the information required by paragraph (b), (f), or (g).]

(d) Each airport operator shall maintain at least one complete copy of its approved security program at its principal operations office, and shall make it available for inspection upon the request of any Civil Aviation Security Inspector.

(e) Each airport operator shall restrict the distribution, disclosure, and availability of information contained in the security program to those persons with an operational need-to-know and shall refer requests for such information by other than those persons to the Director of the Civil Aviation Security Service of the FAA.

[(f) For each airport subject to this Part regularly serving scheduled passenger operations conducted in airplanes having a passenger seating configuration (as defined in § 108.3 of this chapter) of more than 30 but less than 61 seats, the security program required by paragraph (a) of this section must include at least the following:

[(1) A description of the law enforcement support necessary to comply with § 107.15(b), and the procedures which the airport operator has arranged to be used by the certificate holder or foreign air carrier to summon that support.

[(2) A description of the training program for law enforcement officers required by § 107.17.

[(3) A description of the system for maintaining the records described in § 107.23.

[(g) For each airport subject to this Part where the certificate holder or foreign air carrier is required to conduct passenger screening under a security program required by § 108.5(a) (2) or (3) or § 129.25(b) (2) or (3) of this chapter, or conducts screening under a security program being carried out pursuant to § 108.5(b), as appropriate the security program required by paragraph (a) of this section must include the following:

[(1) A description of the law enforcement support necessary to comply with § 107.15.

[(2) A description of the training program for law enforcement officers required by § 107.17.

[(3) A description of the system for maintaining the records described in § 107.23.]

#### § 107.5 Approval of security program.

(a) Unless a shorter period is allowed by the Regional Director, each airport operator seeking initial approval of a security program for an airport subject to this Part shall submit the proposed program to the Regional Director at least 90 days before any scheduled passenger operations are expected to begin by any certificate holder or permit holder to whom § 121.538 or § 129.25 of this chapter applies.

(b) Within 30 days after receipt of a proposed security program, the Regional Director either approves the program or gives the airport operator written notice to modify the program to make it conform to the applicable requirements of this Part.

(c) After receipt of a notice to modify, the airport operator may either submit a modified security program or petition the Administrator to reconsider the notice to modify. A petition for reconsideration must be filed with the Regional Director.

(d) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the notice to modify and either amends or withdraws the notice or transmits the petition,

together with any pertinent information, to the Administrator for reconsideration.

(e) After review of a petition for reconsideration, the Administrator disposes of the petition by either directing the Regional Director to withdraw or amend the notice to modify, or by affirming the notice to modify.

**§ 107.7 Changed conditions affecting security.**

(a) After approval of the security program, the airport operator shall follow the procedures prescribed in paragraph (b) of this section whenever it determines that any of the following changed conditions has occurred:

(1) Any description of an airport area set out in the security program in accordance with § 107.3(b) (1), (2), or (3) is no longer accurate.

(2) The procedures included, and the facilities and equipment described, in the security program in accordance with § 107.3(b) (4) and (5) are not adequate for the control functions described in § 107.13(a).

(3) The airport operator changes any alternate security procedures described in the security program in accordance with § 107.3 (b) (6).

(4) The law enforcement support described in the security program in accordance with § 107.3(b) (7) [ , (f) (1), or (g) (1) ] is not adequate to comply with § 107.15.

(b) Whenever a changed condition described in paragraph (a) of this section occurs, the airport operator shall—

(1) Immediately notify the FAA security office having jurisdiction over the airport of the changed condition, and identify each interim measure being taken to maintain adequate security until an appropriate amendment to the security program is approved; and

(2) Within 30 days after notifying the FAA in accordance with paragraph (b) (1) of this section, submit for approval in accordance with § 107.9 an amendment to the security program to bring it into compliance with this Part.

**§ 107.9 Amendment of security program by airport operator.**

(a) An airport operator requesting approval of a proposed amendment to the security pro-

gram shall submit the request to the Regional Director. Unless a shorter period is allowed by the Regional Director, the request must be submitted at least 30 days before the proposed effective date.

(b) Within 15 days after receipt of a proposed amendment, the Regional Director issues to the airport operator, in writing, either an approval or a denial of the request.

(c) An amendment to a security program is approved if the Regional Director determines that—

(1) Safety and the public interest will allow it, and

(2) The proposed amendment provides the level of security required by § 107.3.

(d) After denial of a request for an amendment, the airport operator may petition the Administrator to reconsider the denial. A petition for reconsideration must be filed with the Regional Director.

(e) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the denial and either approves the proposed amendment or transmits the petition, together with any pertinent information, to the Administrator for consideration.

(f) After review of a petition for reconsideration, the Administrator disposes of the petition by either directing the Regional Director to approve the proposed amendment or affirming the denial.

**§ 107.11 Amendment of security program by FAA.**

(a) The Administrator or Regional Director may amend an approved security program for an airport, if it is determined that safety and the public interest require the amendment.

(b) Except in an emergency as provided in paragraph (f) of this section, when the Administrator or the Regional Director proposes to amend a security program, a notice of the proposed amendment is issued to the airport operator, in writing, fixing a period of not less than 30 days within which the airport operator may submit written information, views, and arguments on the amendment. After considering all relevant material, including that submitted by the airport operator, the Administrator

or the Regional Director either rescinds the notice or notifies the airport operator in writing of any amendment adopted, specifying an effective date not less than 30 days after receipt of the notice of amendment by the airport operator.

(c) After receipt of a notice of amendment from a Regional Director, the airport operator may petition the Administrator to reconsider the amendment. A petition for reconsideration must be filed with the Regional Director. Except in an emergency as provided in paragraph (f) of this section, a petition for reconsideration stays the amendment until the Administrator takes final action on the petition.

(d) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the amendment and either rescinds or modifies the amendment or transmits the petition, together with any pertinent information, to the Administrator for consideration.

(e) After review of a petition for reconsideration, the Administrator disposes of the petition by directing the Regional Director to rescind the notice of amendment or to issue the amendment as proposed or in modified form.

(f) If the Administrator or the Regional Director finds that there is an emergency requiring immediate action that makes the procedure in paragraph (b) of this section impracticable or contrary to the public interest, an amendment may be issued effective without stay on the date the airport operator receives notice of it. In such a case, the Administrator or the Regional Director incorporates in the notice of the amendment the finding, including a brief statement of the reasons for the emergency and the need for emergency action.

#### **§ 107.13 Security of air operations area.**

(a) Except as provided in paragraph (b) of this section, each [operator of an airport serving scheduled passenger operations where the certificate holder or foreign air carrier is required to conduct passenger screening under a program required by § 108.5(a) (i) or § 129.25(b) (1) of this chapter as appropriate] shall use the procedures included, and the facilities and equipment described, in its approved security program, to perform the following control functions:

(1) Controlling access to each air operations area, including methods for preventing the entry of unauthorized persons and ground vehicles.

(2) Controlling movement of persons and ground vehicles within each air operations area, including, when appropriate, requirements for the display of identification.

(3) Promptly detecting and taking action to control each penetration, or attempted penetration, of an air operations area by a person whose entry is not authorized in accordance with the security program.

(b) An airport operator need not comply with paragraph (a) of this section with respect to an air carrier's exclusive area, if the airport operator's security program contains—

(1) Procedures, and a description of the facilities and equipment, used by the air carrier to perform the control functions described in paragraph (a); and

(2) Procedures by which the air carrier will notify the airport operator when its procedures, facilities, and equipment are not adequate to perform the control functions described in paragraph (a) of this chapter.

#### **§ 107.15 Law enforcement support.**

[(a) Each airport operator shall provide law enforcement officers in the number and in a manner adequate to support—

(1) Its security program; and

(2) Each passenger screening system required by Part 108 or § 129.25 of this chapter.

[(b) For scheduled or public charter passenger operations with airplanes having a passenger seating configuration (as defined in § 108.3 of this chapter) of more than 30 but less than 61 seats for which a passenger screening system is not required, each airport operator shall ensure that law enforcement officers are available and committed to respond to an incident at the request of a certificate holder or foreign air carrier and shall ensure that the request procedures are provided to the certificate holder or foreign air carrier.]

#### **§ 107.17 Law enforcement officers.**

(a) No airport operator may use [, or arrange for response by,] any person as a required law

enforcement officer unless, while on duty on the airport, the officer—

- (1) Has the arrest authority described in paragraph (b) of this section;
  - (2) Is readily identifiable by uniform and displays or carries a badge or other indicia of authority;
  - (3) Is armed with a firearm and authorized to use it; and
  - (4) Has completed a training program that meets the requirements in paragraph (c) of this section.
- (b) The law enforcement officer must, while on duty on the airport, have the authority to arrest, with or without a warrant, for the following violations of the criminal laws of the State and local jurisdictions in which the airport is located:
- (1) A crime committed in the officer's presence.
  - (2) A felony, when the officer has reason to believe that the suspect has committed it.
- (c) The training program required by paragraph (a)(4) of this section must provide training in the subjects specified in paragraph (d) of this section and either—
- (1) Meet the training standards, if any, prescribed by either the State or the local jurisdiction in which the airport is located, for law enforcement officers performing comparable functions; or
  - (2) If the State and local jurisdictions in which the airport is located do not prescribe training standards for officers performing comparable functions, be acceptable to the Administrator.
- (d) The training program required by paragraph (a)(4) of this section must include training in—
- (1) The use of firearms;
  - (2) The courteous and efficient treatment of persons subject to inspection, detention, search, arrest, and other aviation security activities;
  - (3) The responsibilities of a law enforcement officer under the airport operator's approved security program; and
  - (4) Any other subject the Administrator determines is necessary.

#### **§ 107.19 Use of Federal law enforcement officers.**

(a) Whenever State, local, and private law enforcement officer who meet the requirements of § 107.17 are not available in sufficient numbers to meet the requirements of § 107.15, the airport operator may request that the Administrator authorize it to use Federal law enforcement officers.

(b) Each request of the use of Federal law enforcement officers must be accompanied by the following information:

(1) The number of passengers enplaned at the airport during the preceding calendar year and the current calendar year as of the date of the request.

(2) The anticipated risk of criminal violence and aircraft piracy at the airport and to the air carrier aircraft operations at the airport.

(3) A copy of that portion of the airport operator's security program which describes the law enforcement support necessary to comply with § 107.15.

(4) The availability of State, local, and private law enforcement officers who meet the requirements of § 107.17, including a description of the airport operator's efforts to obtain law enforcement support from State, local, and private agencies and the responses of those agencies.

(5) The airport operator's estimate of the number of Federal law enforcement officers needed to supplement available State, local, and private law enforcement officers and the period of time for which they are needed.

(6) A statement acknowledging responsibility for providing reimbursement for the cost of providing Federal law enforcement officers.

(7) Any other information the Administrator considers necessary.

(c) In response to a request submitted in accordance with this section, the Administrator may authorize, on a reimbursable basis, the use of law enforcement officers employed by the FAA or by any other Federal agency, with the consent of the head of that agency.



**§ 107.21 Carriage of firearms, explosives, or incendiary devices.**

(a) Except as provided in paragraph (b) of this section, no person may have a firearm, an explosive, or an incendiary device on or about the individual's person or accessible property—

(1) When performance has begun of the inspection of the individual's person or accessible property before entering a sterile area; and

(2) When entering or in a sterile area.

(b) The provisions of this section with respect to firearms do not apply to the following:

(1) Law enforcement officers required to carry a firearm by this Part while on duty on the airport.

(2) Persons authorized to carry a firearm in accordance with § 121.585 or § 129.27.

(3) Persons authorized to carry a firearm in a sterile area under an approved security program or a security program used in accordance with § 129.25.

**§ 107.23 Records.**

(a) Each airport operator shall ensure that—

(1) A record is made of each law enforcement action taken in furtherance of this Part;

(2) The record is maintained for a minimum of 90 days; and

(3) It is made available to the Administrator upon request.

(b) Data developed in response to paragraph (a) of this section must include at least the following:

(1) The number and type of firearms, explosives, and incendiary devices discovered during any passenger screening process, and the method of detection of each.

(2) The number of acts and attempted acts of air piracy.

(3) The number of bomb threats received, real and simulated bombs found, and actual bombings on the airport.

(4) The number of detentions and arrests, and the immediate disposition of each person detained or arrested.

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*Department of Transportation*  
*Federal Aviation Administration—Washington, D.C.*

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**CHANGE 2**

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**EFF. APRIL 28, 1982**

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## **Part 107—Airport Security**

This Change incorporates Amendment 107-2, Miscellaneous Amendments, effective April 28, 1982, in Federal Aviation Regulation Part 107.

The effective date of the new material, which is marked by black brackets, is carried at the bottom of each page. Preamble pages and rearranged pages having no new material carry the Change number only.

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### **Page Control Chart**

<b>Remove Pages</b>	<b>Dated</b>	<b>Insert Pages</b>	<b>Dated</b>
3 and 4	9/11/81	P-21 thru P-27	Ch. 2
		3	9/11/81
		4	4/28/82

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Suggest filing this transmittal at the back of the FAR. It will provide a method for determining that all Changes have been received as listed in the current edition of AC 00-44, Status of Federal Aviation Regulations, and a check for determining if the FAR contains the proper pages.



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## Amendment 107-2

### Miscellaneous Amendments

**Adopted: February 26, 1982****Effective: April 28, 1982**

(Published in 47 FR 13312, March 29, 1982)

**SUMMARY:** These amendments make a number of minor changes to the Federal Aviation Regulations (FAR). They amend certain Parts to change prerequisites required for flight tests and the experience necessary for an airline transport pilot certificate. They change the validity period for the written test for a flight engineer certificate. In addition, they amend certain sections of the FAR by changing the word aircraft to airplane. Part 45 of the FAR is amended to permit an approved parts manufacturer to refer, on a tag, to readily available information when it would be impractical to mark the required eligibility information on the tag. Part 91 of the FAR is amended to delete the list of purposes for which a special flight authorization for foreign civil aircraft may be issued. Other sections are amended for purposes of clarification or correction.

**FOR FURTHER INFORMATION CONTACT:** Mr. E. Wendell Owens Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 755-8714.

#### SUPPLEMENTARY INFORMATION:

##### Background

A number of these amendments address problems in the FAR which have been highlighted by numerous requests for exemptions and extensions of compliance dates. In addition, several areas in the FAR require interpretation and clarification. The remaining changes are editorial.

Generally, these amendments address unrelated items that have accumulated over recent years and are appropriate for consolidation in a miscellaneous amendment package.

##### Discussion of Comments

The following discussions are keyed to like-numbered proposals contained in Notice 80-23 (45 FR 80450; December 4, 1980).

*Proposal 1.* The proposal to amend § 21.197 to make Part 135 operators eligible for special flight permits with continuing authorizations was disposed of separately in Amendment 21-54 (46 FR 37876; July 23, 1981).

*Proposal 2.* This proposal would correct an incomplete listing of sections. The correct sections are listed in Appendix A, Section A23.1(a), as §§ 23.321 through 23.459. No comments were received on this proposal. Accordingly, the proposal is adopted without substantive change.

*Proposals 3 and 9.* Sections 23.305(a) and 25.305(a) contain parallel requirements for structural strength and deformation; however, these include differences in wording and punctuation from the corresponding statements contained in the similar, but correctly stated §§ 27.305(a) and 29.309(a). These proposals would correct §§ 23.305(a) and 25.305(a) by making them consistent with §§ 27.305(a) and 29.305(a). One commenter points out that the word "or" was erroneously inserted at the time CAR 6 and 7 were recodified to Parts 27 and 29 of the FAR. The commenter further states that §§ 23.305 and 25.305 are correctly stated, and that §§ 27.305(a) and 29.305(a) (which have the word "or" inserted) should be revised accordingly.

As originally written, the word "detrimental" was used to quantify the amount of permanent deformation and prohibit acceptance of a loading test which resulted in deforming the tested article to an extent that would degrade its structural characteristics. Insertion of a comma or a conjunction between "detrimental" and "permanent" would change the intended meaning. Inasmuch as the proposed change would only add to the error, the proposals to amend §§ 23.305 and 25.305 are withdrawn.

*Proposal 4.* This proposal would rearrange paragraphs (a)(1), (a)(2), and (a)(3) of § 23.441 to ensure that the correct tail load distribution is imposed for the flight condition. One commenter points out that the desired correct correlation between load specifying figures in Appendix B and the alternate load requirements of §§ 23.441(a), (b), and (c) could also be accomplished by leaving (a)(1), (a)(2), and (a)(3) in their present order while changing B6, B7, and B8 to B7, B6, and B8. Inasmuch as the interchange of the numbers 6 and 7 occurred initially when the prefix letter B was added in Amendment No. 23-7, August 13, 1969, and because other printings of Part 23 use the order B7, B6, and B8, the FAA disagrees with the commenter. Accordingly, the proposal is adopted without substantive change.

*Proposal 5.* This proposal would amend § 23.472(f) to delete reference to § 23.725 and insert the reference to § 23.723(a) in its place. This proposal would permit drop tests other than the free drop tests, and would make the requirement consistent with corresponding sections of Parts 25, 27, and 29. No comments were received on this proposal. Accordingly, the proposal is adopted without substantive change.

*Proposal 6.* No comments were received on the proposal to insert the word "red" before the word "arcs" in § 23.1549(d), for consistency with § 25.1549(d). The proposal is adopted without substantive change.

*Proposal 7.* This proposal would correct a reference to § 23.201(b) in § 23.1587(a)(1).

The reference to § 23.201(a) or (b) in § 23.1587(a)(1) is incorrect. Reference to § 23.201(a) as proposed in Notice 80-23 is also incorrect. Both references are for paragraphs dealing with control configurations. Section 23.201(c) deals with a maneuver as intended in § 25.1587(a)(1).

Two commenters suggest that the altitude loss information required by § 23.1587(a)(1) should be required for all airplanes regardless of whether or not they have independent controls. The FAA agrees and has amended § 23.1587(a)(1) to reference § 23.201(c) which applies to all airplanes regardless of their control configuration. The section is amended accordingly.

*Proposal 8.* This proposal would correct errors contained in the equation constants noted under A23.3, Special Symbols.

No comments were received on the proposal to correct the numbers in the velocity equations which will then correctly reflect the change from miles per hour to knots. This proposal is adopted without substantive change.

*Proposal 10.* This proposal would amend § 25.807 to make it clear that all transport category aircraft must have ditching emergency exits whether or not ditching certification is requested.

One commenter objects to the application of the ditching (emergency exit) requirement to all Part 25 and Part 29 aircraft. The commenter states that the ditching provisions of §§ 25.807 and 29.807 do not apply unless requested. This commenter also directs attention to Notice 80-23 which solicits economic information on these regulations.

Another commenter expressed full support of the proposal. This proposal is intended to clarify the existing regulation and does not establish a new requirement for transport category airplanes. Accordingly, the proposal is adopted without substantive change.

*Proposal 11.* No comments were received concerning these proposed minor editorial changes. Accordingly, the proposal is adopted without substantive change.

*Proposal 12.* This proposal would amend § 29.807 to make it clear that all transport category aircraft must have ditching emergency exits whether or not ditching certification is requested.

A commenter states that helicopters not certified for ditching will probably capsize immediately when rotor lift is lost because of their high center of gravity and lack of lateral stabilizing appendages such as wings. This commenter also claims that, because of the additional factor that compartments are not usually water-tight, it is impossible to determine a waterline. The commenter recommends the proposal be cancelled.

Two commenters strongly object to this proposal on the basis that the extension of the transport airplane condition to a helicopter is illogical because of the unique characteristics of helicopters. The commenters point out that the FAA previously considered this question and agreed that the proposed requirement was inappropriate.

Since the time this question was previously considered, there has been no new evidence which would justify a change in rationale, nor has there been any new evidence pointing to a need for added rotorcraft ditching exit provisions. Accordingly, this proposal is withdrawn.

*Proposal 13.* This proposal would have made Part 43 internally consistent by amending § 43.4 to include Canadian persons authorized under § 43.17. Operations Review Program Notice No. 12 proposes changes to § 43.3. Accordingly, this proposal is withdrawn and will be acted upon as part of that review. Comments received in response to this proposal will be given full consideration in that action.

*Proposal 14.* Two comments were received in response to this proposal to revise the marking requirements of § 45.15 so that when it is impractical to mark the required eligibility information on the tag attached to a part or container, the tag may refer to a specific and readily available reference manual or catalog which contains the required information.

One comment was submitted by the Industry Association that petitioned for this rule change. It found the wording of this proposal to be reasonable.

Another commenter believed that the original concept of Parts Manufacturer Approvals (PMA) was primarily based on the production of parts such as spark plugs, pistons, piston pins, etc., to be used as duplicate parts without a specific part number. These parts are, in fact, required to have a specific part number. Further, the PMA manufacturer is required to mark the parts (or tags) with parts replacement eligibility. It was not proposed to remove the requirement for this information from § 45.15; it was proposed to provide that, in those cases where it would not be practical to mark the required eligibility information on the tag, the tag may contain a reference to a readily available manual or catalog containing the required eligibility information.

Section 45.15 is adopted without substantive change.

*Proposal 15.* Section 61.39(b) has required that an applicant for an airline transport pilot certificate or an additional rating who does not wish to retake the required written examination must have been continuously employed since passing the written examination and be participating in a pilot training program. For the exception from the 24-month requirement to apply, a person had to have been employed by a carrier immediately (within 24 hours) after taking the written examination; a strike or furlough constituted a break in continuous employment, thus invalidating the exception. The FAA has determined that this rule is too restrictive, since it is possible for a pilot to be on vacation for a longer period of time than some strikes or furloughs last, and it would be unfair to apply the exception provision to the vacationing pilot but not the striking or furloughed pilot. Accordingly, Notice 80-23 proposed to amend § 61.39 to provide that the applicant need only be employed within the period ending 24 calendar months after the month in which the applicant passed the written examination and at the time of the flight test. Notice 80-23 also proposed to eliminate the continuous employment requirement and substitute a requirement to complete initial training and when appropriate, transition or upgrade training, and to meet the recurrent training requirements. Requiring an individual's training to be current is a better means of ensuring retention of the knowledge tested by the written test than requiring continuous employment.

One commenter responded in support of the proposal. The proposal is adopted as proposed.

*Proposal 16.* Section 61.155(d) has provided that a commercial pilot may credit toward the total flight time required for an airline transport pilot certificate any second-in-command time "in operations under Part 121." However, § 61.51(c)(3) provides that for meeting the requirements for a certificate or rating, a pilot may log as second-in-command time all flight time during which that pilot acts as second in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted. The intent of § 61.51(c)(3), when it was

adopted, was that this rule should apply to the experience requirements for each kind of pilot certificate. However, at that time no change was made in § 61.155(d). Notice 80-23 proposed to eliminate the phrase "in operations under Part 121," so that all second-in-command time which meets the requirements of § 61.51(c)(3) may be credited under § 61.155. No comments were received on this proposal.

The proposal is adopted and all second-in-command time which meets the requirements of § 61.51(c)(3) may be credited under § 61.155(d).

*Proposal 17.* Section 63.35(d) has required continuous participation in a maintenance, flight engineer, or pilot training program of a Part 121 certificate holder for an applicant for a flight engineer certificate to be exempted from the 24-month validity period for the written examination. Similar to § 61.39, this section has been interpreted to mean that any break in employment, such as a strike or furlough, constitutes an interruption of continuous participation in a training program and prevents the exception from applying. The FAA has reevaluated this requirement and has determined that continuous participation in a training program is not essential. Currency in a certificate holder's training program for a flight crewmember or recency of experience for a mechanic employed by a certificate holder ensures knowledge retention better than continuous participation in a training program.

Notice 80-23 proposed to amend § 63.35(d) to apply the exception provision to a flight crewmember or mechanic who is employed by a certificate holder within the period ending 24 calendar months after the month in which the applicant passed the written examination, and whose training is current or meets the recent experience requirements for a mechanic under § 65.83. It also proposed to expand the rule to include employment by a commuter air carrier.

No comments were received on the proposal. It is adopted without substantive change.

*Proposal 18.* Notice 80-23 proposed to amend § 65.101 to allow formal training to be substituted for the practical experience now required for repairman certificate eligibility. One commenter agreed with the substance of the proposal, with the exception that completed formal training should have the prior approval of the Administrator instead of being reviewed for acceptability after completion.

Because of the diversity and uniqueness of training associated with repairman ratings, it would be impractical to establish national uniform training standards necessary for prior approval of training programs. Conversely, FAA certificated air agencies, aviation manufacturers, and air carriers are best able to establish that formal training which will qualify the repairmen they employ to perform or supervise the maintenance of aircraft or components at its facilities. The FAA can then review the training and determine if it is acceptable. This amendment will provide a logical alternative to the 18 months of practical experience formerly required for repairmen eligibility and still provide an equivalent level of competency. Accordingly, this proposal is adopted without substantive change.

*Proposal 19.* It was proposed to amend § 65.127(b) to provide that a parachute rigger need only have available suitable housing that is adequately heated, lighted, and ventilated for drying and airing parachutes. This section has required, in part, a compartment for hanging a parachute vertically for drying and airing. Since parachutes are now made of synthetic fabrics, a vertical or horizontal means for drying and airing parachutes is also acceptable. However, the housing must still be adequately heated, lighted, and ventilated.

No comments were received on this proposal. Section 65.127(b) is being revised as proposed.

*Proposal 20.* Notice 80-23 proposed to delete the list of purposes for which a special flight authorization could be issued. The intent was to eliminate the need for an applicant to petition for an exemption from previous § 91.28 when the purpose was other than that specified under the rule. This was intended to relieve the burden on both the FAA and the public imposed by exemption procedures.



would make the language consistent with the applicable word definitions. No comments were received on these proposals. Accordingly, they are adopted without substantive change.

*Proposal 26.* This proposal would have amended § 121.585 to require a certificate holder to notify a passenger declaring a firearm in checked baggage of the definition of a "loaded" firearm. It further would have required a certificate holder to determine that ammunition is carried in accordance with the Hazardous Materials Regulations in Title 49 Parts 171, 172, and 173 of the CFR.

Inasmuch as there is no evidence indicating a need for this added provision, and its implementation would impose an additional unnecessary cost on certificate holders, this proposal is withdrawn.

*Proposal 29.* This proposal would relieve an unnecessary burden on certificate holders that do not have clerical staffs working holidays and weekends by revising § 121.703 to change the reporting time to 9:00 a.m. the second workday following the date of the reportable event for reports covering holidays and weekends. No comments were received on this proposal. Accordingly, this proposal is adopted without substantive change.

*Proposal 30.* Part 129 prescribes rules governing the operation within the United States of aircraft of foreign air carriers holding a permit issued by the Civil Aeronautics Board (CAB) under Section 402 of the Federal Aviation Act of 1958. Currently, the CAB issues exemptions to permit temporary operations by foreign air carriers without a Section 402 permit provided the foreign air carrier is in compliance with Part 129. This proposal would amend § 129.1 of the FAR to make Part 129 applicable to foreign air carriers who hold either a Section 402 permit or other appropriate economic authority, or an exemption issued by the CAB which requires compliance with that Part. No comments were received on this proposal.

The phrase "conditioned upon the foreign air carrier complying with the requirements of the Part" is ambiguous since Part 129 applies regardless of CAB conditions shown on the economic authority to operate in the United States. Accordingly, this section has been amended and adopted without substantive change.

*Proposals 31 and 32.* These proposals were disposed of in Amendments 135-13 (46 FR 28301; May 26, 1981) and 135-15 (46 FR 30968; June 11, 1981).

#### Editorial Corrections

Amendments to §§ 107.13(a) and 121.575 were not proposed in Notice 80-23. They are editorial corrections which are necessary and resulted from new Part 108, Airplane Operator Security (46 FR 3782; February 15, 1981).

These amendments correct §§ 107.13 and 121.575 by inserting the appropriate reference to the new Part. No substantive change is made as a result of the corrections.

#### ADOPTION OF THE AMENDMENT

Accordingly, Parts 23, 25, 45, 61, 63, 65, 91, 107, 121, and 129 of the Federal Aviation Regulations are amended effective April 28, 1982.

(Secs. 313(a), 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49)

NOTE: The FAA has determined that these amendments reduce the regulatory burden on the flying public by relaxing certain regulations that govern prerequisites for flight tests, approved parts reference for manufacturers, and special flight authorization for foreign civil aircraft by prescribing only the minimum regulations deemed necessary for safety. The FAA's evaluation of the changes to Parts 23, 25, 45, 61, 63, 65, 91, 107, 121, and 129 indicates that the benefits will exceed the costs, primarily because the complexity and volume of regulatory material have been reduced. Further, proposals contained in the notice which have potential for placing a regulatory burden on the public have been removed. Therefore: (1) it has been determined that this is not a major regulation under Executive Order 12291; and (2) I certify that, under the criteria of the Regulatory Flexibility Act, these amendments will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that these amendments are not significant under the Department of Transportation Regulatory Policies Procedures (44 FR 11034; February 26, 1979). The impact of this rulemaking is so minimal it does not require a final regulatory evaluation since most of the amendments are merely editorial corrections and clarifications and some have minimal relaxatory and beneficial economic impact.

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U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

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AIRPORT THREE  
MIDWEST CITY, USA

Interview with:  
Mr. XXXX  
Director of Operations  
8 May 1986

AIRPORT SECURITY

Organization/Structure of security department -

Total number of security personnel -

Shift Schedule -

Special Equipment (CCTV, baggage scanners, etc.) -

What does the major scope of your security responsibilities encompass?

Does your security program or the airlines program cover various aspects of counterterrorism operations?

How is unauthorized access to sterile areas, such as your Air Operations Area (AOA), controlled?

Who is responsible for coordination of security plans or matters with your tenants? Does each tenant have a designated security officer?

Who is responsible for passenger screening? Are they periodically evaluated for proficiency?

Does your security training program include counterterrorism operations? Does that training include activities with other agencies/departments? How often are joint exercises conducted?

With regards to various terrorist activities which have been directed at airlines and airports in other parts of the world in 1985 and now this year what types of concerns are raised for the future here at your airport?

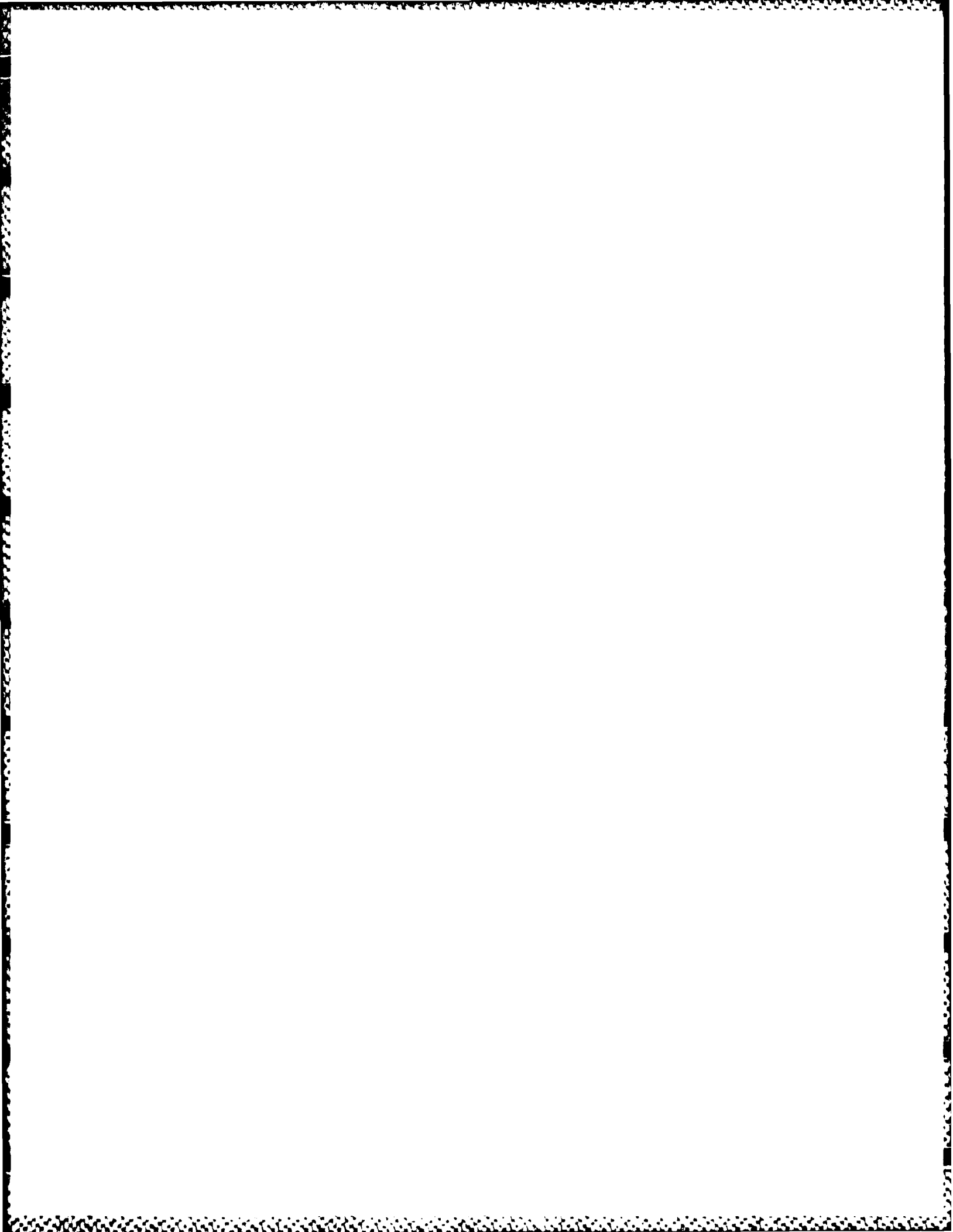
Realizing that airport operators face economic/budgetary issues which may curtail some security applications/measures what would you change here if money was not an issue?

Realizing that electronic screening alone cannot defend against a potential act of terrorism what other measures in use here at Airport Three, in your opinion, are the most important aspects of your operation in providing protection for your airport?

With bomb detection being a major priority for the airlines, especially since the Air India explosion/crash last year and the recent bombing of the TWA aircraft what do you see as potential changes in this area which may impact on your operations?

What direction do you think airport security, for airports similar in size to this airport, is heading?  
(Static/Stronger)

Any projections on the potential for increased terrorist activity being directed at airports such as this one in the U.S. by any of the known terrorist groups? Which group gives you the most concern?



MODEL POLICY LETTER

Date:

From: Airport manager or equivalent.

To: All officers and senior operating and staff managers.

Subject: Vulnerability assessment team.

1. In order to minimize the risk to airport personnel and improve the effectiveness of our system of anti-terrorism operations, a vulnerability assessment team is hereby appointed to consist of the following permanent members. (Here would follow the names and titles of the permanent team members.)
2. The permanent chairman of the team will be (name and title) and the permanent secretary will be (name and title if different from chairman).
3. The vulnerability assessment team is charged with the responsibility to identify and review regular operations of this airport which relate to specific internal actions for potential risk reduction. The purpose of the reviews will be to establish new or modified risk reduction techniques and to develop specific recommendations for the structure of those techniques.
4. Team findings and recommendations will be made available to appropriate members of the staff and operating management for required action in issuing or modifying policies and procedures found to require change. The results of the team activities will be reviewed on a regular basis by this office.
5. In addition to the permanent team members appointed in this letter, temporary members will be invited by the chairman to join the team when the operating or staff activity for which they are responsible is scheduled for review. Selection of the units and activities for review consideration will be at the discretion of the permanent team. Cognizant managers whose areas are scheduled for team review will cooperate and participate in review activities. Efforts will, of course, be made to accomodate existing calendar efforts and commitments when scheduling team review sessions.



However, it is expected that all permanent team members and temporary members designated for participation in specific sessions will personally attend unless urgent circumstances make attendance impossible. If a member will be absent a responsible alternate will be designated and the permanent chairman will be informed in advance of the scheduled session.

6. Detailed statements of procedure will be formulated by the permanent team and distributed to all concerned personnel by the chairman.

Signed,

Airport manager or equivalent

## MODEL FIRST TEAM MEETING NOTICE

Date:

From: Permanent chairman.

To: All permanent team members and any temporary members required for the session.

Subject: Vulnerability Assessment Team Meeting.

1. Reference is made to the policy letter of the airport manager or equivalent.
2. As required by the policy letter, the first meeting of the vulnerability assessment team has been scheduled for (date, about a month after the notice letter).
3. The activity which has been selected for review at the first session is (identify the activity).
4. (add if appropriate) As this activity is not represented by a permanent team member, (name the responsible manager) has been invited to participate in this review session as a temporary team member.
5. The team will meet at (location) commencing at (hour) on (date). The luncheon break will be from (time to time) and luncheon will be at the option of the members.
6. Attached to this notice are (representative vulnerability scenarios, copies of relevant procedure, or other appropriate enclosures). All addressees are requested to familiarize themselves with the attachments and to review their usual role in the activity under review, prior to the meeting date. Addressees are also requested to acknowledge this notice. Any questions may be directed to undersigned at (telephone extension).

7. It is anticipated that the scheduled meeting will require the entire day and addressees are requested to adjust their calendars accordingly. If any addressee foresees an urgent reason why attendance will not be possible, it is requested that a responsible alternate be designated and that the undersigned be notified promptly.

Signed,

Permanent Chairman

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GRADUATE STUDIES  
SCHOOL OF CRIMINAL JUSTICE

Policy Paper/Thesis Committee Membership and Progress Record

The undersigned have consented to serve as members of the Policy Paper/Thesis  
Committee for: James C. Harper

Area of Study or Tentative Title: Conducting Airport Anti-Terrorism  
Operations and Contingency Planning for Risk Reduction of the Terrorist  
Threat.

Committee Members:

Prospectus Approved:  
(Initial and Date)

Chairperson	<u>Kenneth E. Christian</u>	<u>K.E.C.</u>	<u>7/15/86</u>
Member	<u>David L. Carter</u>	<u>D.L.C.</u>	<u>7/15/86</u>
Member	<u>Robert C. Trojanowicz</u>	<u>RT</u>	<u>7/15/86</u>

Oral Examination: [Signature] Date: July 28, 1986

Members' Approval: [Signature]  
Robert C. Trojanowicz

Grade: 4.0

Committee Chairperson: Kenneth E. Christian

Date Library Copy Received: 1 August 86

Received by: Kenneth E. Christian

END

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