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May 5, 2025

U.S. Department of Transportation  
Docket Operations  
West Building Ground Floor, Room W12-40  
1200 New Jersey Ave SE  
Washington, DC 20590

*Submitted via:* <http://www.regulations.gov/>

**Subject: A4A Petition for Expedited Exemption from 14 C.F.R. §§ 121.313(I), 121.401(a) and 121.584(a)(3)**

To Whom It May Concern:

In accordance with Title 14 of the U.S. Code of Federal Regulations (14 CFR) §§ 11.63 and 11.81, Airlines for America (A4A), on behalf of its passenger carrier members,<sup>1</sup> respectfully submits this petition for an expedited limited exemption from 14 C.F.R. §§ 121.313(I), 121.401(a), and 121.584(a)(3) regarding installed physical secondary barriers (IPSB) as further explained herein.

## **Background**

As a preliminary matter, we express our continued commitment to maintaining the highest level of aviation safety and security, including meeting the regulatory requirements for IPSBs. In fact, our members have achieved this significant level of safety and security with existing procedures and aircraft design, and without IPSBs.

In 2023, to implement section 336 of the FAA Reauthorization Act of 2018,<sup>2</sup> the FAA issued a final rule that requires the installation and use of an IPSB that must be deployed (closed and locked) when the flightdeck door is opened while the aircraft is in flight.<sup>3</sup> This final rule specifically affects A4A's members as operators conducting passenger-carrying operations under 14 CFR part 121 with transport category aircraft subject to 14 CFR § 25.795(a)(4) (Section 25.795(a)(4)), requiring them to use the IPSB as part of their procedures for opening the flightdeck door. Affected operators must comply with this rule when operating subject aircraft manufactured two years after the effective date of the final rule—August 25, 2025. At no fault of their own and due to unforeseen delays in IPSB certification, subject operators now face

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<sup>1</sup> Alaska Air Group, Inc., including Hawaiian Airlines, Inc.; American Airlines Group, Inc.; Atlas Air Worldwide Holdings, Inc.; Delta Air Lines, Inc.; JetBlue Airways Corp.; Southwest Airlines Co.; and United Airlines Holdings, Inc.

<sup>2</sup> Pub. L. No. 115-254.

<sup>3</sup> FAA, Installation and Operation of Flightdeck Installed Physical Secondary Barriers on Transport Category Airplanes in Part 121 Service, 88 Fed. Reg. 41,295 (June 26, 2023) (hereinafter, Final Rule).

compliance impossibility, at worst, or extreme hardship, at best. In sum, relief is necessary to avoid the significant adverse impacts to the traveling public and operators that will result from the inability to operate aircraft equipped with an IPSB.

As of the date of this petition, the Original Equipment Manufacturers (OEM) have not received the FAA's approval for a certified IPSB for any type aircraft that is compliant with Section 25.795(a)(4). No manuals or procedures have been released, and no training recommendation for flight deck and cabin crew members (flight crew) has been submitted for review. Lacking this information, the FAA has not provided guidance on the necessary training so that operators may begin the instructional systems development (ISD) work required to produce a training program for flight crews on IPSB operations and the related requirements, as well as seek review and approval for such training programs through their respective FAA Certificate Management Office (CMO).

Depending upon the form of training, it can take up to 24 months from the date of equipment certification or receipt of the OEM procedures and FAA designated level of training, for an operator to develop, receive approval, and fully implement training, through the regularly scheduled Recurrent/Continuing Qualification (CQ) training footprint for newly certified aircraft equipment. At this point, the August 25, 2025, implementation date creates an impossible timeline for operators to execute and complete the necessary and required training associated with the introduction of the IPSB, thus relief is needed on the training and operating requirements for IPSBs.

### **Point of Contact**

A4A's contact for this application is Andy Cebula, Vice President, Air Traffic Management & Operations, 1275 Pennsylvania Avenue NW, Suite 1300, Washington, D.C. 20004; telephone: 202-604-9706; email: [acebula@airlines.org](mailto:acebula@airlines.org).

### **Regulations at Issue**

A4A requests an exemption from:

- For the operation of IPSBs:
  - 14 C.F.R. § 121.313(l), Miscellaneous equipment.
  - 14 C.F.R. § 121.584(a)(3), Requirement to view the area outside the flightdeck door.
- To the limited extent it applies to training for IPSBs, 14 C.F.R. § 121.401(a), Training program: General.

### **Extent and Basis of Relief Sought**

We seek an exemption from 14 CFR §§ 121.313(l), 121.401(a), and 121.584(a)(3) so that the subject operators can develop and accomplish the necessary training of their flight crew before being subject to the IPSB operating requirements. Effectively, this petition proposes relief from:

- (i) An operator's requirement to deploy an IPSB on equipped aircraft, 14 CFR §§ 121.313(l) and 121.584(a)(3)—allowing operators to continue to operate such aircraft; and

- (ii) For a limited scope related to IPSBs, an operator's requirement that its training program ensures that each crewmember is adequately trained to perform his or her assigned duties, 14 CFR § 121.401(a)—allowing an operator's flight crew to perform their duties on IPSB-equipped aircraft who have not been trained on IPSBs.

Because of the extraordinary volume of flight crew requiring training, we request this exemption for a two-year period.

The impending August 25, 2025 regulatory requirements for IPSBs on aircraft and the related training requirements present an insurmountable challenge for operators. While the OEMs are proactively trying to obtain IPSB certification and prepare to deliver aircraft equipped with IPSBs ahead of this deadline, several critical factors complicate this successful implementation and subsequent compliance by operators:

1. FAA Certification: IPSBs have not received FAA certification, which is expected in June to July 2025.
2. Manual Development: Upon IPSB certification, OEMs must develop or update various manuals and procedures, e.g., Flight Operations Manual (FOM), Aircraft Maintenance Manual (AMM), Illustrated Parts Catalogue (IPC), Master Minimum Equipment List (MMEL) for the IPSBs, which then must be received and incorporated into the operators' manuals/procedures, which typically takes months to accomplish.<sup>4</sup>
3. Crew Training: In accordance with 14 CFR §§ 121.415, 121.419, 121.421 and 121.427, operators must train their flight crews on IPSBs, which requires FAA-approved training programs.<sup>5</sup>
4. Training Timing Constraints: The anticipated certification timeline leaves insufficient time for operators to obtain training program approval and complete crew training before aircraft with IPSBs are delivered and operating. It is impractical to limit assignment of flight crew to IPSB-equipped aircraft on the condition that the flight crew have been trained on IPSBs—flight crew are regularly rescheduled on different aircraft to accommodate dynamic operations.
5. Widespread Impact: While a small portion of an operator's fleet will consist of aircraft delivered after August 25, 2025 with IPSBs installed, regulations mandate that crew members (pilots and flight attendants) who may be assigned to these aircraft must be trained prior to operation on such aircraft. This is 10's of thousands of crewmembers for a small number of aircraft.
6. Safety Considerations: Current flightdeck security processes have demonstrated their effectiveness and are considered to provide an equivalent level of safety.

Given these circumstances which are of no fault of the operators, the public interest is to avoid the grounding of new IPSB-equipped aircraft due to IPSB training delays, as explained further below. Rather, the operators seek a balanced approach that maintains safety and security while avoiding unnecessary operational disruptions during this transition period.

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<sup>4</sup> We note that the FAA has acknowledged: "For purposes of the airplane's potential deferral under its MEL or MMEL, and its continued compliance with § 121.584(a), the FAA does not consider an IPSB to be "essential for safe operations under all operating conditions," in accordance with § 121.628(b)(1). Therefore, the IPSB may be included in an operator's MEL." See *supra* note 3, Final Rule at 41,301.

<sup>5</sup> The number of covered flight attendants exceeds 100,000, and the number of covered flight deck crew for any aircraft type with an IPSB. We also note that the FAA acknowledged that flight attendant training on IPSB would be required pursuant to 14 CFR § 121.421. See *id.* at 41,300.

### **Granting the Exemption is in the Public Interest**

Absent the requested relief, it would be often impossible or, at best, extremely difficult for operators to comply with the requirements to incorporate IPSB operation throughout their fleet, especially before the August 25, 2025 deadline. IPSB-equipped aircraft will be taken out of service until training programs can be developed and fully implemented for all crewmembers, despite the fact that the safety and security objectives of the regulation will continue to be met through operator's current supplementary procedures.

Grounding otherwise airworthy aircraft for this reason alone would disrupt air service and is not in the interest of the traveling public. Granting an exemption pursuant to this petition would help to ensure that air service continues uninterrupted and, in this respect, would serve the public interest. Likewise, existing procedures have resulted in a high level of safety and security and would be used for IPSB equipped aircraft during the exemption period.

### **Granting the Exemption Would Not Adversely Affect Safety**

Operators currently use supplemental procedures on aircraft that do not have an IPSB installed whereby the flight attendants block the passageway(s) from the cabin to preclude passenger access to the flight deck when the flight deck door is opened inflight. (See *FAA, Advisory Circular, Aircraft Secondary Barriers and Alternate Flight Deck Security Procedures, AC 120-110A (June 1, 2023)*). For nearly a quarter century, these procedures have proven to be an effective means of providing an equivalent level of safety in lieu of an IPSB during current inflight operations where there is a necessity to open the flight deck door inflight.

### **Summary of Petition for Exemption**

A4A seeks relief from the following regulations:

- 1) 14 CFR §§ 121.313(l), which requires deployment of an installed physical secondary barrier (IPSB) that meets the requirements of 14 CFR § 25.795(a)(4) on aircraft required by paragraph 14 CFR § 121.313(f) to have a door between the passenger and pilot or crew rest compartments, and for passenger-carrying transport category aircraft that have a door installed between the pilot compartment and any other occupied compartment, that were manufactured after August 25, 2025;
- 2) 14 CFR § 121.401(a), which requires certificate holders to establish and implement a training program that ensures that each crewmember is adequately trained to perform his or her assigned duties; and
- 3) 14 CFR § 121.584(a)(3), which prohibits any person from unlocking or opening the flight deck door, unless, if the aircraft is in flight, a person to be authorized on the flight deck uses an approved audio procedure and an approved visual device to verify that any IPSB required by 14 CFR § 121.313(l) has been deployed.

Summary of Relief Sought: A4A requests relief for its members to operate aircraft worldwide without flight crew deploying an installed IPSB installed in accordance with §§ 121.313(l), 121.401(a), and 121.584(a)(3), until operators have completed the required training of all subject personnel. During this exemption, existing procedures will be used by flight crews, maintaining an equivalent level of safety and security.

### **Reasons for Exercising the Privileges of the Requested Exemption Outside the United States**

Due to the unpredictable nature of situations in which operator's aircraft and flight crew are scheduled, rescheduled, and other unforeseen operational contingencies that may occur, and in order to avoid disruptions in international operations, the operators will need to exercise the privileges of this exemption outside the United States.

### **Request for Expedited Consideration**

A4A requests that the public comment phase be waived as per 14 CFR § 11.87(a), which states:

The FAA may not publish a summary of your petition for Exemption and request comments if you present or we find good cause why we should not delay action on your petition. The factors we consider in deciding not to request comment include: (a) Whether granting your petition would set a precedent. (b) Whether the relief requested is identical to exemptions granted previously. (c) Whether our delaying action on your petition would affect you adversely. (d) Whether you filed your petition in a timely manner.

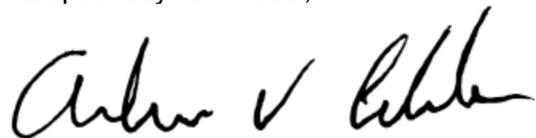
This petition meets the criteria for FAA to waive the public comment period because the lack of FAA-certificated IPSBs by OEMs would not create a precedent—once the OEMs obtain ISPB certification from the FAA and operators are able to fully train flight crew to the new equipment, relief would no longer be necessary.

Additionally, delaying action on this petition would adversely affect A4A members because of their inability to determine precise training requirements, develop the appropriate training, receive FAA approval for the training, and implement and accomplish training by the August 25, 2025 compliance deadline, necessary to avoid grounding of aircraft in a dynamic operating environment. After conducting the necessary and significant fact-finding regarding the status of certification of IPSBs, we submitted this petition without delay and significantly before relief is necessary.

Further, member airlines respectfully request the FAA provide a decision by no later than June 25, 2025 to avoid having to pre-emptively deploy potentially inadequate training at significant cost to the operators.

Your prompt consideration and approval of this request is appreciated. Please contact us regarding this matter.

Respectfully submitted,



Vice President, Air Traffic Management & Operations  
Andrew V. Cebula  
(202) 604-9706