



International Air Transport Association

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US Department of Transportation
Room Plaza 401
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USA

**SUBJECT: Docket No. FAA-2002-14081; NPRM No. 03-02 Transponder
Continuous Operation**

The International Air Transport Association (IATA) is the global trade association representing approximately 280 airlines. On behalf of its Airline Members, many of which provide passenger and cargo services to the United States, we welcome the opportunity to comment on the Notice of Proposed Rule Making (NPRM) referenced above.

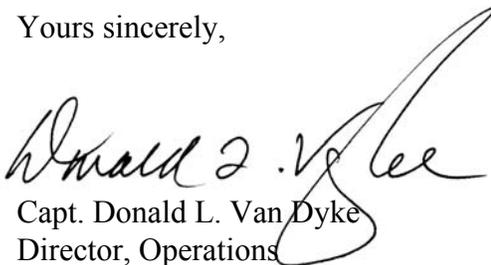
I wish to advise you that consensus among IATA Members does not support the applicability of the requirements of the proposed § 121.346 to aircraft operated under 14 CFR part 129, on the basis that:

1. The installation of enhanced flight deck doors makes such requirements unnecessary since these doors are especially designed to protect the flight deck from unauthorised intrusion and small arms fire or fragmentation devices.
2. Inadvertent hijack-code selection cannot be prevented, even in designs incorporating guarded switches or frangible wire.
3. Flight crew have expressed concern that a hijack-code selection, inadvertent or otherwise, would irrevocably elicit a military response. Under these requirements, they have indicated a reluctance to activate the hijack-code signal since this may irreversibly expose passengers, aircraft and crew to significantly increased, rather than reduced, risk of harm.
4. A safety case evaluating the consequences of inadvertent hijack-code selections, especially in light of various national air defense initiatives, has not been agreed by industry. Further, an error-management strategy, which serves to mitigate the consequences of such a scenario, has not been developed.

5. No ICAO requirement for such modifications currently exists. The lack of harmonisation at this level is likely to have a negative impact on flight safety for international operators and, at a minimum, may hinder aircraft transfers.
6. The NPRM is not cost beneficial since we believe that the cost of compliance is seriously underestimated. Only transponders conforming to the draft ARINC Specification 718A Supplement 1 will meet the requirements of the NPRM. Transponders conforming to the current ARINC Specification 718A will require costly modification involving pin reassignment. Other transponders may require total replacement. The corresponding costs, when aggregated with those relating to changes in flight and maintenance documentation and hardware / aircraft wiring, may total up to an order of magnitude higher than those estimated in the NPRM.
7. It is unlikely that approved installation data (including equipment modifications, manufacturer's service bulletins, and Supplemental Type Certificates) could be made available in sufficient time and in sufficient quantity to meet the proposed compliance date.

IATA encourages the development and implementation of effective systems, procedures and practices which facilitate the incorporation of enhanced security measures into aircraft design and thereby improve aircraft loss prevention strategies. In our view, the installation of transponder continuous operation, as proposed in the NPRM, does not effectively enhance security and creates potentially harmful operational situations. Should you wish any additional information to support our position, please do not hesitate to contact me.

Yours sincerely,



Capt. Donald L. Van Dyke
Director, Operations

cc: J. Durante