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U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, S.W.
Washington, DC 20590-0001

FAA-02-14081-14

March 6, 2003

Subject: FAA NPRM on Transponder Continuous Operation
Docket No. FAA-2002-14081; NPRM No. 03-02

Dear Sir/Madam:

SWISS International Air Lines Ltd., d/b/a SWISS is a member of the Association of European Airlines (AEA) and wishes to support AEA's position on NPRM No. 03-02, Transponder Continuous Operation.

In response to the tragic terrorist attacks in New York City and Washington DC on September 11, 2001, SWISS and the other AEA members have made and continue to make significant investments to increase security, both on-board the aircraft as well as on the ground. These significant investments in security have resulted in increased security levels above the already high levels which existed in Switzerland and the rest of Europe prior to September 11th. SWISS maintains this heightened level of security in the sincere hope of avoiding another September 11th.

It is in this spirit of cooperation and awareness of the current threats that SWISS joins the AEA in questioning the FAA's proposal with regard to continuous transponder operations. SWISS is strongly opposed to extending the FAA Rule to Part 129 operators for the following reasons:

- *Lack of security benefit due to the changed environment:* after September 11th, SWISS has been making heavy investments to retrofit aircraft with phase 1 & 2 cockpit doors with the aim of avoiding access to the cockpit by terrorists. As a consequence, the benefit of such a continuous operating transponder can be seriously questioned, since the aim of phase 2 doors is to avoid a repeat of the September 11th scenario. A revised cost/benefit analysis should take into account the investments made in phase 1 and 2 cockpit doors;
- *Human factor issue:* The SWISS Crew is opposed to such a requirement. It is doubtful whether any flight crew would activate the hijack signal knowing that this could result in the aircraft being shot down;

- *Negative flight safety impacts:* the likelihood of false alarms and aircraft being shot down inadvertently have not been properly addressed by the FAA; and
- *Incompatibility with international requirements:* there is no such ICAO requirement. The lack of harmonization at the international level could create a further negative impact on flight safety, with a particularly severe impact on SWISS and its crew.

In the aftermath of September 11th, the issue of continuous operating transponders was discussed in Europe (through ECAC and Eurocontrol). It was concluded, by both ECAC and Eurocontrol however, that such a requirement would not improve security. Accordingly, SWISS fully agrees with the following ECAC/Eurocontrol conclusions:

- that processes should be established to optimize the sharing of civil Air Traffic Control (ATC) and military (ATC/Air Defense) radar information;
- that a European regional focal point for air traffic management information, involving civil and military interests, should be created within Eurocontrol; and
- that both civil and military ATC procedures and ATC training relating to hijacking and other emergency situations, be reviewed and harmonized.

Consequently, SWISS is opposed to extending the proposed FAA Rule to Part 129 operators and kindly requests that the FAA reconsider the proposed Rule.

SWISS remains committed to providing safe air travel by means of implementing effective and prudent security measures.

Thank you for your courtesy and consideration.

Sincerely,

A handwritten signature in black ink that reads "Erin K. Sweeney". The signature is written in a cursive, flowing style.

Erin K. Sweeney

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