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To: The Docket Management System
FAA Docket No FAA-2002-14081
US Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, DC 20590-0001
U.S.A.

To Whom it May Concern

I would like to contribute the consolidated response to the subject NPRM by the European Organisation for the Safety of Air Navigation (EUROCONTROL) Agency. This includes the specialist inputs from the Agency's Regulatory Unit, Mode S Programme and Security Task Force.

Firstly, since the tragic events of 11 September 2001, States and the aviation industry have made substantial investments to enhance security. Airport security has been enhanced through, among other things, 100% passenger and baggage screening. Airlines have fitted strengthened cockpit doors. This investment must have significantly reduced the chance of a terrorist even boarding an aircraft, let alone gaining access to the flight deck. The FAA is urged to reconsider the cost/benefit approach of the proposed changes in the light of the heavy investments already incurred both at airport level and within the aircraft.

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From an aircraft surveillance perspective, the need to track any aircraft subject to unlawful interference is essential. The means to achieve this can range from primary surveillance radar to the use of a military aircraft to intercept and escort the offending aircraft. In Europe there is already very good civil and military primary radar coverage and civil/military surveillance data could be exchanged on the ground such that it is very unlikely that the military authorities would not be able to track and intercept a rogue flight. The FAA is strongly urged to further consider this type of approach as an alternative to the proposed changes.

It is felt that the proposed timescales are no longer realistic. Having the experience of a similar implementation, it is considered that a period of about 3 years is required from the date by which the industry considers the rule as firm.

It is our understanding that the avionics and airframe industry has not taken the Security-related modifications into account in the current Mode S implementation they are carrying out for the benefit of the European Mode S Programme. They had left this issue open in the past while the FAA NPRM was being prepared but due to the delay in publishing it, they had to progress their implementation without security being included.

It is felt that, from a combination optimisation point of view, the opportunity has been lost. There would now be a risk of a major disruption in current activities if the security related changes should be progressed further.

Any adverse affects to the European Mode S timescales that would be caused by the security related changes to the Mode S avionics cannot be accepted. This view is also supported by a number of major European players, including European airlines.

The impact on European ATC operations of an inadvertent activation of a continuous transponder hijack mode transmission has not been assessed in the European ATC context.

There is a belief that costs as estimated in the NPRM are low by a factor 2. This is based on some detailed cost estimates EUROCONTROL produced for a similar Mode S change (transponder upgrade plus additional wiring), for which it was found that Service Bulletins costs could be significant in addition to the cost of the changes themselves.

Overall, given the civil/military primary radar coverage in Europe, and the much reduced chance of a terrorist gaining access to the flight deck, it is the opinion of the EUROCONTROL Agency that security related modifications to the transponder are not necessary for European operators.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'JL Garnier', is positioned above the typed name.

Jean-Luc Garnier
Head of Regulatory Unit