



MEMORANDUM

*General Aviation
Manufacturers Association*

1400 K Street NW, Suite 801
Washington, DC 20005-2485
(202) 393-1500 • Fax (202) 842-4063

March 17, 2003

Ladies and Gentlemen:

The General Aviation manufacturers Association (GAMA) represents over 50 manufacturers of general aviation airplanes, engines, avionics and other aircraft components. GAMA's members have manufactured approximately 90 percent of the world's fleet of certificated airplanes.

An analysis of the threat involved, amount of risk mitigated, and economic impact of this NPRM leads GAMA to conclude that the continuous transponder requirements should not be imposed on Part 91 or Part 135 operations.

1. The threat of a general aviation airplane being used by a terrorist, while not zero, is still very low
 - (A) Generally, the threat to national security posed by hijacking an aircraft operated under Parts 91 or 135 is much smaller than the threat posed by hijacking an aircraft operated under Part 121.
 - (B) History shows that aircraft operated under Parts 91, 125 or 135 have not typically been hijack targets.
2. This NPRM would mitigate little if any of the security risk arising from aircraft operated under Part 91 or 135.
 - (A) Industry has implemented many other safeguards that greatly reduce the risk of an aircraft operated under Parts 91, 125 or 135 being hijacked or stolen.
 - (B) Part 91 and 135 aircraft commonly operate in airspace where there is no radar coverage. In these cases, transponder "squawks" would not mitigate risk.
 - (C) Transponder equipage does not mitigate risk if an aircraft is stolen. The chances of an aircraft being successfully stolen and used as a weapon -- as small as it is -- is still larger than the risk of an aircraft being hijacked.
3. The NPRM imposes significant adverse economic impact on numerous smaller operators.
 - (A) Because aircraft operated under Parts 91, 125 or 135 are typically operated by small entities, the economic impact of requiring retrofit would be onerous.
 - (B) As small aircraft do not have panel space for an additional transponder, this rule would require retrofit of functioning transponders, thereby increasing the economic burden.
 - (C) Some Part 91 aircraft do not even have electrical systems. Imposing a transponder requirement would effectively ground these aircraft.
4. Several practical problems would render this rule ineffective if imposed on part 91 or Part 135 operators.

(A) It is simpler for a hijacker to disable all electrical power and continue flying in a smaller airplane than in a larger one, rendering any transponder modifications moot.

(B) Manufacturers will begin selling transponders with the design features required by the proposed Part 121 regulations to other operators as well. As currently-installed transponders fail and are replaced, and as newly manufactured airplanes enter active service, some Part 91, 125 and Part 135 operators will elect to have the anti-hijack transponders installed even though they are not required by regulation.

Thank you for the opportunity to comment on this important issue.

(Signed)
Ron Swanda
V.P. Operations