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DEPT. OF TRANSPORTATION  
DOCKETS

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US Department of Transportation  
Room Plaza 401  
400 Seventh Street, SW  
Washington DC, DC 20590-0001  
USA

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british midland  
**bmi**  
03<sup>rd</sup> March 2003

FAA 02-14081-37

Dear Sir,

**SUBJECT: FAA NPRM ON TRANSPONDER CONTINUOUS OPERATION  
(DOCKET No FAA-2002-14081; NPRM No 03-02)**

**bmi** is a UK based Schedule Service Airline and operates regular schedule services to the US. As well as within Europe.

We are grateful to take the opportunity of this comment period to express our misgivings on this NPRM and to indicate that we would strongly oppose extending any such adopted rule, to Part 129 operators.

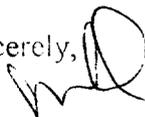
We are opposed to the NPRM in its entirety for the following reasons.

- *Lowered security benefit due to the changed operating conditions*  
To meet post 9.11, requirements we have made a heavy investment in retrofitting our fleet with phase 2 cockpit doors with the aim of preventing access to the cockpit by terrorists. Therefore the benefit of a continuous operating transponder is lessened since the aim of phase 2 doors is to prevent such flight deck incursion revised cost/benefit analysis should therefore be take into account the investments made in phases 1 and 2 cockpit doors;
- *Human Factor issue*: We understand the European Flight Crew Associations are against such a requirement. It is doubtful whether any flight crew would activate the hijack signal, knowing that this could result in his aircraft being shot down; The views of IFALPA should be taken into consideration
- *Negative Flight Safety Impacts*: the aspects of false alarms, subsequent misunderstandings and aircraft being shot down inadvertently, have not been properly addressed by the FAA;
- *Incompatibility with international requirements*: there is no such ICAO requirement. The lack of harmonization at international level could create further negative flight safety impact, in particular, for international operating airlines and flight crews.

**bmi** would ask that you take these points into consideration during your review.

With kind regards and thank you for your understanding of the issues raised above.

Yours sincerely,



**Captain J. Snee. Fleet Manager**