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THE NATION'S NEWSPAPER
USA TODAY
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Today's debate: UNDERSTANDING AIR CRASHES

Airline's safety example lesson for industry, FAA

OUR VIEW **Southwest wisely overcomes federal delays and industry reluctance with new flight data recorders.**

Little noticed in the bad news of aviation safety over the past year is some good news. By next year, Southwest Airlines will have equipped its entire fleet of 737s with improved flight data recorders.

That change will go unseen by passengers, who never get a peek at the black boxes that record vital statistics on a plane's flight. But to aviation investigators, Southwest's add-ons represent a potential information bonanza should trouble arise.

All the more so because other airlines and the Federal Aviation Administration seem determined to keep them in the dark.

The airlines complain that the boxes cost too much and argue upgrades shouldn't start until the FAA tells them what to do.

In less urgent circumstances, that approach might make sense. But two strikingly similar crashes of Boeing 737s remain unsolved in part because they carried old flight data recorders. As a result, questions about the safety of hundreds of 737s in the U.S. passenger fleet linger.

The first was a United crash near Colorado Springs in 1991; the second a USAir crash outside of Aliquippa, Pa., in 1994. In each case, the planes rolled and plunged nose-first into the ground. The crashes were so abrupt that pilot conversation shed little light on the cause, and the planes' older black boxes lacked critical data that enhanced recorders would have provided.

After those crashes and analyses of rudder problems on other 737 flights, the National Transportation Safety Board recommended an urgent retrofitting of the 737s with upgraded data recorders by the end of 1995. The FAA refused.

By Gene J. Puskar, AP

Aliquippa, Pa.: Wreckage of USAir flight 427, which crashed in 1994 killing 132 people aboard.

The NTSB also urged the FAA to write rules by the end of 1995 requiring other planes to be retrofitted. The FAA has been plodding through its laborious rule-making process ever since.

That's given airlines an excuse to delay. They cite cost, even though the NTSB estimates it at only seven cents per passenger over the plane's life.

At Southwest, the iconoclastic upstart that succeeded by emphasizing customer service, the attitude is different. No one waited for a government mandate. "It was something worth doing, it could be done cost effectively, and it was the right thing to do," Herb Kelleher, Southwest chairman, president and CEO said.

The quick response also made business sense. With a fleet of 737s, Southwest knew that by beginning early, it could upgrade the planes during routine maintenance stops, thus avoiding service disruptions.

Ninety of Southwest's 151 planes needing modification have been retrofitted, and the rest should be ready by mid-1998.

That serves the safety interests not just of Southwest's customers but of all fliers.

The rest of the industry, fixated on minor costs, and the FAA, bogged in bureaucracy, somehow have missed the point.

Blame FAA, not airlines

OPPOSING VIEW **The carriers are ready to move, but Washington's sloth-like bureaucracy seems not to be.**

By Carol B. Hallett

Flight data recorders are accident investigation tools. Can these tools be more effective, as the National Transportation Safety Board states in its recommendations to increase the parameters, or types of information, collected by the devices? The industry, the Federal Aviation Administration and the NTSB all agree: Yes.

However, the regulatory process by which upgraded "black boxes" are approved by the FAA needs an overhaul.

For example, after the NTSB made its recommendation for enhanced flight data recorders, the airlines and government experts began working out the details. Significant problems soon became apparent. Among other things, there was serious disagreement among experts over which information the devices should gather.

However, we reached agreement and submitted our conclusions to the FAA in the form of a draft regulation. The airlines were hopeful the FAA would quickly issue official guidelines for installing the new devices so we could get to work. This is, after all, a complicated technical process. Many aircraft are built in several different models. A customized system has to be designed, tested and finally certified by the FAA for each model. Without this certification, new aircraft systems like flight data recorders cannot be installed.

So far, however, the FAA has not issued a rule telling the airlines what parameters to use. And this means we cannot begin work. If we begin the intricate design and installation process for dozens of different planes before a federal rule is written, we run the risk of having the FAA require something completely different halfway through the process. It makes no sense to take planes out of service and modify them, only to have to redo the job later.

This has already happened to one major airline, which installed new black boxes in all of its planes, only to be required by a separate federal rule to redo the work.

Plainly, Washington's lack of organization and its slow decision-making greatly complicate the addition of new aircraft safety systems like enhanced black boxes.

Airlines stand ready to install new flight data recorders as soon as feasible. However, the federal government must get its act together and decide what it wants. After all, if we don't know the federal requirements, we can't be expected to fulfill them.

Carol B. Hallett is president and CEO of the Airline Transport Association.

U.S. Preparing to Warn People Who Might Have Hepatitis C

WASHINGTON, March 5 (AP) — Hundreds of thousands of Americans who had blood transfusions years ago will receive letters warning that they might have been infected with hepatitis C, a serious liver infection that often shows no symptoms for years.

"We know that many Americans infected with hepatitis C are unaware they have the disease," the newly installed Surgeon General, Dr. David Satcher, told a House subcommittee today.

The Department of Health and Human Services is preparing a campaign to encourage people to be tested for the virus, which was not identified until 1988. It can take 20 years for symptoms to surface.

Hepatitis C has no cure, but treatments are in use. About one million of an estimated four million infected Americans do not realize they have the virus, which is sometimes fatal.

"These people need to be told," said Representative Christopher Shays, the Connecticut Republican who heads the House Government and Oversight's human resources subcommittee. "They need to be tested. Many will need treatment, and many will need to learn how to prevent further spread of the disease."

Mr. Shays likened the Government's inertia on hepatitis C to its early reaction to AIDS, saying, "Federal public health agencies have often pondered, but never implemented, a comprehensive response to this insidious infectious agent."

New research suggests hepatitis C patients are particularly vulnerable to liver failure, and the virus is the leading reason for liver transplants in the United States.

Intravenous drug users make up the vast majority of people who have hepatitis C, but about 300,000 people may have contracted it from a blood transfusion before the first tests were created in 1990. Highly reliable tests were not found until mid-1992.

The risk of infection through a blood transfusion is very small today because of improved tests.

Dr. Satcher said the department planned to write to people who received blood before 1992 from donors who later tested positive for the virus. These blood recipients have a 40 percent to 70 percent chance of being infected with the virus.

It may be several months before the letters are sent. Health and Human Services agencies must recommend details to the Secretary, Donna E. Shalala, who will issue a regulation for the program. Blood banks nationwide must then identify potential victims.

F.A.A. Falls Behind Schedule In Air-Traffic System Changes

By MATTHEW L. WALD

WASHINGTON, March 5 — The Federal Aviation Administration's slimmed-down, simplified modernization of the air-traffic control system is behind schedule and may be over budget, Congressional auditors told a House subcommittee today.

This new program was supposed to be a lower risk, easy replacement for a much more ambitious modernization plan that was scrapped four years ago. But the auditors said the replacement, called Standard Terminal Automation Replacement System, and known as Stars, was plagued by many of the same problems as the original, scuttled program.

Engineers, for example, are now making changes and rewriting software to satisfy the requirements of the controllers, who were brought in at the eleventh hour and found problems with the system. And once again, the auditors told the aviation subcommittee of the House Transportation Committee, the F.A.A. has been too optimistic about the time required to test the system.

The aviation agency failed to shop effectively for new software, said Gerald L. Dillingham, associate director of the General Accounting Office. The F.A.A.'s technique, Mr. Dillingham said, is "ad hoc, sometimes chaotic, and not repeatable across projects."

A simplified modernization plan is not without problems.

Mr. Dillingham and others detailed a variety of problems in the modernization project. Kenneth Mead, the inspector general of the Department of Transportation, which oversees the F.A.A., said the agency's failure to replace old equipment was creating potential problems.

For example, Mr. Mead said, the computers at the heart of the 20 air traffic control centers that handle high-altitude traffic have "thermal conduction modules" that eventually burn out. But they cannot be replaced because IBM, which built the first modules in the 1970's, has stopped making them.

The agency's system requires 96 of a particular module and, as of Feb. 24, only 6 spares were on hand, Mr. Mead said. At current projections, the remaining six modules represent only an 18-month supply.

And IBM has said it cannot insure that these host computers will continue to function properly after Dec. 31, 1999, because of the "year 2000 problem." While IBM has worked out software fixes for other old mainframes with the problem, the company says it has no one left who understands the inner workings of the host computer. The problem is caused by older computer systems that record only the last two digits of a year, which may cause problems if a computer interprets the year 2000 as 1900 when the century turns. The F.A.A. says it hopes to fix the machines on its own or replace them.

But, Mr. Dillingham said, "the last time these computers were replaced it took 3 years, and we only have about 21 months until year 2000."

People who testified today, though, said that the current problems with modernizing the air traffic control system were not nearly as bad as those with the previous effort, the Advanced Automation System, which began in the early 1980's and wasted more than $2 billion.

Stars would be used in towers and in some 180 air traffic offices, called terminal radar approach controls, that accept air traffic from airport towers and handle low-altitude flights. In a related program, new display hardware will be installed in the 20 air traffic control centers that handle higher-altitude traffic. The new systems would bring modern hardware and software written in standard computer languages to do the same work as is done now. More advanced air traffic capabilities could be introduced on the same computers later.

The F.A.A. administrator, Jane F. Garvey, testified that "it's essential that we stay the course with both systems."

"These systems really are the platform to bring the more advanced automation tools," Ms. Garvey said. "If we don't act now, the system is headed for gridlock."

But Mr. Mead said the agency was running out of money and had a poor estimate of how much it would cost for the changes the controllers want.

Controllers are eager to use the new equipment, but the teams who have tried out a prototype of the system complain that in some ways the new equipment was worse. Functions that required only the twist of a knob on the old equipment now required numerous keystrokes. And, they said, the new software has windows that opened on the screen and could obscure critical information.

In addition, the experts say, the F.A.A. is unlikely to realize some of the savings anticipated by the program. For example, the agency is moving away from expensive radio navigation beacons on the ground in favor of the Global Positioning System, a network of satellites that anyone with a hand-held receiver can use to locate his or her position almost anywhere on the globe. The agency had hoped to save $170 million in maintenance expenses by dropping the ground-based navigation aids. But it may still need the ground-based system for backup in case the satellite system fails.

The New York Times
FRIDAY, MARCH 6, 1998

Pollution by Factory Farms Inspires Industrial Approach to Regulation

By JOHN H. CUSHMAN Jr.

PRINCETON, Mo., March 4 — The winds that blow across Premium Standard Farms' long barns here carry the stench from hundreds of thousands of confined hogs for miles over the northern Missouri hills, enraging many neighbors.

"The odor is here almost on a daily basis," said Larry Guffey, who has a yard full of chickens himself, but objects to the overpowering smell from the hog barns.

Premium Standard, the nation's third-largest pork producer, keeps 550,000 hogs in close quarters on land it bought a few years ago in three northern Missouri counties. The farms produce not only huge amounts of meat, but vast quantities of manure, as much raw sewage as middle-sized cities — but without sewage treatment plants.

"Sometimes in the night, in the summer, when they start pumping effluent, it wakes you up," Mr. Guffey said. "You are gagging."

In response to the growth of factory-like farms like Premium Standard across the country, the Clinton Administration is proposing a far-reaching strategy for protecting waterways from manure pollution through tighter regulations than agriculture has ever faced.

But what the Administration is offering is a tentative first step in a process that will take years of debate before concrete measures, and cost estimates, are in place to deal with this problem.

At the heart of the plan, which environmental officials disclosed this week, is the idea that companies like Premium Standard should be governed by Environmental Protection Agency rules resembling the strict pollution limits typically set for industrial factories, rather than the more forgiving standards long applied to farms. [The agency officially published details of the plan in Washington on Thursday.]

The E.P.A. is proposing to work with the states to impose strict pollution-discharge permits on all large farms by 2005. It plans to propose regulations dictating the kind of pollution-control technologies that factory farms must adopt, the approach it takes with large industrial polluters under the Clean Water Act.

In the House and the Senate, lawmakers from big agricultural states, where the factory farms are also putting many family farms out of business, have introduced bills to control the giant operations better.

"Runoff from animal feeding operations in particular has been associated with threats to human health and the environment," said the E.P.A. Administrator, Carol M. Browner.

As livestock production is increasingly concentrated in factory farms, how to deal with the huge volumes of manure they produce is also occupying state legislatures and local governments from Missouri and Iowa to California and Maryland.

In Missouri, Premium Standard collects 600 million gallons a year of hog manure, urine and rinse water, and disposes of it by spreading it as fertilizer over 40,000 acres of hayfields. Leaks and spills from the company's manure pumping lines, and concerns about runoff and groundwater contamination, have produced litigation by state officials and citizens' groups, while the smell has divided nearby communities.

Not everyone favors checking the growth of operations like Premium Standard, which has brought nearly 2,000 jobs and a $40 million payroll to northern Missouri. "I think most people feel that this is a farming community, and if you live near farms there will be a smell sometimes," said Kent Bohr, an insurance agent in Princeton, the company's home about 120 miles northeast of Kansas City. "Sometimes, it smells like money."

But in October the Missouri Attorney General, Jay Nixon, threatened to sue the company, saying that spills of hog wastes in 1995 and 1997 demonstrated a continuing danger to surface waters and aquifers. Emissions of methane and hydrogen sulfide from hog waste, made without any permits for emitting air pollution, were also a serious concern, Mr. Nixon said.

The Attorney General also asked state regulators to revoke the company's exemptions from state rules that regulate odors and to begin regulating huge hog and poultry operations to control odors, removing their agricultural exemption from state odor controls. The company is in settlement talks with the state.

Similar complaints about other large operators around the nation are behind the E.P.A.'s new strategy.

A report issued by Senator Tom Harkin, Democrat of Iowa, said Iowa, Missouri and Minnesota, which account for about a third of the nation's hog production, recorded 40 manure spills in 1996, which killed several hundred thousand fish. That was twice as many spills as in 1992, the report said.

Elsewhere, manure from chicken sheds is suspected as a factor in recent blooms of the toxic algae pfiesteria in the Chesapeake Bay, and the lack of dissolved oxygen in the Gulf of Mexico off Louisiana is linked to nutrients washed off agricultural land.

According to the E.P.A., about 450,000 operations nationwide confine animals, including about 6,600 operations big enough to raise 1,000 cattle, 2,500 hogs or at least 30,000 chicken. But giants like Premium Standard and Tyson Foods raise far more.

The environmental agency believes that two-thirds of the 6,600 biggest operations lack the permits governing pollution discharges that states require, and that most of the permits that exist are inadequate to control water pollution from the spreading of manure on land. In agriculture, spreading is the main strategy for disposing of manure.

The E.P.A.'s goal is to join the states in issuing permits by 2005 to all the big operations, with the largest ones and those next to polluted waters being controlled by 2002 or 2003. Also, in the next few years, the agency said it would propose regulations dictating the kind of pollution-control measures the big farms must adopt. The new measures could range from equipment installed to capture methane fumes, to more detailed prescriptions for spreading manure and even to changing the composition of animal feed to control certain nutrients in the waste.

Premium Standard, which emerged from bankruptcy last year by selling a controlling interest to the Continental Grain Company, another big hog operation, says it is already so closely regulated by Missouri that virtually no polluted water leaves its property. The smell, the company acknowledged, will be harder to contain, though some technology might be found to reduce it.

Charlie Arnot, a Premium Standard spokesman, said the company was already covered by the kind of permit the E.P.A. wants to use more widely. Under Missouri regulations, every farmhand who spreads manure needs state certification, and the company tests soil and runoff extensively throughout the year to insure that all the nutrients it puts on the land are taken up by the forage crops it grows.

Driving through the countryside, Mr. Arnot pointed out many examples of small farms where cattle were wading through streams or where their manure was uncontrolled. Although the amounts were smaller, he said, the runoff from these places was the real source of water pollution in the area.

Indeed, the debate over the factory farms has ruptured relations between smaller traditional livestock operators and the industrial giants with whom they now compete.

Rolf Christen, who raises cattle and crops and three children on land abutting one Premium Standard spread, now spends part of his time testing the waters that run from the immense hog operation, and part of his time coordinating a citizens' lawsuit against the corporation for how it disposes of wastes.

"They can raise as many hogs as they want, as long as they don't stink up my house, don't pollute the ground water, and don't destroy the creek," Mr. Christen said.

"How dare they? How dare they!" he fumed at a gripe session on Tuesday at a local diner.

The group, mostly local small farmers and their wives, met for an hour in the diner with Mr. Nixon, a candidate for the Senate who is their most powerful ally in the Missouri government. Environmental advocates from the state Sierra Club and a grass-roots clean-water group helped arrange the meeting.

"The other side is well-funded, well-focused, and they have significant funding, significant investment dollars," Mr. Nixon said. "I just think it is irresponsible for all of us to think that the massive changes of the past five years should go unregulated, unwatched and unchecked."

"It's up to us," he said in an interview. "If we sit around and wait for the Federal Government to help, my sense is that we will be sorely disappointed."

But the next day, a group of local people called by Premium Standard Farms to the restaurant it runs near its headquarters spoke just as staunchly in defense of the company.

"I called down to the courthouse yesterday to see what PSF pays in taxes for our school," said Mike Ormsby, who runs a family owned meat wholesale business and sits on the school board in Princeton, where a few hundred children attend school. "It's right about $200,000."

The New York Times
FRIDAY, MARCH 6, 1998

MEMORANDUM

TO: BRUCE REED, ELENA KAGAN

FROM: TOM FREEDMAN, MARY L. SMITH

RE: FAA REORGANIZATION

DATE: SEPTEMBER 28, 1998

SUMMARY

There is growing opinion that air traffic control is an essentially commercial service that is both different from and separable from safety regulation. In addition, many now believe that the FAA's management style and corporate culture are poorly suited to operating and modernizing a high-tech service business. Finally, many believe that an air traffic control (ATC) funding system that is constrained by the federal budget process rather than by the growth of the aviation industry is counterproductive.

BACKGROUND

In December 1997, the National Civil Aviation Review Commission (NCARC) concluded that without major structural change, aviation gridlock is just over the horizon. The NCARC found that federal budget rules are crippling; authority and accountability are too diffused; the FAA does not know what its costs of service are; rising operational costs freeze out needed new investments; and airport investment needs are not being met.

STATISTICS

- It costs $9 billion a year out of the pocket's of taxpayers, commercial airlines, and the flying public to regulate the airline industry.

LEGISLATIVE PROPOSAL

The Administration is considered a plan to split the FAA into two organizations:

(1) a self-supporting "performance-based organization" (PBO), paid for by fees levied against the airlines and their customers. This organization would deal primarily with air-traffic-control functions.

(2) a government agency that would continue to deal with safety and regulation.

- The National Civil Aviation Review Commission recommended the performance-based organization for the daily operation of air traffic services. One article reported that the PBO will be implemented by January 1, 1999. This same article reported that a cost-based system of charges will support the PBO including user fees to be paid by air carriers beginning on May 15, 2000.

- On April 30, 1998, Jane F. Garvey, Administrator of the FAA testified that she, along with Rodney Slater, Secretary of Transportation and the National Civil Aviation Review Commission (NCARC) announced the Administration's two proposed bills to reauthorize FAA programs for the next four years and to implement the NCARC's recommendations.

- The "Air Traffic Services Improvement Act of 1998" tries to address the lack of a stable funding source for FAA's air traffic services (ATS) organization and management reform. FAA's draft legislation contains five key elements, all of which support the NCARC recommendations:
  (1) Changing FAA's budget treatment. Exempts the user-fee financed portion of air traffic services from discretionary budget caps and creating a third budget category that links user fees and spending for ATS. Garvey testified that this new approach will prompt new efficiencies in ATS service and provide the foundation for need growth in capital infrastructure.
  (2) FAA management must become performance-based. FAA embraces the NCARC's recommendation to restructure the FAA's air traffic services organization, along with related FAA functions, such as research into a PBO. Under FAA's proposal, it would establish an ATS PBO, beginning in January 1999, to govern daily operational air traffic services. The PBO would be headed by a Chief Operating Officer who would be directly accountable for the performance of the organization. Generally daily activities would include operating and maintaining the air traffic control system infrastructure, as well as conducting research and development activities, hiring all personnel, purchasing needed equipment, implementing a cost accounting system and other management systems that promote results-oriented performance, developing proposed fee schedules, and collecting fees.
     - The PBO would have the same personnel and acquisition authorities that the FAA has; FAA employees who provide ATS services would remain federal employees. A newly created subcommittee of the Management Advisory Council (MAC) would oversee and provide advice to the PBO. The membership of the MAC will include 13 individuals representing aviation and business interests.
     - The FAA administrator would retain final authority over air traffic

actions and decisions of the ATS PBO that affect aviation safety and security, as well as national security.

(3) FAA's revenue stream must become more cost-based. Under FAA's draft legislation, air carriers will pay cost-based user fees to be initiated by May 15, 2000, and deposited in a separate "ATS Fund." The user fee portion of the ATS Fund would have unique budgetary status, allowing all new user-fee receipts to finance appropriated spending without impact on the overall budgetary picture.

(4) FAA must control its operating costs and increase capital investments. The FAA is already addressing these objectives by putting into place a comprehensive cost-accounting system. That effort is underway with phased implementation planned to begin October 1.

(5) Airport capital financing needs must be met.

ISSUES

- Some question whether the FAA Administrator should be the chairman of the board of the ATC PBO; some think this is a conflict of interest. Some also question whether the members of the board should be political appointees.

- Some think the PBO organization should be a purely private entity so that is not subject to the federal budget in any respect.

- Any proposal would have to figure out how to deal with user fees. Currently, carriers pay aviation-fuel taxes that are reflected in ticket prices, and they also tack on a 9.5 percent federal tax.

- Additional user fees could range from charging air carriers for numbers of takeoffs and landings, miles flown, weight of aircraft, or numbers of passengers carried.

- Depending on how these user fees are configured, the various airlines will be impacted differently. For instance, Southwest Airlines has shorter flights, and, therefore, more takeoffs and landings than Delta. Southwest could be impacted greatly by fees tied to takeoffs and landings, while Delta would be impacted more by tying fees to miles flown.

- The PBO would be a quasi-private institution that would have no competition. Some airlines are worried that this organization will not be run efficiently.

ATTITUDES ABOUT A POSSIBLE REORGANIZATION

- Ron Ricks, vice president of government affairs for Dallas-based Southwest

Airlines stated in June: "We are not opposed to change, but the proposals that have been put forth are so complicated, they need to be aired out much more than they have been."

- The Airline Pilots Association endorsed the FAA PBO proposal.
- Air Transport Association criticized the proposal because there has not been an extensive cost analysis of the entire FAA.
- The National Air Transportation Association and the General Aviation Manufacturers Association both criticized the plan on the basis of the user-fee portion. GAMA is particularly concerned that the proposal would replace the general tax-payer revenues funding a portion of the FAA's operating costs with user fees.

Wall Street Journal, 11/23/98

FAA to Call for Extensive New Monitoring Of Flight Data to Gauge Common Hazards

By Andy Pasztor
And Anna Wilde Mathews
Staff Reporters of The Wall Street Journal

The Federal Aviation Administration, seeking to identify and reduce frequently unreported mistakes in cockpits and control towers, is preparing to announce guidelines for the sweeping use of flight-data recorders.

Government and industry officials expect FAA Administrator Jane Garvey to issue a policy statement within the next few weeks promoting widespread use of data recorders to identify potential safety hazards by tracking the performance of thousands of U.S. airline flights daily. The move would end years of regulatory deadlock over how to collect and analyze such information on an industrywide basis.

The goal is for pilots and carriers to jointly unravel hidden patterns that compromise safety—from excessive engine wear to procedural slip-ups by crews to unduly rapid descents caused by congestion around certain airports—before the problems lead to accidents.

Many airline executives and pilot-union leaders believe such voluntary and broad data collection is the most effective way to uncover day-to-day safety lapses and eventually reduce the number of commercial jet crashes. The initiative also is a test of the FAA's new focus on industry partnership.

Data from so-called quick-access recorders provide the best accident-prevention tool because "it shows deficiencies in the entire aviation system, highlighting the way things operate in the real world," said John Goglia, a member of the National Transportation Safety Board. Confidential pilot interviews help round out the picture.

Ultimately, the program could be expanded to cover mechanics and controllers, paving the way for international information-sharing about safety problems. "Responsible companies will take action on information far faster than a regulator," said Edmond Soliday, chief safety official at UAL Corp.'s United Airlines, at a recent aviation-safety conference.

But U.S. airlines and pilots, while strongly supporting the voluntary concept, worry that information could be used against them by the FAA, the media and plaintiffs' attorneys. Though similar ef-

Aviation Hazards

Primary causes of fatal plane accidents world-wide for large western-built jets, 1988 though 1997

ACCIDENT CATEGORY	NO. OF FATALITIES
Controlled flight into terrain[1]	2,806
Loss of control in flight	1,932
Midair collision	506
Inflight fire	371
Unknown	259
Fuel tank explosion	238
Landing	178
Ice/snow	134
Fuel exhaustion	121
Windshear	91
Takeoff configuration	78
Runway incursion	45
Other	28
RTO[2]	5
TOTAL	6,792

[1]Such as crashing into a mountain in poor visibility
[2]Refused takeoff
Source: Boeing

FAA Seeks to Monitor Flight Data

Continued From Page A3

forts have yielded huge safety dividends in Europe and Asia over the years, only four U.S. carriers are using the initiative and only to a limited extent. They are United, Continental Airlines, US Airways Group Inc. and Alaska Air Group Inc., and some of them privately have threatened to bail out of the program, unless Ms. Garvey announces her long-awaited guidelines and issues follow-up regulations shielding airlines and their employees from potential federal-enforcement actions.

Responding to such concerns, the FAA has told the industry it is working on a proposed regulation that will exempt the safety data from the Freedom of Information Act. To attract more airline participation, the FAA also is expected to emphasize that it is interested in pinpointing trends rather than identifying particular pilots, and that it plans to pursue enforcement action only in cases of egregious or deliberate violations. In return, carriers likely will have to provide plans to solve any perceived safety problems.

Already, data collected by U.S. and foreign carriers have identified lurking dangers such as overly steep descents, often recorded prior to landing at a number of busy airports. Nearly one out of every 13 jets landing at Charlotte, N.C., in one sample years ago, for example, experienced excessively high rates of descent during the last critical 1,000 feet, US Airways officials have acknowledged. Realizing that controllers were partly responsible, the airline worked with FAA and airport officials to change airport approaches.

Carriers also have reduced maintenance and fuel costs by, among other things, preventing jetliners from flying too fast with extended flaps or scraping their tails in steep takeoffs. "Typically, there may be 600 or so incidents that generally go undetected, before there is a single accident," according to estimates by Stuart Matthews, chairman of the industry-supported Flight Safety Foundation.

Captain Mike Holtom, a senior safety manager at British Airways, the industry leader in using flight data recorders to improve safety, said "flight-data recording programs should be mandatory worldwide, without any delay."

Under the existing experimental programs, FAA officials go to the airlines' facilities to look at trend information, but they don't leave with any documents. At Continental, neither the FAA nor senior company executives can find out the names of individual crew members involved in incidents; that information is seen only by a pilot-union representative. "You've got to get people to trust each other before they'll tell you their secrets," United's Mr. Soliday has said.

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FOR IMMEDIATE RELEASE

December 2, 1998
Contact: Kathryn B. Creedy
Phone: 202-267-8521

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FOQA Policy Statement

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RIN 2120-AF 04

Policy on the Use for Enforcement Purposes of Information Obtained from an Air Carrier Flight Operational Quality Assurance (FOQA) Program

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: General Statement of Policy.

SUMMARY: This document states the FAA policy concerning the use for enforcement purposes of information obtained from an air carrier voluntary Flight Operational Quality Assurance (FOQA) program, and sets forth what the FAA considers to be a FOQA program for purposes of this policy.

EFFECTIVE DATE: [publication in the Federal Register].

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION:

Background

Since the mid-1940's the civil air transport accident rate has significantly decreased. This decrease is due in part to the air transport industry's practice of discovering, understanding, and eliminating factors that lead to accidents and incidents. For many years, industry, the FAA, and the National Transportation Safety Board (NTSB) have used information from flight data recorders (FDRs) and digital flight data recorders (DFDRs) to identify the causes of accidents and to attempt to eliminate those causes systematically.

Airplanes used in operations conducted under 14 CFR part 121 and certain types of aircraft used in operations conducted under parts 91, 125, and 135 are required to have flight data recorders. Any operator who has installed approved flight recorders is required to keep the recorded information for at least 60 days after an accident or incident requiring immediate notification to the NTSB (14 §§ CFR 91.609(g), 121.343(i), 125.225(g), and 135.152(e)). The flight data recorder information can thus be analyzed to determine causes of an accident or incident.

recording and on-board storage media have increased the potential for obtaining and analyzing information on the flight characteristics of an aircraft during its operation. This information can be analyzed on a routine basis in order to identify trends which, if uncorrected, could lead to an unsafe situation. The key potential safety benefit of this strategy is that it would enable the FAA and aircraft operators to take early action to prevent accidents. This benefit would be in addition to current sources of safety information on which the agency and industry rely for after-the-fact accident- or incident-driven data extraction and analysis which may then be used to develop safety fixes to prevent later accidents, and information from operator self-disclosure programs. Because of its capacity to provide early objective identification of safety shortcomings, the routine analysis of digital flight data offers significant additional potential for accident avoidance.

In January 1995 the Department of Transportation sponsored an Aviation Safety Conference in cooperation with key representatives from industry and government. A major concern of the conference was a projection that even if the currently low accident rate remains constant, the number of accidents per year could nevertheless continue to increase due simply to the increase in traffic volume expected in the future. The conference focused therefore on the development of additional measures that the FAA and industry might pursue in the interest of precluding this possibility. It was observed that while enforcement will remain a useful tool for the protection of public safety, enforcement alone is unlikely to achieve the further reductions in the accident rate that are needed. Industry must play an active role in better identifying potential threats to safety and in self-initiating the necessary corrective actions before they lead to accidents. Among the recommendations from the conference, the voluntary implementation of FOQA programs was identified as one of the most promising industry initiatives with realistic potential to reduce accidents.

Conference participants further recommended that the FAA sponsor a FOQA Demonstration Study in cooperation with industry in order to permit both government and industry to develop hands-on experience with FOQA technology in a U.S. environment, document the cost-benefits of voluntary implementation, and initiate the development of organizational strategies for FOQA information management and use. In the interest of encouraging participation in such a study, and in response to industry expressions of concern over the enforcement ramifications of participating in it, the FAA committed itself at the conference to issuing an interim policy statement concerning the use of FOQA information by the FAA.

In February 1995, the FAA Administrator issued a statement of policy on the use of FOQA information for enforcement purposes. In letters to the President of the Air Line Pilots Association (ALPA) and the President of the Air Transport Association (ATA), the Administrator committed to limitations on the use of FOQA information for enforcement purposes. The letters also stated that, "The FAA will use information from the demonstration study as well as experience gained as a basis for determining appropriate future action regarding the need for and appropriateness of rulemaking to codify the limitations on the FAA's use of FOQA information."

The FOQA Demonstration Study has been conducted over the past 3 years in cooperation with major airlines in the U.S. Analysis of the flight data information, which is deidentified at the time of collection, has provided substantial documentation of the benefits of FOQA. The Demonstration Study's findings are very similar to the results obtained by foreign air carriers, many of whom have long experience in the use of this technology. These include documenting unusual autopilot disconnects, GPWS warnings, excessive rotation rates on take-off, unstabilized approaches, hard landings, and compliance with standard operating procedures. They also include use of FOQA data for monitoring fuel efficiency, identifying out-of-trim airframe configurations, enhanced engine condition monitoring, noise abatement

These results clearly validate the value of FOQA for safety enhancement.

Based on the results of the Demonstration Study, the FAA has concluded that FOQA can provide a source of objective information on which to identify needed improvements in flight crew performance, air carrier training programs, operating procedures, air traffic control procedures, airport maintenance and design, and aircraft operations and design. The acquisition and use of such information to achieve improvements in these areas clearly enhances safety. The FAA therefore finds that encouraging the voluntary implementation of FOQA programs by U.S. operators is in the public interest.

Policy Statement:

The FAA encourages voluntary airline collection of deidentified digital flight data recorder data to monitor line operations on a routine basis, along with the establishment of procedures for taking corrective action that analysis of such data indicates is necessary in the interest of safety. The FAA also recognizes the industry's concerns regarding the use of deidentified FOQA information to undertake enforcement actions. The FAA therefore has determined that the appropriate policy is to refrain from using deidentified FOQA information to undertake enforcement actions except in egregious cases, i.e., those that do not meet the conditions listed in section 9, paragraph c of Advisory Circular 00-46D governing the Aviation Safety Reporting Program. This policy applies only to information collected specifically in a FOQA program that is FAA-approved.

For purposes of this policy, the term "FOQA program" means an FAA-approved program for the routine collection and analysis of in-flight operational data by means of a DFDR. The program would include a description of the operator's plan for collecting and analyzing the data, procedures for taking corrective action that analysis of the data indicates is necessary in the interest of safety, procedures for providing the FAA access at the carrier's offices to de-identified aggregate FOQA information, and procedures for informing the FAA as to any corrective action being undertaken. The FAA will be able to monitor safety trends evident in the FOQA data and the operator's effectiveness in correcting adverse safety trends.

Issued in Washington, DC on

Jane F. Garvey
Administrator

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800 INDEPENDENCE AVE., WASHINGTON D.C., 20591

FOR IMMEDIATE RELEASE
APA 141-98
December 2, 1998
Contact: Kathryn B. Creedy
Phone: 202-267-8521

FAA Releases Policy On Use of Airline Safety Data

WASHINGTON-In a major step towards the goal of reducing the aviation accident rate by 80 percent over the next decade, Federal Aviation Administration (FAA) Administrator Jane Garvey today announced a new policy on gathering and using aviation safety data to prevent accidents.

In a policy statement to be sent to the Federal Register, the FAA said it will not use safety data generated in a Flight Operations Quality Assurance (FOQA) Program for enforcement actions except in egregious cases. The FOQA program analyzes information automatically recorded by the on-board Digital Flight Data Recorder (DFDR) to look for safety trends.

"Safety is President Clinton's highest transportation priority," Secretary of Transportation Rodney E. Slater said. "We encourage airlines to participate in this program, which will provide the FAA with an additional tool to make the world's safest aviation system even safer."

In 1997, the White House Commission on Aviation Safety and Security, chaired by Vice President Al Gore, recommended the FAA work with the aviation community to develop standard data bases of safety information that can be shared to identify negative safety trends.

"This policy is an example of our pro-active approach of looking at safety issues before they become a tragedy," said Administrator Garvey in announcing the FAA's new policy. "Tests of FOQA data gathering and analysis have already produced important safety advances and the adoption of this policy on a broader scale can raise the safety bar even further for the traveling public."

For the past three years, the FAA and airlines have worked on a FOQA test to prove the concept of using de-identified DFDR data to identify safety problems. Airlines participating in the study included United, US Airways, Continental and Alaska Air Group. It has only been the technological advances in DFDRs of the last decade that affords the ability to gather this information quickly and efficiently. Previously, this information was used to identify clues to accidents after they had already occurred.

FOQA will provide a source of objective information that can be used to identify needed improvements in flight crew performance, air carrier training programs, operating and air traffic control procedures, airport maintenance and design, as well as aircraft operations and design.

Information gathered by industry participating in the FOQA study was used to improve the safety of approaches at more than a dozen airports worldwide. In addition, it documented unusual autopilot disconnects, Ground Proximity Warning System warnings, excessive take-off angles, unstable landing approaches, hard landings and compliance with standard operating procedures. FOQA data has also been used for monitoring fuel efficiency, enhancing engine condition monitoring, noise abatement compliance, rough runway surfaces and aircraft structural fatigue.

In order to qualify for the FOQA program, airlines must have a FAA-approved program for the routine collection and analysis of in-flight operational data by DFDR. The program must also include procedures for taking corrective action when problems are identified. Finally, it must provide FAA with access to the aggregate data and procedures for informing FAA about any corrective action being taken. This will allow FAA to monitor safety trends evident in the FOQA data as well as the operator's effectiveness in correcting adverse trends.

A copy of the policy statement is available on the FAA's web site

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An electronic version of this news release is available via the World Wide Web at: www.faa.gov

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FAA

Confirmation Report-Memory Send

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Tel line 1 : 2022675047
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Date	:	Oct-21 11:58am
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Document Pages	:	06
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Please call when received. Our machine say this went through at 11:58 am

U.S. Department of Transportation
Federal Aviation Administration

The Administrator

October 21, 1999

Karen:

The Hill is moving on the FAA reauthorization bill. The staff is working over the weekend with an end-game goal of Members' agreement next week.

I've taken a stab at a radio address that puts the President in a leadership position. If Congress chooses not to act, it lays the issue squarely at their feet.

I've tried my best to get the "hook" that we talked about yesterday. I checked with my outside experts (Ed Rothschild, Federis Associates, and Jenn Sasso, Boston). They tell me I'm mixing our message. They say the "hook" is the President's call to action.

Haven't run this by OMB or Dorothy yet. You first! Did speak with the Secretary; he likes it.

Jane F. Garvey

Attachment

Karen, that's for keeping me in mind. Rochelle 267-3111

U.S. Department of Transportation
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SUGGESTED REMARKS FOR PRESIDENTIAL RADIO ADDRESS ON AIR TRAFFIC REFORM

This year 600 million people will board commercial airlines in our Nation--more than twice the population of the country and double the number carried only 15 years ago. Our healthy economy means these numbers will increase rapidly; the Federal Aviation Administration forecasts that the system will carry one billion people by 2010. By any measure, these figures represent a major success for our citizens. They mean that more people are flying to more places on more airlines, more safely than ever before.

But this very success presents us with a major challenge. Our airports, airplanes, and airways are more congested than ever. Flight delays have reached record levels. Flights that should take one hour are scheduled for an hour and a half, or more. With the heavy holiday travel season just ahead, and winter weather looming right behind, last year's travel nightmares are poised to return with a vengeance.

Simply put, our air traffic control system is strained. It cannot keep up with the growing air travel demands of our people in today's growing economy. Air travel is safe, but is increasingly inefficient. And at some point, increasing inefficiency could reduce our safety margin. We cannot allow that to happen.

The Congress is currently considering a bill to reauthorize the programs of the Federal Aviation Administration. Included in their deliberations is the subject of reforming the FAA and the air traffic control system to be better able to handle today's air traffic demands. The steps are small but critical ones, and can set us on the runway to real reform – if Congress acts.

I have twice proposed fundamental air traffic control reform. Once again, Congress has a chance to act. And this time the airline industry has joined in calling for reform. The changes on the table today are necessary to take that first step. The goal is to enable the FAA to better manage its resources and to better respond to technological changes. We must ensure

that the best possible equipment is at the disposal of the highly-trained controllers and pilots responsible for the safe and efficient passage of each flight. I call on Congress to send me a bill that gets us started toward meeting that goal, and then to join next year in a bi-partisan effort to complete reform.

In the coming weeks many of you will call the airlines to book your holiday travel. You will factor in the possibility of travel delays and will hope they won't cut short precious time with family and friends. As you make those plans and agonize over whether it will all work out, please remember that things can be better -- and will be if only we act.

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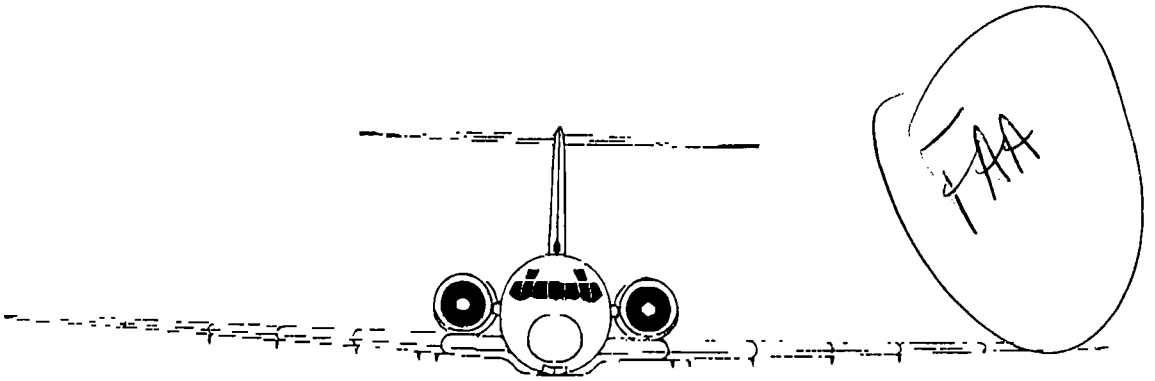

FEDERAL AVIATION ADMINISTRATION

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800 INDEPENDENCE AVENUE, SW.
WASHINGTON, DC 20591
(202) 267-3111
(202) 267-5047 (FAX)

DATE: _____

TO: Mary Smith, DPC

FAX #: 456-7431

FROM:
_____ JANE GARVEY
_____ LYNNE OSMUS
__✓__ MARIE THERESE DOMINGUEZ
_____ ROCHELLE CLAYPOOLE
_____ SHELLY BRODERICK
_____ LAJUAN EXUM
_____ SUZANNE HOLLOWAY

COMMENTS: _____

OF PAGES 13

BRIEFING PAPER FOR AOA-2A

DATE: NOV 19 1998

SUBJECT: Display System Replacement (DSR) (*)

BACKGROUND: An information paper was requested by AOA-2A for an upcoming Vice Presidential Visit to Seattle in January 1999.

NARRATIVE: Aging display and computing infrastructure has created several high-visibility airline delays. The Federal Aviation Administration is fielding infrastructure replacement systems to reduce equipment related airline delays. Display System Replacement (DSR) is a key component of the FAA's modernization effort for the Air Traffic Control (ATC) computer equipment in the twenty Air Route Traffic Control Centers (ARTCCs).

Seattle was the first en route center to operate using DSR. It was formally accepted at Seattle ARTCC by the FAA on January 16, 1998 *six weeks ahead of schedule*. Full-time DSR operations in the new control room began October 31, 1998. DSR is anticipated to achieve Operational Readiness Demonstration (ORD) at Seattle by December 15, 1998. DSR is expected to achieve ORD at all ARTCCs by May 31, 2000.

DSR uses an open architecture, distributed processing, modular design, and a "Windows-like" format to display control and tabular lists. Mechanical switches and knobs have been replaced with on-screen controls. The 20" by 20", high resolution display provides the foundation for new functionality and information needed to control the nation's air traffic in the 21st century. This includes the ability to display future weather radar products, Conflict Probe, Controller Pilot Data Link, and other planned enhancements to the air traffic control environment.

During the development process, the FAA brought together an empowered decision-making group This group included users, FAA staff, bargaining unit employees and contractor representatives. This group identified and clarified significant issues and was authorized to develop solutions. The FAA is using this approach as the model to institutionalize work groups for developing and deploying future programs.

At the same time the FAA is fielding DSR, the agency is moving forward with replacing the Host mainframe computers at those 20 sites. The end result will be significant upgrades to the ATC infrastructure.

Steven J. Brown

(*) Y2K compliant

Steven J Brown, ATS-1

SCHEDULING PROPOSAL, November 20, 1998

____Accept ____Regret ____Pending

TO: Lisa Berg, Director of Scheduling and Advance, Office of the Vice President and Wendy Hartman, Deputy Director of Scheduling, Office of the Vice President

From: Thurgood Marshall
Secretary of the Cabinet

Request: Vice President's pariticipation in the rollout of the FAA's Display System Replacement (DSR), a key component of the FAA's modernization effort for the Air Traffic Control computer equipment.

Background: Aging radar displays and computing infrastructure have created several high visibility airline delays. DSR is a key component of the FAA's modernization effort for the Air Traffic Control (ATC) computer equipment in the twenty Air Route Traffic Control Centers (ARTCCs).

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During the development process, the FAA brought together an empowered decision-making group

	including users, bargaining unit employees, and contractor representatives. This group is serving as a model for institutionalizing work groups for development and deployment of future programs.
Previous Participation:	---
Date and Time:	Once DSR is fully tested in December, it would be ready for an official unveiling anytime in January, depending on the VP's schedule and availability.
Briefing Time:	Thirty minutes
Duration:	One hour
Location:	Seattle, Washington ARTCC
Participants:	DOT and FAA Officials, along with reps from labor, airlines and the aviation industry
Outline of Event:	VP formally announce and "flip switch" making the DSR operational. Sit down at a DSR with an Air Traffic Controller for demonstration of features on display terminal, tour ARTCC, and talk to Air Traffic Controllers on duty. (Actual logistics of event are still being developed.)
Remarks Required:	Yes, 5-10 minutes
Media Coverage:	Significant media interest expected, both local and national
Recommended by:	Secretary Rodney Slater, Department of Transportation
Contact:	Jerry Malone, DOT Chief of Staff, 366-1103

Withdrawal/Redaction Marker
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. paper	re: airplane controls and diagrams (10 pages)	12/08/1998	b(7)(F)

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FAA

2015-0274-S
rc1888

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P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Espy acquitted on all counts

Verdict fuels criticism of special counsel

By Susan Page
USA TODAY

WASHINGTON — After an investigation that lasted four years and cost $17 million, former Agriculture Secretary Mike Espy was acquitted Wednesday on all counts of illegally accepting gifts from companies he was supposed to regulate.

"It's cost a lot, it's been tough, but I knew from Day One that I would stand here before you completely exonerated," Espy, 45, told reporters outside the courthouse.

The prosecutor, special counsel Donald Smaltz, said, "We met our obligation and the jury has spoken."

He said his investigation was "worth the price" if it discouraged companies from giving gifts to regulators and officials from accepting them. He noted that his team has won 15 convictions and collected $11 million in fines and civil penalties.

But critics said the cost and the far-reaching scope of the Espy inquiry reinforces questions about whether the independent counsel system leads to overzealous and excessive prosecutions.

"So much time, energy and effort was spent investigating Espy, and nothing came of it," says political analyst Allan Lichtman of American University. He says the law needs to be "substantially amended."

The statute, a Watergate-era reform, expires June 30, 1999, unless Congress votes to reauthorize it.

President Clinton, bedeviled by his own special counsel on Whitewater, Ken Starr, released a written statement saying he was "pleased" by the verdict and praising Espy's record of public service.

Espy was a Mississippi congressman when Clinton made him the first African-American to serve as Agriculture secretary in 1993. But the White House forced him to resign the following year in the wake of reports about him accepting gifts from industry executives.

At his trial, Espy faced 30 counts covering about $33,000 worth of tickets, trinkets, travel expenses and meals from companies including Tyson Foods Inc. and the Sun-Diamond Growers Cooperative. Among the gifts: tickets to Clinton's 1993 inauguration dinner, the 1994 Super Bowl, the U.S. Open tennis tournament and a Chicago Bulls playoff game.

Espy was charged with violating not only federal ethics laws but also the Meat Inspection Act, which could have meant three years in prison if he was convicted.

But food industry executives called by the prosecution testified that they expected nothing in return for their gifts and that Espy never showed any favoritism. After the trial, Espy said he "made some mistakes" but called them ethical lapses, not criminal ones.

During a seven-week trial, the prosecution called 70 witnesses and the defense none. The jury of 11 black members and one white deliberated nine hours over two days before returning its verdict.

After the verdict was read, Espy hugged his lawyers and closed a pocket-size Bible. Friends and relatives wept.

Espy was the first Cabinet-level official to go to trial in more than a decade. Henry Cisneros, Clinton's former secretary of Housing and Urban Development, is scheduled for trial in February on charges brought by another special counsel of lying about payments to a former mistress.

▶ Verdict indicts law, 18A

FAA wants exhaustive flight data

By Alan Levin
USA TODAY

Airlines would document every second of every flight on massive computer systems under rules proposed by the government Wednesday for far-reaching improvements in air safety.

Instead of gathering data from flight recorders only after an accident, the new systems would assemble computerized data from every flight, no matter how routine, looking for tiny hints that could prevent accidents.

Advocates say experiments with U.S. airlines already have identified dangerous landings at certain unidentified airports, have highlighted needed changes in pilot technique and pinpointed potentially troublesome equipment.

The new computer systems "will help us understand the core safety issues of the 21st century," says Capt. Edmund Soliday, United Airlines' vice president for safety. United now gathers extensive flight data from 125 jets.

The Federal Aviation Administration calls its proposal a "major step" in its goal of reducing accidents by 80% in the next decade.

Safety advocates, encouraged by European carriers' success with data collection, have urged its use here for nearly 10 years.

But some airlines have been hesitant. They fear that the data could lead to FAA sanctions, lawsuits or negative media stories. Pilots have feared that regulators would use the information to effectively spy on them.

In a compromise, the FAA says it will not use the information to punish pilots or airlines unless there is evidence of willful criminal conduct. It also will allow the airlines to remove information from the data that would identify pilots or specific flights.

The rules take effect this week. Airlines aren't required to take part, but the FAA hopes to eventually pool data from most.

The announcement won widespread approval from airlines and pilots' groups.

FAA officials and safety experts believe that data collection is important because safety levels have not changed in recent years. With air traffic steadily climbing, they fear that the number of accidents will climb with the number of new flights.