

CONFIRMATION

183120

183120 EVDAG

RAAUIJAZ RUCHMCI0007 2211817-UUUU--RUEVDAG.

CABD

FM ALLEN BAS NTSB 081230C FT WORTH TEX

TO DEPUTY DIR NA-81 BUREAU OF AVIATION SAFETY NTSB WASH DC

BT

RE: B.R. ALLEN TRAVEL TO SEATTLE, LOS ANGELES. PURPOSE: VISIT AIR-
CRAFT MANUFACTURERS AND OPERATORS CONCERNING EXISTING PROCEEDURES
FOR EXCHANGE OF SAFETY DATA. COST ESTIMATE: TRAVEL - \$250, INCIDENTAL
EXPENSE - \$25, PER DIEM - 6 DAYS. TRAVEL CLEARANCE PER TELCON 8-7-68.

BT

NNNN

183120 EVDAG

Department of Transportation
 NATIONAL TRANSPORTATION SAFETY BOARD
 NOTIFICATION OF TRAVEL

(For Blanket Travel Orders Only)

1. DATE 9/16/68	2. TRAVEL ORDER NO.
3. TRAVELER'S NAME Bobbie R. Allen	
4. TITLE Spec. Asst. to the Director	
5. OFFICE OR BUREAU Bureau of Aviation Safety	REFERENCE NO. NA-80
DIVISION Nat'l Transportation Safety Board	
SECTION	
6. PERIOD OF TRAVEL From 9/25/68 To 10/19/68	

CONTINUOUS TRAVEL. Submit an estimate for the current month prior to the beginning of each month.
 OCCASIONAL OR EMERGENCY TRAVEL. Submit an estimate of travel expenses not later than the first working day after departure.
 THIS IS NOTIFICATION THAT TRAVEL IS ANTICIPATED UNDER AUTHORITY OF THE TRAVEL ORDER NUMBER STATED ABOVE, AS FOLLOWS:

7. ITINERARY		
DATE	FROM	TO
9/25	Ft Worth	Kansas City
9/26	Kansas City	Chicago
9/28	Chicago	Washington, D. C.
10/1	Washington, D. C.	New York
10/4	New York	Ft Worth
10/13	Ft Worth	Washington, D. C.
10/17	Washington	Norfolk, Va.
10/19	Norfolk, Va.	Ft Worth

8. ESTIMATED COSTS	
Estimates must show the anticipated expenses for the period of travel by class of expenditure	
ITEM	EST. COST
Per Diem	256.00
Transp.	374.00
Other	90.00
Total	680.00

9. PURPOSE OF TRAVEL, REMARKS TYPE AND CLASS OF TRAVEL:
 Meeting with TWA officials in Kansas City; Meeting with United ALs Officials in Chicago; Meeting with Bureau personnel in Washington; Meeting with Amer. ALs and Pan American ALs on 10/2 and 10/3 in New York; Attend Supervisor's Conference in Wash on 10/13; Meeting with U. S. Navy Aviation Center personnel in Norfolk on 10/17 and 10/18

Mode of Travel
 Plane
 Train
 Bus
 Private auto
 Other(specify) _____

Class of Travel
 Coach
 1st Class*
 1st Class Jet*
 Other(specify) _____

*(Must be justified by traveler and approved by authorizing official)

10. SIGNATURE OF TRAVELER Bobbie R. Allen	11. SIGNATURE OF AUTHORIZING OFFICIAL
--	---------------------------------------

12. ACCOUNTING CLASSIFICATION (Items 12 - 13 for use of Accounting Section)				
APPROPRIATION AND LIMITATION	DO NOT USE	ALLOTMENT	DISTRIBUTION	AMOUNT
M9 31 3000.00 36360 2123 <i>21000/24</i>				

13. FUNDS FOR ANTICIPATED TRAVEL HAVE BEEN OBLIGATED IN THE AMOUNT ABOVE.
 _____ Date _____

9/16/68

Mr. Bobbie R. Allen

Information for Request for Authorization for Travel . . .

Depart on or about September 25, 1968, for Kansas City for conference with TWA safety officials.

Depart Kansas City on evening of 26th to Chicago to visit with United Airlines safety officials.

Depart 28th for Washington, D.C. for meeting with Bureau personnel.

Will be in Washington, D.C. through October 1.

Depart Washington, D.C. October 1 for New York.

On October 2 and 3 meet with American Airlines and Pan American Airlines safety personnel.

October 4 return to Fort Worth.

Depart October 13 for Washington, D.C. to attend supervisor's conference.

Depart Washington, D.C. on October 17 for Norfolk, Virginia.

October 18 meeting with U. S. Navy Aviation Center safety personnel.

October 19 return to Fort Worth.

Department of Transportation
NATIONAL TRANSPORTATION SAFETY BOARD

NOTIFICATION OF TRAVEL

(For Blanket Travel Orders Only)

CONTINUOUS TRAVEL. Submit an estimate for the current month prior to the beginning of each month.
OCCASIONAL OR EMERGENCY TRAVEL. Submit an estimate of travel expenses not later than the first working day after departure.

THIS IS NOTIFICATION THAT TRAVEL IS ANTICIPATED UNDER AUTHORITY OF THE TRAVEL ORDER NUMBER STATED ABOVE, AS FOLLOWS:

1. DATE 1/13/69	2. TRAVEL ORDER NO. 13007
3. TRAVELER'S NAME Bobbie R. Allen	
4. TITLE Spec. Assist. to the Director	
5. OFFICE OR BUREAU Director	REFERENCE NO.
DIVISION	
SECTION	
6. PERIOD OF TRAVEL From 2/18/69 To 2/28/69	

7. ITINERARY

DATE	FROM	TO
2/18/69	Ft. Worth, Texas	Seattle, Wash.
2/20/69	Seattle, Wash.	Los Angeles, Calif.
2/24/69	Los Angeles, Calif.	Las Vegas, Nevada
2/28/69	Las Vegas, Nevada	Ft. Worth, Texas

8. ESTIMATED COSTS

Estimates must show the anticipated expenses for the period of travel by class of expenditure

ITEM	EST. COST
Per Diem	200.00
Transp.	261.00
Other	25.00
Total	486.00

9. PURPOSE OF TRAVEL, REMARKS TYPE AND CLASS OF TRAVEL:

2/18/69 Visit with aviation safety officials at Boeing, Lockheed, to McDonald, Douglas & FAA to discuss accident information exchange;
2/24/69 accident costs and specific data relating to accidents involving U. S. manufactured aircraft accidents occurring abroad.
2/25/69 Attend USAF/industry system safety conference at Las Vegas, Nev.
to
2/28/69

Mode of Travel
 Plane
 Train
 Bus
 Private auto
 Other(specify) _____

Class of Travel
 Coach
 1st Class*
 1st Class Jet*
 Other(specify) _____

*(Must be justified by traveler and approved by authorizing official)

10. SIGNATURE OF TRAVELER Bobbie R. Allen	11. SIGNATURE OF AUTHORIZING OFFICIAL
---	---------------------------------------

12. ACCOUNTING CLASSIFICATION (Items 12 - 13 for use of Accounting Section)

APPROPRIATION AND LIMITATION	DO NOT USE	ALLOTMENT	DISTRIBUTION	AMOUNT
NTSB 6990110 M9 31 3000.00 36000 2124				

13. FUNDS FOR ANTICIPATED TRAVEL HAVE BEEN OBLIGATED IN THE AMOUNT ABOVE.

Date _____

Department of Transportation
NATIONAL TRANSPORTATION SAFETY BOARD

NOTIFICATION OF TRAVEL

(For Blanket Travel Orders Only)

1. DATE **1/13/69** 2. TRAVEL ORDER NO. **13007**

3. TRAVELER'S NAME
Robbie R. Allen

4. TITLE
Special Asst. to the Director

CONTINUOUS TRAVEL. Submit an estimate for the current month prior to the beginning of each month.

OCCASIONAL OR EMERGENCY TRAVEL. Submit an estimate of travel expenses not later than the first working day after departure.

5. OFFICE OR BUREAU
Director REFERENCE NO.
NA-80

DIVISION
Bureau of Aviation Safety

SECTION

THIS IS NOTIFICATION THAT TRAVEL IS ANTICIPATED UNDER AUTHORITY OF THE TRAVEL ORDER NUMBER STATED ABOVE, AS FOLLOWS:

6. PERIOD OF TRAVEL
From **1/20/69** To **1/31/69**

7. ITINERARY

DATE	FROM	TO
1/20/69	Ft Worth, Texas	New York, N.Y.
1/23/69	New York, N.Y.	Montreal, Canada
1/25/69	Montreal, Canada	Washington, D. C.
1/29/69	Washington, D. C.	Norfolk, Va.
1/31/69	Norfolk, Va.	Ft. Worth, Texas

8. ESTIMATED COSTS

Estimates must show the anticipated expenses for the period of travel by class of expenditure

ITEM	EST. COST
Per Diem	225.00
Transp.	247.00
Other	30.00
Total	512.00

9. PURPOSE OF TRAVEL, REMARKS TYPE AND CLASS OF TRAVEL:

Discuss accident information exchange and industry costs associated with aircraft accident loss. Meetings scheduled with aviation safety personnel associated with: PANA; AAL; IATA; ICAO; U. S. Navy; ATA & FAA.

- Mode of Travel
- Plane
 - Train
 - Bus
 - Private auto
 - Other(specify)

- Class of Travel
- Coach
 - 1st Class*
 - 1st Class Jet*
 - Other(specify)

*(Must be justified by traveler and approved by authorizing official)

10. SIGNATURE OF TRAVELER

Robbie R. Allen


11. SIGNATURE OF AUTHORIZING OFFICIAL

12. ACCOUNTING CLASSIFICATION (Items 12 - 13 for use of Accounting Section)

APPROPRIATION AND LIMITATION	DO NOT USE	ALLOTMENT	DISTRIBUTION	AMOUNT
NTSB 6990110 M9 31 3000.00 36000 2124				

13. FUNDS FOR ANTICIPATED TRAVEL HAVE BEEN OBLIGATED IN THE AMOUNT ABOVE.

Date _____

Department of Transportation NATIONAL TRANSPORTATION SAFETY BOARD NOTIFICATION OF TRAVEL (For Blanket Travel Orders Only)		1. DATE 5/11/70		2. TRAVEL ORDER NO. TB-09683											
		3. TRAVELER'S NAME Bobbie R. Allen													
		4. TITLE Spec. Asst to Director, NA-80													
		CONTINUOUS TRAVEL. Submit an estimate for the current month prior to the beginning of each month. OCCASIONAL OR EMERGENCY TRAVEL. Submit an estimate of travel expenses not later than the first working day after departure.		5. OFFICE OR BUREAU Bureau of A/Safety		REFERENCE NO. NA-80									
DIVISION Field Investigation Div.															
SECTION Ft Worth															
THIS IS NOTIFICATION THAT TRAVEL IS ANTICIPATED UNDER AUTHORITY OF THE TRAVEL ORDER NUMBER STATED ABOVE, AS FOLLOWS:		6. PERIOD OF TRAVEL From 5/18/70 To 5/22/70													
7. ITINERARY				8. ESTIMATED COSTS											
DATE	FROM	TO		Estimates must show the anticipated expenses for the period of travel by class of expenditure											
5/18	Ft Worth	Washington, D.C.													
5/19	In Washington														
5/20	Washington	Philadelphia		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:70%;">ITEM</th> <th style="width:30%;">EST. COST</th> </tr> </thead> <tbody> <tr> <td>Per Diem</td> <td style="text-align: right;">125.00</td> </tr> <tr> <td>Transp.</td> <td style="text-align: right;">180.00</td> </tr> <tr> <td>Other</td> <td style="text-align: right;">25.00</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">330.00</td> </tr> </tbody> </table>		ITEM	EST. COST	Per Diem	125.00	Transp.	180.00	Other	25.00	Total	330.00
ITEM	EST. COST														
Per Diem	125.00														
Transp.	180.00														
Other	25.00														
Total	330.00														
5/21	Philadelphia	New York													
5/22	New York, N.Y.	Ft Worth, Tex.													
9. PURPOSE OF TRAVEL, REMARKS TYPE AND CLASS OF TRAVEL:				Mode of Travel <input checked="" type="checkbox"/> Plane <input type="checkbox"/> Train <input type="checkbox"/> Bus <input type="checkbox"/> Private auto <input type="checkbox"/> Other(specify) _____											
5/18 & 5/19 DCA Information Exchange and workload selectivity ATA personnel and Bureau personnel 5/20 Philadelphia- Mr. Smith of G.E. Company, discuss Information Exchange 5/21 New York - PAWA & AAL Safety Officials re Information Exchange				Class of Travel <input checked="" type="checkbox"/> Coach <input type="checkbox"/> 1st Class* <input type="checkbox"/> 1st Class Jet* <input type="checkbox"/> Other(specify) _____											
*(Must be justified by traveler and approved by authorizing official)				Access/Acft. _____											
10. SIGNATURE OF TRAVELER			11. SIGNATURE OF AUTHORIZING OFFICIAL												
 Bobbie R. Allen															
12. ACCOUNTING CLASSIFICATION (Items 12 - 13 for use of Accounting Section)															
APPROPRIATION AND LIMITATION	DO NOT USE	ALLOTMENT	DISTRIBUTION	AMOUNT											
D6900110 D050 08.05.00.00 53000 2100															
13. FUNDS FOR ANTICIPATED TRAVEL HAVE BEEN OBLIGATED IN THE AMOUNT ABOVE.															
Date _____															

Department of Transportation
NATIONAL TRANSPORTATION SAFETY BOARD

NOTIFICATION OF TRAVEL

(For Blanket Travel Orders Only)

1. DATE	6/8/70	2. TRAVEL ORDER NO.	TB-09683
3. TRAVELER'S NAME	B. R. Allen		
4. TITLE	Spec. Asst. to Director		
5. OFFICE OR BUREAU	Bureau of A/Safety	REFERENCE NO.	NA-88 (Ft W)
DIVISION	Field Investigation Div.		
SECTION	Field - Ft Worth		
6. PERIOD OF TRAVEL	From	To	

CONTINUOUS TRAVEL. Submit an estimate for the current month prior to the beginning of each month.
OCCASIONAL OR EMERGENCY TRAVEL. Submit an estimate of travel expenses not later than the first working day after departure.
THIS IS NOTIFICATION THAT TRAVEL IS ANTICIPATED UNDER AUTHORITY OF THE TRAVEL ORDER NUMBER STATED ABOVE, AS FOLLOWS:

7. ITINERARY			8. ESTIMATED COSTS	
DATE	FROM	TO	Estimates must show the anticipated expenses for the period of travel by class of expenditure	
6/16	Ft Worth, Tex.	Washington, D. C.		
6/18	Washington, D. C.	Philadelphia, Pa.		
6/18	Philadelphia, Pa.	New York City		
6/19	New York City	Ft Worth, Texas		
			ITEM	EST. COST
			Per Diem	100.00
			Transp.	187.00
			Other	25.00
			Total	312.00

9. PURPOSE OF TRAVEL, REMARKS TYPE AND CLASS OF TRAVEL:	Mode of Travel
Travel to Washington for purpose of Meeting with Members of Project "Workload Selectivity".	<input checked="" type="checkbox"/> Plane
Travel to Philadelphia and New York for purpose of meeting with G.E. representatives & ATA Safety Committee members for purposes of discussing information exchange.	<input type="checkbox"/> Train
Travel by Access to Aircraft, SF160, when available, otherwise coach class jet air will be utilized.	<input type="checkbox"/> Bus
	<input type="checkbox"/> Private auto
	<input type="checkbox"/> Other(specify)

	Class of Travel
	<input checked="" type="checkbox"/> Coach
	<input type="checkbox"/> 1st Class*
	<input type="checkbox"/> 1st Class Jet*
	<input checked="" type="checkbox"/> Other(specify)

	SF 160

*(Must be justified by traveler and approved by authorizing official)

10. SIGNATURE OF TRAVELER	11. SIGNATURE OF AUTHORIZING OFFICIAL
B. R. Allen	

12. ACCOUNTING CLASSIFICATION (Items 12 - 13 for use of Accounting Section)				
APPROPRIATION AND LIMITATION	DO NOT USE	ALLOTMENT	DISTRIBUTION	AMOUNT
D6900110 D050 08.05.00.00 53000 2100				

13. FUNDS FOR ANTICIPATED TRAVEL HAVE BEEN OBLIGATED IN THE AMOUNT ABOVE.

_____ Date _____

B.R. ALLEN
FILE
3

Bureau of Aviation Safety
819 Taylor St., Rm. 7A07
Ft Worth, Texas 76102

July 12, 1968

Mr. H. Caplan
The British Aviation Insurance Co., Ltd.
3-4 Lime Street
London E.C.3, England

Dear Harold:

Please excuse the presumptuous first name salutation used by this brash American; however, the courage to engage in such familiarity was precipitated by admiration and respect growing out of the game called, "break the pinata". Never have I witnessed such a deliberate and calculated approach to locating the pinata and then such utter destruction. Your accomplishment was an absolute joy to every "swath tooth" at the party.

As you may know I recently made the decision to step down as Director of the Bureau of Aviation Safety for reasons of health. After I reached this decision, the Board afforded me the opportunity to stay in the Aviation Safety field as a Special Assistant to the Director of the Bureau, working primarily with our field offices and other organizations that routinely engage in aviation safety activities. This new position also afforded me the opportunity to return "home" to the State of Texas.

Needless to say the past several months have been quite busy and filled with activities associated with re-locating my family and a twenty-five year accumulation of trash, trove and treasure. Please accept this as an explanation for my delinquency in not responding to your correspondence of the 21st of May in a more timely manner.

Regarding your letter, first let me say that I very much appreciate your kind and generous comments concerning the Board's report of the Esaniff accident occurring near Falls City, Nebraska, USA on August 6, 1966. I have taken the liberty of circulating your comments to those people who worked so hard on the investigation and subsequent report.

Reference your comments concerning the extension of the channels of privileged communication relating to aviation safety matters, I must admit in all candor that I am at a loss as to how a cooperative system, benefiting all segments of the industry, could be established. Note that I used the term "cooperative system" because, in my judgment, a cooperative attitude must prevail in all segments of the industry, otherwise the program would exist in name only and produce no worthwhile end product.

When the term privileged communication is used, of necessity it seems to me, this means that Government Agencies would not use obtained information for punitive action; operators would not use the data for disciplinary action; crew members would not use the data for contract negotiation purposes; and to share the wealth or spread the misery, depending on your personal viewpoint, insurance companies would not use the data to alter rates or prorate losses on an individual or selective basis.

In my own mind I am not altogether convinced that the establishment of additional lines of privileged communications is the solution to the basic problem because, carried to a ridiculous conclusion, we would be aware of everything and able to take no corrective action because all of our information would have been obtained under conditions of privilege.

I hasten to add that my personal feeling on this matter is influenced considerably by the fact that I am a public servant whose salary is paid by the tax payers. When an aviation accident or incident occurs in the USA, National Statutes and Regulations provide that a Government Agency may draw a curtain of security around the accident/incident site and exclude the presence of any outside participation if the Agency so desires. However, these same Statutes and Regulations require the Government Agency to make available to the general public all of the facts, conditions and circumstances revealed during the course of the investigative activities. Consequently I find it most difficult to think in terms of an information gathering system based on privilege.

My feelings in this matter are brought more sharply into focus when I view the accident data and statistics that we have gathered over past years. Consider for a moment that the pie chart showing the distribution of causal factors in terms of percentages has not changed (in the USA) appreciably in the past ten years. Nor have we found it necessary to add many new areas of causation. With this in mind it seems to me that an in-depth study and analysis of each segment of the probable

cause pie chart would provide grist for the accident prevention mill that could dramatically reduce the accident rates. I would like to point out that, in my opinion, no one segment of the aviation community is in a position to implement all of the corrective actions that could be identified through in-depth studies of existing data.

Another point I would like to make is that, in my judgment, the most productive action that could be accomplished in terms of accident prevention is a concentrated effort by all segments of the industry to inculcate an attitude of "critical awareness" in all people who work in the field of aviation. Generally speaking, the reason for most accidents or incidents is the omission or commission of an action by one or more persons that ultimately leads to catastrophe or near catastrophe.

In direct response to the last question in your letter, the CAB did publish a report concerning the findings of the near-miss report program conducted in 1956. I will obtain a copy for you in the very near future. I would respectfully suggest that you view this report in conjunction with a subsequent report rendered by the Flight Safety Foundation concerning the same subject matter.

In summary, I would say 'yes' it is probably possible to expand or extend the concept of privileged communications; however, once established, the intestinal issue is, "would it be productive"? In all sincerity, my candid view is that it would not obtain the desired end result. This conviction is based on my observations of how existing accident/incident data has been used or, more appropriately, not been used.

Warm personal regards.

Sincerely,

ccs: Chairman O'Connell
Exec. Director Weiss
Marion Roscoe

B. R. Allen
Special Assistant to
the Director

THE BRITISH AVIATION INSURANCE COMPANY LIMITED

3-4 LIME STREET LONDON EC3

Telephone 01-626 0444

Cables AVIACOY LONDON EC3

Underwriter and Manager J. H. Hine

Our ref: LM 8.10

18th July 1968

B.R. Allen Esq.,
National Transportation Safety Board,
Bureau of Aviation Safety,
819 Taylor Street,
Rm. 7A07,
Ft. Worth,
Texas 76102,
U.S.A.

Dear Bobby,

The Privileged Exchange of Safety Information

I am most grateful for your detailed, friendly, and helpful letter of July 12th. I will try and digest all your important thoughts, but meanwhile, herewith my first reactions:

1. I believe, as you and your National Legislation obviously do, that as much information as possible should be freely and promptly published.
2. In the field of accident investigation I see no need or possibility of a privileged channel of communications and I think your present legislation goes as far as it can by preventing the NTSB report itself being produced in civil litigation.
3. My main concern is for the provision of a privileged channel of communication for those who may have vital information, particularly relating to incidents, and who are normally inhibited from reporting by fear of disciplinary proceedings, either by their employers or by the Federal Agencies. I do not think I have made it clear in any of my previous papers that my interest is really confined to this limited sphere, and I would like to return to the subject when I have had a better opportunity to digest your remarks.

Meanwhile I am grateful for the opportunity you have provided and for your offer to send me a copy of the CAB report of the 1956 programme. I also appreciate your kind remarks on my efforts to 'break the pinata'.

Yours sincerely,

H. Caplan

H. Caplan

← To open cut here →

Sender's name and address:.....

THE BRITISH AVIATION INSURANCE CO. LTD.

3-4 LIME STREET,

LONDON, E.C.3

AN AIR LETTER SHOULD NOT CONTAIN ANY
ENCLOSURE; IF IT DOES IT WILL BE SURCHARGED
OR SENT BY ORDINARY MAIL.

The 'APSLEY' Air Letter

A John Dickinson Product

Form approved by Postmaster General No.—71995/1Z

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First fold here ↑



B. R. Allen Esq.,

National Transportation Safety Board,

Bureau of Aviation Safety,

819 Taylor Street,

Rm. 7A07,

Ft. Worth,

Texas 76102,

U.S.A.

Bureau of Aviation Safety
Federal Building, Room 2C07
Fort Worth, Texas 76102

NA-80

May 2, 1969

Mr. Harold Caplan
The British Aviation Insurance Co., Ltd.
3-4 Line Street
London, E.C.3, England

Dear Harold:

Possibly by this time you are aware of the fact that I have been devoting most of my time toward the establishment of an information exchange program here in the United States.

Attitudes and circumstances are more favorable now than they have ever been and I feel confident that, in the not too distant future, we will have a meaningful program in operation.

I am taking the liberty of sending you copies of correspondence concerning Information Exchange and would appreciate any comments you care to offer concerning the subject.

When I first became involved in this project, I favored your SAFEX suggestion under the auspices of ICAO. However, after a visit to Montreal and talking with Tony Spooner in general terms about the exchange of accident/incident data, I became convinced that ICAO would not be able to handle the administration and logistic requirements necessary for the successful operation of an exchange program. In my judgment the bureaucratic nature of the organization would not permit the rapid processing of the data to be exchanged. Council consensus does not come easy, nor does the acquisition of an adequate technical staff to handle the program seem promising in the foreseeable future.

At this point I re-examined the existing U.S. statutes and became convinced that the NTSB could provide the confidential handling the operators consider essential to the establishment of an exchange program. Title VII of the Federal Aviation Act of 1958, the Department of Transportation Act of 1966 and the Freedom of Information Act of 1967, in combination, contain language that would, in my judgment, permit the Board to follow a policy of non-public disclosure under certain conditions. The Board's General Counsel rendered a concurring opinion and the Board authorized me to approach ATA and determine if they were interested in establishing an exchange program with the NTSB acting as custodian of the data bank under condition of privilege. FAA could also provide the confidential handling under the same statutes but the operators are reluctant to accept FAA as the data custodian.

The ATA was immediately interested and formal dialogue between ATA and the Board was commenced.

I believe the attached correspondence will fill in some of the details and give you a better feel for the progress we have made to date.

It is my hope that as soon as the program is operational here in the U.S. some way can be found to expand the program world wide. My feeling is that this can best be done by having IATA act as a clearing house for their member airlines.

Incidentally, FAA has tentatively agreed that they will not use the voluntarily disclosed data as the basis for punitive action. But then that only takes care of one of the three types of punitive action that can be taken against an individual. It does not take care of the punitive action that an employer takes against an employee, nor does it take care of the punitive action that I call "diminished peer rating." But then these are only minor stumbling blocks compared to the major hurdles we have already surmounted.

If this program can be launched, and at this point I'm confident it can, I will enjoy a feeling of great personal satisfaction.

I felt an obligation to inform you of our progress for, after all, you are one of the trail blazers in the quest for Information Exchange.

Warm personal regards.

Sincerely,

Bobbie R. Allen
Special Assistant
to the Director

Enclosures

BRAllen:je:NA-88(FTW):5/2/69

August 5, 1968

U. S. Navy "Any Mouse" Reporting Program

NA-88(FTW)

Special Assistant to the Director,
Bureau of Aviation Safety

Memorandum for the Record

Information Source: Captain Mack Wortman, OP-98
DCNO for Air (Safety)
U. S. Navy
Washington, D.C.

Captain Wortman was contacted for information concerning the subject reporting program. Although he had no specific data available in Washington concerning the number of reports that are filed in a given period, he was able to give gross percentages of filed reports which fall roughly into the following categories:

1. Only about 20% of the total submitted reports are useful.
2. About 80% of the useful reports deal with hardware failure or unsatisfactory performance of systems and/or components.
 - a. Over 50% of these reports are already known as a result of other established formal reporting requirements.
3. A liberal analysis and evaluation of the received reports indicate only about 2% of the useful reports involve the reporting of data which could be considered available only because of the privileged or anonymous nature of the reporting system.
4. Practically all of the reports are submitted by enlisted personnel.
5. A preponderance of the submitted reports deal primarily with individual complaints or gripes.

Captain Wortman stated that in his judgment the program would be continued only because the resources required for maintenance of the program are negligible. Further, based on several years experience, the results of the program did not justify the initial expenditures required to establish such a program.

My personal reaction to the program is as follows. The beauty of the reporting system is not, in my judgment, the fact that it is anonymous or that privilege status accrues to the communicator, but rather that it is a simple reporting system. The author does not have to draft a formal letter, the correspondence is not subjected to administrative red tape, and it is directed to a person who is oriented and interested in the field of aviation safety.

Bobbie R. Allen

ROUGH DRAFT
BRA/je 12/13/68

The most essential element of any aviation safety or accident prevention program is information.

Historically great emphasis has been placed on the necessity of establishing lines of communication that assure the free flow of information. Information that answers the what, when, where and why of an incident or an accident. These questions must be answered before any substantial corrective action can be formulated.

Throughout the aviation community there exists a positive conviction that no aircraft accident has ever occurred which was not preceded by one or more incidents or operational anomalies that were indicators of problems to come. Unfortunately the identification and recognition of these problems indicators seldom occur until after one or more attention-grabbing catastrophic accidents ^{TAKE} ~~take~~ place and the industry focuses its collective attention on the problem, seeking a resolution in an environment of pressure and haste.

The record is replete with examples of incidents or flight disturbance that went unnoticed or, at least, did not produce the catalytic action required to circumvent or minimize the potential accident producing problem.

With positive examples available which show the benefits to be gained from collecting, evaluating and disseminating safety data, we should not find a lack of enthusiastic action and support for establishing a formalized industry-wide information gathering system wherein all members contribute and all members benefit. Yet that is precisely what we find.

For years individuals representing every segment of the aviation community have cited fear of litigation, fear of punitive action, fear of increased governmental regulatory action, fear of competition and fear of adverse publicity as the primary bottlenecks which inhibit the exchange of safety data.

Since fear is the alleged culprit which inhibits the flow of information, lets look at the individual element of the fear theory and determine if these elements, individually or collectively, warrant the degree of fear that is presently exhibited.

A close examination ^{OF THE SIX SYMPTOMS OF THE FEAR SYNDROME} may reveal that the consequences of continuing to abide our fears is the least desirable course of action.

Fear of Litigation:

Certainly there is fear of litigation. The mere thought of being sued is enough to frighten anybody. However, in our society, when someone is injured, someone usually gets sued. This is a way of life and is not unique to the aviation industry. Further, talking or not talking about the occurrence which precipitated the law suit does not alter the existing facts nor the ultimate objectives of the plaintiff's attorney. *THE SIGN OF THE TIMES IS, "CONSUMER PROTECTION."*

As much as it may disturb us, I think we have to admit that a knowledgeable plaintiff attorney, well versed in aviation matters utilizing discovery and subpoena procedures available through the Courts, will actively seek the information he desires regardless of what we do. *AS JOEL CHANDLER HARRIS, CREATOR OF "UNCLE REMUS", ONCE WROTE, "YOU CAN HIDE THE FIRE, BUT WHAT ARE YOU GOING TO DO WITH THE SMOKE?"*

(THE ALASKA STORY - CHARLIE THE CHINESE
LAUNDRY MAN.)

PAGE 3

ROUGH DRAFT

~~THE SIGN OF THE TIMES IS "CONSUMER PROTECTION"~~

Granted the attorney may find our reports useful as a "blueprint" in his preparation for trial, but in the final analysis I suspect the ready availability or non-availability of our reports is not critical to the ultimate resolution of the case

Indeed it seems to me that a far more difficult problem confronting the defendant in aviation litigation is the existence of an attitude recently articulated by a well known judge in the northeastern part of the United States who denied a motion to dismiss one of the defendants in an aviation tort case. In essence, the judge said there was substance to the motion, however he had "all those widowed mothers and orphaned children to consider." I submit that the availability or non-availability of industry information and reports had little to do with that decision.

In any event a legal philosophy that is gaining strong support in the aviation industry is the theory that potentially the most successful defense against tort litigation is to show positive evidence of knowledge concerning a problem area and show equally positive evidence of having taken corrective action to resolve or minimize the problem.

A viable information exchange system used to advantage would, in my judgment, strengthen the courtroom defense position of any organizations involved in aviation tort litigation. ~~At the very least~~

If there is substance to this legal philosophy as a successful method of minimizing tort litigation, I am persuaded that the existence of a viable information exchange program will assure the greatest degree of success possible.

Fear of Punitive Action:

When an accident, incident or operational anomaly occurs, an in-depth evaluation of all the facts, conditions and circumstances will usually reveal one or more acts of omission or commission that set into motion a chain of events that produced the anomaly.

Rarely, if ever, is the anomaly intentionally produced. And in many instances the individual responsible for its production is not aware of his contribution to the occurrence.

However, in those instances where the individual is aware of his shortcomings, he is faced with ~~the~~ basically only two alternatives, confess or keep his mouth shut.

It seems fairly obvious that before arriving at his decision, he will weigh very carefully the consequences of confession. Will the FAA take my ticket away? Will the boss fire me? Will my supervisor remember this the next time a promotion opens up? Will my co-workers be critical of my professional ability?

These questions identify the ^{THREE} ~~various~~ types of "punitive action" that the individual can be subjected to. THESE SAME QUESTIONS ALSO TELL US THAT IN ALL ~~possibilities~~ ^{ALL} PROBABILITY THE INDIVIDUAL WILL NOT SEEK COUNCIL OR ADVICE IN DECIDING HIS COURSE OF ACTION.

Ironically, ~~the~~ ^{ALL} other elements of the fear theory primarily involve an organization or a group. It is the organization or company that is threatened with litigation, adverse publicity, increased regulatory action or loss of competitive advantage. Consequently these elements are subject

INSERT 1

THE EMPLOYER & AN EMPLOYEE'S PEERS.

to group "therapy" or resolution whereas the punitive action fear must be thrashed out by one man alone with his conscience. Too often in these personal battles of Gethsemane, safety is the loser.

If we are to resolve or eliminate this particular restrictor valve in the information pipeline, it seems quite apparent that we must answer

~~"negative"~~ ^{THESE} to those questions which the individual wrestles with while trying to decide whether he will confess or clam up. ~~Not only must~~ ^{PUNATIVE ACTION} ~~MUST NOT BE BASED ON AN ATTITUDE OF VINDICTIVENESS. IN EVERY~~ ~~we assure him that we have purged ourselves of vindictiveness, but we must~~ ~~CASE MANAGEMENT MUST STRIVE TO MAKE THE PUNISHMENT FIT~~ ~~also design the information reporting system in such a way that it provides~~ ~~THE CRIME AND AVOID THE DISCONSOLING REACTION TO~~ ~~immunity and anonymity. HANDLING PUNATIVE ACTION IN CYCLES.~~ ~~NEVER BE INDIFFERENT & LENIENT DO TIME AND EXTREMELY HARSH~~ ~~DISCUSS ON ANOTHER OCCASION.~~ granted there will be some individuals or organizations who will feel

that the granting of immunity or anonymity will deprive them of a management or quality control technique. To those individuals or organizations it should be pointed out that there is valid reason to question the effectiveness of the threat of punitive action as a useful management tool. In fact, there is reason to suspect that where this management technique is actively used, it tends to progressively dominate or replace management and quality control techniques that are recognized and accepted as being more effective and productive.

~~the~~ continued pursuit of ~~an industry philosophy that~~ ^{OFA QUALITY CONTROL PROGRAM} ~~demanding a "pound~~ ^{BASED ON} ~~of flesh"~~ ^{RETRIBUTION PHILOSOPHY} will dictate the continuation of accident prevention practices of the past, ^{which may not satisfy the prevention demands} ~~which will not satisfy the demands~~ of tomorrow.

Fear of Regulatory Action:

Title VI of the Federal Aviation Act of 1958 requires the FAA to establish minimum and reasonable rules, regulations and standards to provide adequately for the public interest in national security, safety in air commerce and the efficient utilization of the airspace.

To satisfy and implement this statutory obligation, the Agency developed ~~Order OA 2100.1, titled~~ *AN AGENCY ORDER ENTITLED* "Reulmaking Policies for Safety and Air Traffic Rules."

In this Order the Agency states that a basic consideration which should permeate the entire process of the development of rules is to demonstrate "in depth and in balance" that the rule is justified and warranted. Further the Order admonishes the initiation of any agency regulatory action that he must continually ask "relevant and searching questions" such as:

"Is the matter within statutory authority?"

"Does it relate to national security, safety of Air Commerce, or the efficient use of the airspace?"

"Is there a clear and specifically necessary requirement?"

"How and to what extent has the requirement been demonstrated?"

"What does experience tell us?"

"What do we know?"

"What do we need to know and how can we obtain this knowledge?"

~~"What are the facts?"~~

~~"Do we have all the facts?"~~

"Is the proposed solution the most reasonable one?"

"Will it adequately meet the need?"

"Does it go beyond that which is necessary?"

If the above questions are adequately answered during the course of regulatory drafting then it would be extremely difficult to quibble with anyone over the existence of a regulation.

The answers are not always readily available.

The issue of whether or not the agency obtains the stated objectives of developing regulations that are reasonable and minimum could be debated indefinitely and inconclusively. The personal conviction of any one individual on this matter depends entirely on whether he is the Regulator or the Regulated.

Since the general public as well as Congress believes the Agencies powers are all pervasive in the area of regulating the industry, the general public reaction to an accident or incident is the immediate assumption that: 1) the regulations were not complied with, or 2) the agency regulations did not satisfy the minimum requirements.

Either assumption may or may not be true. Nevertheless, it prompts the initiation of actions by all segments of the industry that satisfy the demands and interests of their respective areas of concern and responsibility. These actions will take place regardless of the degree of ^{DIALOGUE} ~~intercourse~~ between the various segments of the industry.

In the case of the government agency these actions will evolve into a search for violation or regulation inadequacy. The agency will engage in these activities as long as the existing statutory mandate remains unchanged and accidents occur. ~~The elimination of either of these conditions would be most difficult.~~

~~But of the two conditions, the elimination of accidents is probably the easiest objective to obtain.~~

The conception of a specific regulation requirement dictates that a problem exist. At least in the mind of one individual. Once the regulation requirement is conceived, ^{AND} before any drafting activity can commence, there must be an input of basic data before regulation limits can be proscribed.

If the problem does in fact exist and specific data is scarce, then the natural tendency toward conservatism and "erring on the side of the angels" prevail and the regulator may well go beyond minimum standards and tend to over correct in his regulation drafting. This condition, coupled with the natural tendency of the Regulated to object to regulations, more often than not ends up in an industry squabble that forces compromise and the ultimate development of a regulation that does not adequately serve the Regulator or the Regulated.

Without going into a long and detailed dissertation of the basic instincts, desires and attitudes of the Regulator and the Regulated, our primary desire ~~and objective~~ is to be neither under-regulated nor over-regulated. The attainment of this ideal condition would make everyone's job easier.

The Administrative Procedures Act protects the Regulated from regulations that are arbitrary and capricious. The ability to factually illustrate the shortcomings of the proposed regulation or demonstrate the absence of requirement is the only protection against the possibility of developing regulations that are overly restrictive or fail to adequately serve safety needs.

The establishment of a viable information exchange program would do more to assure the correct application of regulations than any other action the industry could take.

With respect to the Regulated, it seems reasonable to assume that the "problem" of increased regulation or over-regulation will diminish as ~~the~~ safety records improve. There seems to be a direct relationship between the degree and span of a specific regulation and the magnitude of the problem the regulation deals with.

GROVELY Oversimplified and briefly stated, avoiding problems avoids regulation.

ROUGH DRAFT
BRA/JE 12/17/68

Fear of Competition:

A discussion of this particular fear element is most difficult since it has never been stated clearly just what we are talking about.

Is it competition in terms of operational techniques and procedures, maintenance practices, equipment standards, management practices and philosophy? Or is it competition in terms of losing consumers to competitors?

Regardless of the specific area of concern or the personalities involved, it seems logical that this fear element would exist even if we never experienced an untoward occurrence in the aviation community. Indeed, there would seem to be far greater risk of trade secret revelation or loss of competitive edge resulting from management personnel changes within the industry, industrial espionage, interchange of pooling agreements and contract maintenance than could ever occur from the most open and candid discussion of any accident, incident or operational anomaly. (TWA 727 LOSS IN BERLIN —
USER - COULD BY ONE - BORROW ONE FROM PARASTAR)

The historical inability of any segment of the aviation community to perform accident free removes from ^{serious} corporate consideration an overt attempt to capitalize on the operational misfortunes of a competitor. The fickle nature of "Balle Chance" renders this type of competitive advantage rather tenuous since the reputation that is destroyed may be the entire industry's.

Maybe, heaven forbid, the competition ^{FEAR} element is nothing more than an attitude of "I got mine the hard way; let him get his the same way." If this is indeed the true nature of the competition ^{FEAR} element, then we play directly into the hands of the plaintiff, the regulator and the press.

FEAR OF ADVERSE PUBLICITY

Concealing operational misfortunes that produce adverse publicity is extremely difficult, if not impossible. All participating elements of the aviation community do not share the same desires concerning the degree of notoriety that is accorded an operational anomaly. In the absence of compelling reasons, individual vested interests will be served.

There is valid reason to believe that every segment of the industry has, at one time or another, intentionally leaked a "story" when it served individual or organizational objectives. As long as diverse and opposing views and objectives exist within the heterogeneous membership of the industry, we can expect these leaks to continue. As a practical matter, the ability to leak a story does not depend on the existence of a formalized information exchange program. The existing informal system serves the needs of the informer quite adequately.

In most instances the only possible way to combat adverse publicity is an open and candid discussion of the facts, conditions and circumstances surrounding the item of interest. To "clam up", ignore or refuse to discuss the problem can only broaden the credibility gap which, in turn, tends to prolong and intensify adverse publicity and further weaken public confidence.

More often than not, a precise definition of the problem will do much to restore confidence and trust. This is due primarily to the public's belief that industry ingenuity and technological know-how will solve problems that are susceptible to definition.

The best possible way to ^{define} ~~define~~ and ascertain the magnitude of a problem is to have rapid access to the total industry operational experience in the area of concern.

A formalized information exchange program would serve us well in this

Bureau of Aviation Safety
Federal Building, Room 2C07
Fort Worth, Texas 76102

February 5, 1969

Dr. R. R. Shaw
Assistant Director General - Technical
International Air Transport Association
1155 Mansfield Street
Montreal 113 P.Q., Canada

Dear Dr. Shaw:

I very much appreciate the opportunity of talking with you and Mr. Dumper on my recent trip to Montreal.

The effort to establish an information exchange scheme in the United States is making good progress, although I must admit that the one major stumbling block is the fear of litigation. However, it seems to me that this particular fear is more notional than substantive. To truly validate this particular fear one would have to sit down and identify those occurrences where someone was, in fact, injured and no tort litigation ensued and render a judgment as to whether or not exchanging information on that particular occurrence would have increased the risk of litigation.

It seems rather ironic that, in the long run, information exchange will alleviate the problem that presently hinders the establishment of the program.

Again, let me express my appreciation for the information relating to IATA's information exchange program which Mr. Dumper so kindly provided me.

Sincerely,

Bobbie R. Allen
Special Assistant
to the Director

BRAllen:je:2/5/69

Bureau of Aviation Safety
Federal Building, Room 2C07
Fort Worth, Texas 76102

NA-80

February 6, 1969

Mr. Willis M. Hawkins
Vice President, Science and Engineering
Lockheed Aircraft Company
P. O. Box 551
Burbank, California 91503

Dear Mr. Hawkins:

Perhaps Chuck Mercer has already informed you of the special project I am presently working on for the National Transportation Safety Board. However, at the risk of being repetitious, the project is an attempt to establish an industry-wide information exchange program with the NTSB serving as the data repository as well as providing confidential handling of data voluntarily supplied by participants.

The Board would provide retrieved and analytical services that are mutually agreeable with the participating organizations. This service would, of course, be dependant on a cost sharing basis yet to be determined.

During the course of my activities associated with this project, I have detected some degree of reluctance on the part of manufacturers and operators to cooperatively participate in the same exchange program. This reluctance is more implicit than explicit and is centered around the fear of litigation.

I would very much appreciate the opportunity to meet with you on February 20, 1969, and discuss with you and any of your staff members you consider appropriate, the subject of Information Exchange and the circumstances under which Lockheed would be willing to participate in a program wherein the Board serves as data repository and accords confidential handling of the stored data.

Sincerely,

Bobbie R. Allen
Special Assistant
to the Director

Bureau of Aviation Safety
819 Taylor St., Rm. 7A07
Ft Worth, Texas 76102

NA-80

February 6, 1969

Mr. Gordon F. Maxwell
Vice President Ground and Flt. Operations
Pan American World Airways
John F. Kennedy Airport
Jamaica, New York 11430

Dear Captain Maxwell:

Although I had not expected to be able to meet with you and Sam Miller during my recent visit to New York, I very much appreciate the fact that you took the time from your busy schedule to discuss information exchange.

My visit to Montreal was most informative and, in fact, reinforced some of my intuitive feelings concerning the establishment of an information exchange program in the United States.

For instance, the airlines that participate most successfully in the IATA program are those airlines that have established an in-house capability for processing the data collected within the organization. This centralized activity is responsible for converting the data into proper and adequate reporting format and for assuring that output data is forwarded to the data custodian and that received data is brought to the attention of appropriate people within the parent airline.

Although I readily admit that fear of litigation restricts the flow of information, I cannot help but feel that the fear is out of balance with the actual litigation risk involved.

Consumer protection laws are the sign of the times here in the United States. Just recently the United Kingdom passed legislation which provides greater consumer protection and Canada's legislative body has taken the first step toward passing a similar law.

Recent judgments rendered by the Courts indicate a growing trend toward a philosophy of absolute liability regarding aircraft accidents. In fact, there seems to be greater effort expended in searching for a

deep well endowed pocket than ever before. It appears that the only issue to be resolved when the plaintiff arrives in court is not "if" he will be paid but "how much" he will be paid. When attitudes such as that prevail, I cannot believe that accident prevention people talking or not talking about the occurrence that produces the litigation will have much effect on the ultimate outcome of the litigation.

As a practical matter, the objective of an information exchange program is accident prevention. If the program is successful, and very few people believe it would not be successful, then we solve the very problem that makes the lawyers apprehensive about starting the program.

Although I personally believe the fear of litigation is more notional than substantiative, let's assume for a moment that there is some risk involved when the program is initially started. It will be far better to pay short term increased risk in 1969 dollars, rather than 1979 dollars. Think how much better it would be if we had decided to pay for this program back in 1958.

Each year we delay the program the initiation fee increases and the alternative price tag of no program is much, much greater when third generation jet aircraft dominate the aircraft inventory.

Again many thanks for taking the time to discuss this project.

Sincerely,

BRA/fw

Bobbie R. Allen

2/6/69

Bureau of Aviation Safety
Federal Building, Room 2C07
Fort Worth, Texas 76102

NA-80

February 10, 1969

Mr. George B. Munn
Martin Marietta Corporation
P. O. Box 179
Denver, Colorado 80201

Dear George:

After a quick look at the agenda for the forthcoming Air Force/Industry Conference, I feel somewhat like a kid with a bright shiny red apple who can't make up his mind just where to bite.

As a practical matter the three sub-panels are so interrelated it will be most difficult to discuss any one sub-panel subject without spilling over into another sub-panel's area of discussion. This presents no horrendous problem for the sub-panel members, but it may appear to be somewhat repetitious by the time the three sessions are concluded.

At some point in time during the course of the conference I hope there will be an opportunity for dialogue between your panel and the "Legal Aspects Panel" for, in my judgment, the ultimate success of an information exchange scheme depends entirely upon convincing the lawyers that the fear of litigation based on information exchange should be cast aside. We will never have a viable interchange of information until the scientific-oriented people persuade the legal-oriented people that the benefits offset the liabilities.

The following comments pertain to specific items on the agenda as noted.

SUB-PANEL 1

Item 1A Comments: An information exchange program means all things to all people. Consequently, it would be advisable to avoid prolonged discussion on precise definitions that could pit design people against operational people. It has been my experience that the more they discuss definitions, the more they believe no common agreement is possible. Generally speaking, the manufacturing oriented proponents of information exchange visualize

a different type data than the maintenance oriented proponent and the day to day operations oriented proponent sees yet another type of data which should be collected.

One additional problem with precise definitions is the fact that it tends to curtail individual initiative and judgment at the grass roots data collections points as to what data should be collected and exchanged.

Item 1B

Comments: This item will probably be very straight forward. However, one thing that should be avoided is letting this part of the session turn into a prolonged random audit and inventory of existing data.

Item 1C

Comments: Pandora's Box will probably be opened here. The term "Operational Failure Statistics that can Provide Trends . . ." implies that a well organized information gathering system exists which is responsive to the data source needs of a centrally located data preparation and analysis group. Immediately this raises the issue of whether the collected data will be processed manually or with a machine. To answer that question there must be a discussion concerning the anticipated volume of data. If the volume is low and remains low, then punch card processing would be adequate. However, if volume is high, then EDP would be the order of the day. But what do we do if volume is initially low and increases?

During the life cycle of the information exchange program, obviously data will be collected that is of lasting interest. There will also be data collected that is of temporary interest. This means that periodically the system must be purged of this data of temporary interest. Who will make this decision? How will it be accomplished?

If we think in terms of trend identification then we must also think in terms of an alert system. Otherwise we are tied to the errors

of the past and probably will not focus our attention on a problem until it becomes a problem of real concern. This raises the question of how do you establish an alert threshold. For instance, can you say five specific occurrences in a specified period of time constitute an alert requirement, but four in the same period of time does not? This poses the most difficult problem for FAA's present program for analyzing MRR's.

Ultimately, if the system does not permit the utilization of automatic alert thresholds, the resources required to support the program increase tremendously.

Any discussion of what data can be extracted and to what level, ultimately must deal with individual requirements. In other words, tell me what you want and the detail you require, then I can specify what information should be acquired and to what detail.

Does the data custodian respond to "on demand" type requests from users of the data system? How will all the users of the system be kept current on the data bank contents?

In my judgment, we will not find many takers for the chore of "data custodian" until all these questions are answered. As a matter of fact, these questions must be answered before resources for system operations can be allocated.

Item 1D Comments: In general terms, comments concerning Item 1C are applicable to this item.

Item 2A Comments: There are probably some people who would question the punctuation used at the end of Question 2A. I know one or two individuals who would prefer an exclamation point rather than a question mark. Excuse my attempt at bad levity.

I am not so concerned with who needs it as I am with who can use it for accident prevention purposes.

Item 2B & C Comments: This will probably elicit a variety of responses and answers none of which will detract from the overall discussion.

Item 2D Comments: This particular item will probably precipitate the most substantive discussion of the entire sub-panel agenda. Once again, this goes right to the heart of the data processing and analysis activity previously noted in the comments relating to Item C.

SUB-PANEL 2

Items 1, 2 & 3 Comments: Any organization's willingness to provide data will ultimately depend on the attitude of that organization's general counsel, as well as the corporate attitude concerning the other five symptoms of the fear syndrome: Fear of Regulatory Action; Fear of Punitive Action; Fear of Adverse Publicity; Fear of Competition; and Fear of a Biased Data Custodian.

Item 4 Comments: Once again we are hung up on a definition. First we have to define what the "desired level" is. Also, will the particular organization use it for design purposes or for day to day operational purposes?

While there is broad application of the data, still individual users of the data will require varying degrees of detail.

Item 5 Comments: Here we go again - what data exists? Will the existing data format satisfy the needs of the manufacturers? The operators? The maintenance people? The training people?

The relationship between this item and Item 4 above is so close that they must be discussed contemporaneously. Or stated another way, resolve Item 4 and Item 5 is automatically resolved.

SUB-PANEL 3

Item 1 Comments: There are a number of existing information interchange programs. Are they to be considered a part of the "present information interchange system"? And should they be incorporated into the new total system? What problem does this create?

Items 2, 3 & 4 Comments: This will, in all probability, provoke comments concerning the six symptoms of the Fear Syndrome.

Item 5 Comments: The question of who will accomplish the interchange will ultimately boil down to who can provide the services required and perform in such a manner that it allays the individual fears of the participants.

The following are a few examples of conflicting interests among the potential participants in an interchange program:

1. Tort Litigation. Frequently the manufacturer, the operator and government agencies are aligned against the Plaintiff's claim. Not infrequently, however, we find a situation where it's "every man for himself and the devil take the hind most." A policy usually dictated by counsel for the individual parties.
2. Fear of Competition. This fear is not prevalent among the operators, it exists primarily between the manufacturers.
3. Litigation Concerning Contract Re-negotiation. This usually takes the form of conflict between the manufacturer and the operator. However, it could involve any participants who customarily engage in equipment vending and acquisition activities.
4. Adverse Publicity. Every participant is subject to this possibility. Consequently each is reluctant to provide data that would contribute fuel for the adverse publicity fires.

Whoever accomplishes the interchange must not only be willing to perform the chore, he must also be someone who the participants can trust to perform in an unbiased manner and are willing to let him perform as data custodian.

Item 6

Comments: This particular item will ultimately deal with two types of problems: 1) the philosophical problems of information exchange and 2) mechanical or procedural problems of information exchange.

The philosophical problem concerns the corporate attitude of the various participants. Will each participant provide the executive support and encouragement which is vital to the success of the program? Or will they give lip service to the program? Human nature being what it is, an employee usually has about the same degree and span of interest in a given project as his boss does.

Item 7

Comments: This is a tough one! Should the program be restricted to just the airborne equipment? Or should it include ground support equipment? Do we invite participation of the airport people? The manufacturers of navigational equipment? The Air Traffic Control people? They could all provide data concerning the environment in which the vehicle operates. As the program is expanded the problems increase. Conflicting interests. Data bulk. Etc. Maybe the ultimate solution is start little and grow big. But this approach also has problems.

Item 8

Comments: This is interrelated to Item 5.

Item 9

Comments: In my judgment this poses no particular problem once all participants agree to establish a program. My personal conviction is that the total costs of funding the program should be shared by all parties. I feel reasonably sure that proportional sharing of the cost could be worked out.

Item 10

Comments: This particular question should be divided into three parts:

1. What support is required?
2. Who can provide it?
3. Will they provide it?

The foregoing comments are rather spontaneous and based on a quick review of the total agenda.

No doubt during the course of the meetings reference will be made to FAA's MIS, MIR and MRR reporting systems as well as IATA's information exchange scheme. There will probably be some reference to ARINC's feasibility study on Information Exchange for ATA, as well as AIA's and FSP's efforts in this area.

I'm quite sure someone will point out the fact that Braniff Airlines has just filed a lawsuit against Lockheed over the Electra crash at Dawson, Texas. This will open up an area that, frankly, has me stumped. Obviously, Braniff's insurer played a major role in the decision to sue Lockheed. Can an operator refuse a request from his insurer to canvass the data bank for information that would be useful in litigation such as the Braniff case?

My personal attitude on the possibilities of successfully establishing an information exchange program is one of "cautious optimism."

Information exchange doesn't just happen. Someone has to work at it.

Establishing a program is no problem at all - just hang out a shingle. The rub comes when we try to entice people at the operating levels to gather the data in the detail desired, put it in proper format and send it on to the data custodian who can then correlate, evaluate and distribute the total data back to the participants.

The success of the program ultimately depends on the degree of interest and capability existing at the grass roots operational level.

It's interesting to note that in the IATA interchange scheme, those airlines that participate most effectively and enjoy the benefits of the program are those airlines that have established a "safety office" and staffed it with knowledgeable operational people who are safety oriented.

I hope these random comments will be of use to you as moderator of Sub-Panel 1 and the Summary Session. Should you desire to discuss any of these items further, just give me a call. I plan to be in Seattle and Los Angeles the week prior to the Conference. However, my office can tell you where I can be reached.

Sincerely,

Bobbie R. Allen
Special Assistant to the Director

Fort Worth, Texas 76102
February 12, 1969

James L. Sparkman

MA-80

Bobbie R. Allen

USAF/Industry Systems Safety Conference

Reference: Telecon of 2/11/69 concerning subject conference

As requested in the referenced telephone conversation, a copy of my comments relating to the Criteria and Data Panel agenda is attached.

In a recent discussion with Mr. Muzza, I informed him that I would not present a formal paper as part of my participation since time did not permit the preparation and procurement of necessary coordination and clearances with the NTSB.

It was then agreed that I would participate in the informal discussions concerning the various agenda items and offer pertinent comments relating to my observations of the civil air transport industry's efforts to establish a viable information interchange program.

Should you have further questions or comments regarding my participation, please call me.

Bobbie R. Allen

BRAllen:je:2/12/69

PRE-PANEL DISCUSSION COMMENTS

"All experience is an arch to build on."

No need to restate the need for information exchange; people far more articulate than I have already done this. People such as:

Bill Littlewood

Jerry Lederer

H.K. Gordon-Burdge

Harold Caplan

Robert Grey

Paul J. Coie

Charles O. Miller

Najeeb Halaby

Dr. R.R. Shaw

George Wansbeck

Sir Don Anderson

and many, many others.

The mere fact that we are here is eloquent testimony to the fact that they have told their story well.

Everyone subscribes to the proposition that information exchange is a key factor to accident prevention, but to date very little progress has been made toward establishing a workable program.

To the question of "Why hasn't a program been established" everyone immediately trots out the "6 Symptoms of the Fear Syndrome":

Fear of Litigation
Fear of Punitive Action
Fear of Regulatory Action
Fear of Competition
Fear of Adverse Publicity
Fear of a Biased Data Custodian

But in the final analysis, I personally believe that the Fear Syndrome is used as an excuse for our failure to overcome the major problem of information exchange.

That problem is nothing more than sitting down and writing the specifications for the program.

Look at the individual elements of the Fear Syndrome. Can we honestly say that our refusal to exchange information would substantially increase the risk in the various areas of concern? I do not think so!

Recent court decisions lead one to believe that there is more concern over locating a deep, well-endowed pocket than tracking down the many avenues of neglect that invariably lead to any and all who had even the remotest contact with the accident.

In a recent case, "the widowed mother and next friend of five minor children" appeared in court. The defendant lost the case right there to the tune of \$300,000.00. (Refer to Joan S. Neff vs. The United States of America, Civil Action No. 354-65 Decision.) The exchange or non-exchange of information either before or after that accident occurred wouldn't have altered the decision one bit.

In another case, a well-known judge in the northeastern part of the United States, denied a motion to dismiss one of the defendants in an aviation tort litigation case, in essence, he said there was substance to the motion, however he had "all those widowed mothers and orphaned children to consider." And the defendants lost the case.

It serves no purpose to take up your time with examples that diminish the substance of the various elements of the Fear Syndrome.

What we should be doing is just what George Mumma stated when he contacted me concerning my participation on this panel, "Let's quit talking about it, and do something about it."

To do something about it we must first agree that the information we have been talking about all these years is not solely owned by one little group of people. Nor are they the only ones who can use it.

The information is in many forms; it exists in many places; it does not all emanate from accident investigations.

If we ask the question, "Define System Safety Data," of the following people:

- The Design Engineer
- The Reliability Engineer
- The Quality Control Engineer
- The Production Manager
- The Training Supervisor
- The Operator
- The Maintenance Supervisor
- The Accident Investigator

we would probably, with minor variations, receive approximately the same answer but in different priorities.

Obviously then, the data we collect and exchange must satisfy all of the individual speciality requirements and be extrapolated to the level needed.

As a practical matter we may find it necessary to establish several data repositories, one of which might very well require the employment of library science.

Information exchange means all things to all people. Consequently, when we define what data we are talking about, we must make certain that the definition covers all of the disciplines.

Generally when I talk of information exchange I am talking about that data which is collected following the occurrence of an "operational anomaly." Be it an accident, incident, or any other definition you care to supply.

It may very well be that this data should be stored in a separate repository which can be purged periodically of all data that is not of lasting interest.

Insofar as the civil aviation community is concerned, I personally believe that the NTSB should be the repository for this type data. There are valid reasons for that conviction such as my conviction that the Board is the only organization acceptable to the data depositors that could restrict the distribution of data to those organizations who participate and have legitimate "need to know" for accident prevention purposes.

But this is another matter for another day.

Let's get on with the business of drafting the specs for the program.

THE FEARS OF INFORMATION EXCHANGE

Throughout the aviation community there exists a positive conviction that no aircraft accident has ever occurred which was not preceded by one or more incidents or operational anomalies that were indicators of problems to come. Unfortunately, the identification and recognition of these problem indicators seldom occur until after one or more attention-grabbing accidents take place and the industry directs its collective attention to the problem, seeking a resolution in an environment of pressure and haste.

Historically great emphasis has been placed on the necessity of establishing lines of communication that assure the free flow of information. Information that answers accurately the what, when, where and why of an accident, incident or operational anomaly. These questions must be answered before any substantive corrective action can be formulated.

The most essential element of any accident prevention program is the acquisition of operational information.

The record is replete with examples of incidents or flight disturbances that went unnoticed or, at least, did not produce the catalytic action required to circumvent or minimize the potential accident producing problem.

With positive examples available which show the benefits to be gained from collecting, evaluating and disseminating safety data, we should not find a lack of enthusiastic action and support for establishing a formalized industry-wide information gathering system wherein all members contribute and all members benefit. Yet that is precisely what we find.

For years individuals representing every segment of the aviation community have cited fear of litigation, fear of punitive action, fear of increased governmental regulatory action, fear of competition and fear of adverse publicity as the primary bottlenecks which inhibit the exchange of safety data.

Since fear seems to be the culprit which restricts the flow of information, let's look at each individual element of the fear theory and determine if these elements, individually or collectively, warrant the degree of fear that is presently exhibited.

A close examination may reveal that the consequences of continuing to abide our fears is the least desirable course of action.

Fear of Litigation

Certainly there is fear of litigation. The mere thought of being sued is enough to frighten anybody. However, in our society, when someone is injured, someone usually gets sued. This is a way of life and is not

unique to the aviation industry. Further, talking or not talking about the occurrence which precipitated the law suit does not alter the existing facts nor the ultimate objectives of the plaintiff's attorney.

As much as it may disturb us, I think we have to admit that a knowledgeable plaintiff attorney, well versed in aviation matters utilizing discovery and subpoena procedures available through the Courts, will actively seek the information he desires regardless of what we do.

Granted the attorney may find industry data and reports useful as a "blueprint" in his preparation for trial, but in the final analysis the ready availability or non-availability of this information is not critical to the ultimate resolution of the case.

Indeed it seems that a far more difficult problem confronting the defendant in aviation litigation is the existence of an attitude recently articulated by a well known judge in the northeastern part of the United States who denied a motion to dismiss one of the defendants in an aviation tort case. In essence, the judge said there was substance to the motion, however he had "all those widowed mothers and orphaned children to consider." The availability or non-availability of industry information and reports had little to do with that decision.

In any event a legal philosophy that is gaining strong support in the aviation industry is the theory that, potentially, the most successful defense against tort litigation is to show positive evidence of knowledge concerning a problem area and show equally positive evidence of having taken corrective action to resolve or minimize the problem.

If there is substance to this legal philosophy as a successful method of minimizing tort litigation, it is reasonable to believe that the existence of a viable information exchange program used to advantage would assure the greatest degree of success possible.

Fear of Punitive Action

When an accident, incident or operational anomaly occurs, an in-depth evaluation of all the facts, conditions and circumstances will usually reveal one or more acts of omission or commission that set into motion a chain of events that eventually produce the anomaly.

Rarely, if ever, is the anomaly intentionally produced. And in many instances the individual responsible for its production is not aware of his contribution to the occurrence.

However, in those instances where the individual is aware of his contribution, he is faced with basically only two alternatives, confess or keep his mouth shut.

It seems fairly obvious that before arriving at his decision, he will weigh very carefully the consequences of confession. Will the FAA take my ticket away? Will the boss fire me? Will my supervisor remember this the next time a promotion opens up? Will my co-workers be critical of my professional ability?

These questions identify the various types of "punitive action" that the individual can be subjected to. These same questions also tell us that in all probability the individual involved will not seek council or advice in deciding his course of action.

Of if he does discuss the problem with someone, he will seek out a close personal friend who he can trust not to reveal his confidence. Because of this close personal and concerned relationship and the existing industry philosophy of retribution, the confidant, in all probability, will advise the individual, "Buster, keep your trap shut! You will only get your knuckles rapped."

In this situation, the confidant becomes an accomplice to the act and potentially we now have two people with an active interest in keeping the anomaly quiet. Unfortunately, if they are successful, only two people in the entire aviation community have the opportunity to learn the safety lesson involved.

Ironically, all other elements of the fear theory primarily involve an organization or a group. It is the organization or company that is threatened with litigation, adverse publicity, increased regulatory action or loss of competitive advantage. Consequently these elements are subject to group "therapy" or resolution whereas the punitive action fear must be thrashed out by one man alone with his conscience. Too often in these personal battles of Gethsemane, safety is the loser.

It is absurd to think that the complete resolution of this particular problem rests upon a government agency granting immunity. No employee will participate fully in a program that does not provide some method of avoiding possible critical comments by his co-workers. No employee is interested in a program that protects his license and not his job.

If we are to resolve or eliminate this particular restrictor valve in the information pipeline, it seems quite apparent that we must answer "negative" to those questions which the individual wrestles with while trying to decide whether he will confess or clam up. Not only must we assure him that we have purged ourselves of vindictiveness, but we must also design the information reporting system in such a way that it provides him with immunity and anonymity.

Granted there will be some supervisors or managers who feel that granting of immunity or anonymity will deprive them of a management or quality control technique. To those individuals or organizations it should be pointed out that there is valid reason to question the effectiveness of the threat of punitive action as a useful management or quality control tool. In fact, there is reason to suspect that where this management technique is actively used, it tends to progressively dominate and replace management and quality control techniques that are recognized and accepted as being more effective and productive. Unfortunately, too many supervisory and management people tend to equate punitive action to discipline and use the terms interchangeably. When this happens an atmosphere of mutual distrust occurs.

Our continued pursuit of an industry philosophy that demands its "pound of flesh" retribution will dictate the continuation of accident prevention practices of the past which cannot satisfy the demands of tomorrow.

Fear of Regulatory Action

Title VI of the Federal Aviation Act of 1958 requires the FAA to establish minimum and reasonable rules, regulations and standards to provide adequately for the public interest in national security, safety in air commerce and the efficient utilization of the airspace.

To satisfy and implement this statutory obligation, the Agency issued Order OA 2100.1, titled "Rulemaking Policies for Safety and Air Traffic Rules." In this Order the Agency states that a basic consideration which should permeate the entire process of the development of rules is to demonstrate "in depth and in balance" that the rule is justified and warranted. Further the Order admonishes the initiator of any agency regulatory action that he must continually ask "relevant and searching questions" such as:

"Is the matter within statutory authority?"

"Is there a clear and specifically necessary requirement?"

"How and to what extent has the requirement been demonstrated?"

"What does experience tell us?"

"What do we know?"

"What do we need to know and how can we obtain this knowledge?"

"What are the facts?"

"Do we have all the facts?"

"Is the proposed solution the most reasonable one?"

"Will it adequately meet the need?"

"Does it go beyond that which is necessary?"

If the above questions are adequately answered during the course of regulatory drafting then it would be extremely difficult to quibble with anyone over the establishment of a specific regulation.

Factual data upon which to base the answers are not always available.

The issue of whether or not the Agency obtains the stated objectives of developing regulations that are reasonable and minimum could be debated indefinitely and inconclusively. The personal conviction of any one individual on this matter depends entirely on whether he is the Regulator or the Regulated.

Since the public as well as Congress believes the Agencies powers are all pervasive in the area of regulating the industry, the general reaction to an accident or incident is the immediate assumption that: 1) the regulations were not complied with; or 2) the Agency regulations did not satisfy the minimum requirements.

Either assumption may or may not be true. Nevertheless, it prompts the initiation of actions by all segments of the industry that satisfy the demands and interests of their respective areas of concern and responsibility. These actions will take place regardless of the degree of intercourse between the various segments of the industry.

In the case of the government agency, these actions will evolve into a search for violations or regulation inadequacy. The agency will engage in these activities as long as the existing statutory mandate remains unchanged and accidents occur. The elimination of either of these conditions would be most difficult. But of the two conditions, the elimination of accidents is probably the easiest objective to obtain.

The conception of a specific regulation requirement dictates that a problem exists. At least in the mind of one individual. Once the regulation requirement is conceived, before any drafting activity can commence, there must be an input of basic data before regulation limits can be prescribed.

If the problem does in fact exist and specific data is scarce, then the natural tendency toward conservatism and "erring on the side of the angels" prevail and the regulator may well go beyond minimum standards and tend to over-correct in his regulation drafting. This condition, coupled with the natural tendency of the Regulated to object to regulations, more often than not ends up in an industry squabble that forces compromise and the ultimate development of a regulation that does not adequately serve the Regulator or the Regulated.

Without going into a long and detailed dissertation of the basic instincts, desires and attitudes of the Regulator and the Regulated, suffice to say that the primary desire and objective is to be neither under-regulated nor over-regulated. The attainment of this ideal condition would make everybody's job easier.

The administrative Procedures Act protects the Regulated from regulations that are arbitrary and capricious. The ability to factually illustrate the shortcomings of a proposed regulation or demonstrate the absence of requirement is the only protection against the possibility of developing regulations that are overly restrictive or fail to adequately serve safety needs.

The establishment of a viable information exchange program would do more to assure the correct application of regulations than any other action the industry could take.

With respect to the Regulated, it seems reasonable to assume that the "problem" of increased regulation or over-regulation will diminish as the safety record improves. There seems to be a direct relationship between the degree and span of a specific regulation and the magnitude of the problem the regulation deals with.

Oversimplified and briefly stated, avoiding problems avoids regulation. The establishment of an EDP data bank containing the entire industry's operational experiences would be most helpful in identifying trends and potential problem areas. When identified, problems can be avoided or minimized.

Fear of Competition

A discussion of this particular fear element is most difficult since it has never been stated clearly just what we are talking about.

Is it competition in terms of operational techniques and procedures, maintenance practices, equipment standards, management practices and philosophy? Or is it competition in terms of losing consumers to competitors?

Regardless of the specific area of concern or the personalities involved, it seems logical that this fear element would exist even if we never experienced an untoward occurrence in the aviation community.

If our fear is based on purely competitive instincts then there would seem to be far greater risk of trade secret revelation or loss of competitive edge resulting from management personnel changes within the industry, industrial

espionage, interchange or pooling agreements and contract maintenance than could ever occur from the most open and candid discussion of any accident, incident or operational anomaly.

The historical inability of any segment of the aviation community to perform accident free removes from serious corporate consideration an overt attempt to capitalize on the operational misfortunes of a competitor. The fickle nature of "Belle Chance" renders this type of competitive advantage rather tenuous since the reputation-destroying action might very well backfire.

Maybe, heaven forbid, the competition element is nothing more than an attitude of "I got mine the hard way; let him get his the same way." If this is indeed the true nature of the competition element, then we play directly into the hands of the plaintiff, the regulator and the press.

Fear of Adverse Publicity

Concealing operational misfortunes that produce adverse publicity is extremely difficult, if not impossible. All participating elements of the aviation community do not share the same desires concerning the degree of notoriety that is accorded each specific operational anomaly. In the absence of compelling reasons, individual vested interests will be served.

There is valid reason to believe that every segment of the industry has, at one time or another, intentionally leaked a "story" when it served individual or organizational objectives. As long as diverse and opposing views and objectives exist within the heterogeneous membership of the industry, we can expect these leaks to continue.

As a practical matter, the ability to leak a story does not depend on the existence of a formalized information exchange program. The existing informal system serves the needs of the informer quite adequately.

In most instances the only possible way to combat adverse publicity is an open and candid discussion of the facts, conditions and circumstances surrounding the item of interest. To "clam up", ignore or refuse to discuss the problem can only broaden the credibility gap which, in turn, tends to prolong and intensify adverse publicity and further weaken public confidence.

More often than not, a precise definition of the problem will do much to restore public confidence and trust. This is due, primarily, to the public's belief that industry ingenuity and technological know-how will solve any problems that are susceptible to definition.

The best possible way to define and ascertain the magnitude of a problem is to have rapid access to the total industry operational experience in the area of concern.

A formalized information exchange program would serve us well in this regard.

Bureau of Aviation Safety
819 Taylor St., Rm. 7A07
Ft Worth, Texas 76102

NA-80 (Ft W)

March 4, 1969

Mr. Willis M. Hawkins
Vice Pres., Science and Engineering
Lockheed Aircraft Corporation
Burbank, California 91503

Dear Mr. Hawkins:

Thank you for permitting me to meet with you and discuss safety information interchange.

Although I recognize the program will not come full bloom overnight, I am persuaded that one of these days we will find all segments of the aviation community much more willing to engage in a candid exchange of safety information.

Your comment concerning "trail blazing" is fully appreciated. The other comment, concerning sanitizing the information, is most provocative and perhaps this is the key to success.

Again thank you for your time and interest.

Sincerely,

Bobbie R. Allen
Special Asst. to the Director

Bureau of Aviation Safety
Federal Building, Room 2C07
Fort Worth, Texas 76102

NA-80

April 30, 1969

Captain W. C. Hill
Director-Safety-Flight
Eastern Air Lines, Inc.
International Airport
Miami, Florida 33148

Dear Captain Hill:

The enclosed correspondence relates to the ATA ad hoc Safety Committee meeting in Washington, D.C. on April 18, 1969.

It concerns some of the problems related to Information Exchange and may be of interest to the Committee members.

Sincerely,

Bobbie R. Allen
Special Assistant
to the Director

Enclosure

BRAllen:je:NA-88(FTW):4/30/69

Same Letter to:

Mr. W. Reed
Mohawk Airlines
Oneida County Airport
Utica, New York 13503

Mr. B. G. Griggs, Jr.
Vice President - Flight Operations
Northwest Airlines, Inc.
Minneapolis-St. Paul Internat'l. Arpt.
St. Paul, Minnesota 55111

Mr. J. E. Frankum
Vice President - Flight Operations
Trans World Airlines, Inc.
605 Third Avenue
New York, New York 10016

April 30, 1969

Forris M. Hollowell, NA-87b

NA-80

B. R. Allen, Special Assistant to the Director,
Bureau of Aviation Safety

BAS Accident Coding and Classification Manual

During a recent meeting with the ATA ad hoc Safety Committee concerning information exchange, I pointed out that if the information exchange program was to be computerized it was essential that a standardized coding and classification system be adopted.

Subsequent to that discussion Mr. Mack W. Eastburn of American Airlines asked if it would be possible to obtain a copy of the Bureau's Manual and Analysis Sheet since he was faced with a problem of converting data contained in company accident reports dating back to 1929. He pointed out that they wanted to retain the basic data but unless it was computerized, sheer bulk would preclude the orderly retrieval of the information.

Since it is very probable that the NTSB/ATA Information Exchange program presently under discussion will be based on our coding and classification system, I believe it would be to our advantage to provide Mr. Eastburn with a copy of the Manual.

I would appreciate very much your forwarding to him at the following address, a copy of the Manual.

Mr. Mack W. Eastburn
Director of Safety
American Airlines
La Guardia Airport
Flushing, New York 11371

I also informed Mr. Eastburn that should he have questions concerning our techniques and procedures that he could contact you directly.

Bobbie R. Allen

cc: M.W. Eastburn, AAL

BRAllen:je:NA-88(FTW):4/30/69

Bureau of Aviation Safety
Federal Building, Room 2C07
Fort Worth, Texas 76102

NA-80

April 30, 1969

Mr. Mack W. Eastburn
Director of Safety
American Airlines
La Guardia Airport
Flushing, New York 11371

Dear Mack:

Attached is a copy of my letter to General von Kann as well as copies of some related correspondence.

Also, you will find a copy of the memorandum I mailed to Mr. Hollowell concerning your request for a copy of the Bureau's Coding and Classification Manual.

If I can be of any further help in this matter, please contact me.

Warm personal regards.

Sincerely,

Bobbie R. Allen
Special Assistant
to the Director

Enclosures

BRAllen:je:NA-88(FTW):4/30/69

Bureau of Aviation Safety

Dec. 9, 1969

Director, Bureau of Aviation Safety

NA-80 (Pt W)

Special Asst. to the Director, Bureau of A/Safety

NTSB/ATA Information Exchange Program

REF : Executive Director's Memo Dated 12/3/69

BACKGROUND DISCUSSION:

In August of 1968 ATA and ARINC Research Corporation held discussions concerning the establishment of an airline/industry safety data bank.

Under the terms of these initial discussions ARINC would formulate detailed plans for the implementation of an information exchange program and act as custodian of the data collected from the participating airlines.

The data processing equipment owned by Aeronautical Radio, Incorporated, would be used for data storage with ARINC Research Corporation providing the data storage, retrieval and analysis.

Under this concept the entire information exchange program would be maintained and operated entirely within the airline industry.

In November 1968 I had preliminary discussions with ATA concerning the possibility of expanding the data bank concept to include not only the airlines but also the manufacturers and government agencies.

Subsequent to these discussions ATA corresponded with the NTSB concerning the possible role of NTSB as data custodian and raised the basic issue of confidential handling of the information contained in the data bank.

The Board responded to ATA on February 24, 1969.

In April 1969 the Board's letter was reviewed by the Ad Hoc Safety Committee of the ATA Operations Conference and the decision was made to modify the original program concept to include NTSB participation as data bank custodian.

In June 1969 a meeting was held in Washington office of ATA which was attended by representatives of ATA, ARINC and NTSB. At this meeting ARINC's proposed Statement of Work, Phase I, was discussed and subsequently approved by ATA.

The Statement of Work required ARINC to provide definition of a conceptual airline safety information exchange program. The Phase I effort would incorporate studies of potential airline requirements for a data bank system, an information "feedback" system and establishment of an alerting system for accident prevention actions.

ARINC initiated Phase I in July 1969, and submitted their completed report to ATA in October 1969.

CURRENT STATUS OF PROGRAM:

On December 3, 1969, the ATA Ad Hoc Safety Committee met in Washington to discuss the ARINC report.

Initially I was invited to attend the meeting and participate in the discussions. However, the invitation was subsequently withdrawn and the reason given was that the presence of a representative of a government agency would inhibit the frank exchange of industry views concerning the alternative proposals contained in the ARINC Report.

At the conclusion of the meeting the following information was provided to me on a confidential basis.

The results of the ARINC survey indicated that the ATA Member airlines would not be willing to participate at this time in an accident/incident data bank program requiring the reporting of accident/incident data beyond current federal requirements. The primary reasons for their position is as follows:

The danger of increased liability exposure as a result of filing additional sensitive information in a central location.

The possibility of increased federal regulatory and policing activity.

Opposition to active participation in the program by federal agencies.

However, the airlines recognize the desirability of establishing a program of accident/incident data analysis and exchange in the airline industry.

In consideration and recognition of this desire, ARINC recommended that ATA proceed with the program and suggested that one of two alternate programs be pursued.

PROGRAM A

This plan would establish the NTSB as data custodian working in concert with ATA or the ATA selected contractor. The benefits (airlines' viewpoint) would include the following:

- a. Availability of existing NTSB data.
- b. NTSB could provide confidentiality of the data inputs.
- c. NTSB would assist in the financial support of the program.
- d. ATA would provide analysis services not currently available to the NTSB.
- e. NTSB would provide data processing facilities for use in the program.

PROGRAM B

ATA select a non-government organization to function as data custodian and provide the required EDP software and hardware.

The ATA selected contractor would:

- a. Secure the existing accident/incident baseline data from NTSB and FAA.
- b. Maintain liaison with NTSB and FAA to obtain new data as they become available.
- c. Under the direction of ATA, provide liaison with the airlines, NTSB and FAA.
- d. Supply full analysis service and EDP facilities.
- e. Conduct special studies at the direction of ATA and the airlines.
- f. Disseminate the data bank program outputs to the receiving agencies.

Under Program B the airlines would not be required to provide data over and above that now required by regulation.

Hope was expressed that eventually the program would expand to the point that the airlines would be willing to provide more data than required by regulation but this could occur only after the airlines gained confidence in the program.

ARINC concluded that the most severe constraints to implementing Program A were:

- a. The airlines' hesitancy to provide voluntarily any data beyond what is now required by the regulatory agencies, if there is any possibility that such data will be made available to a regulatory agency.
- b. Uncertainty that NTSB can preserve the confidentiality of the data inputs, with respect to the FAA or any other third party. The fear of litigation and increased regulatory activity is too great for the airlines to accept the premise that the NTSB has the capability to provide confidentiality of the data.
- c. No assurance that NTSB can provide continuing financial support to the program, because of budgetary restrictions imposed on this agency.
- d. The NTSB does not have its own computer hardware and must depend on the services supplied by the Federal Highway Administration. These equipments have a high utilization rate and it would be difficult to predict scheduling priority. This would affect data turnaround time for the program and thus, to some degree, the flexibility in planning analyses and data outputs.

The ATA Safety Committee meeting held on December 3, 1969, discussed in depth, the alternative programs presented by ARINC. The Committee's conclusions and recommendations will be presented to the ATA Executive Committee which will review the ARINC proposal and ultimately present their views to the ATA Board of Directors. My best judgment tells me that we can expect no formal inputs from ATA concerning this program for another 60 to 90 days.

Further, I am persuaded that the ultimate decision of ATA will be to proceed with the project under the provisions of ARINC's Program B with some modifications to permit the limited participation of government agencies. However, the degree of FAA participation will depend to a great extent on the Administrator's willingness to refrain from using the data bank as the source of information for initiating regulatory and punitive actions.

I will continue to monitor the progress of the program and make recommendations when appropriate.

cc's:
Chairman
Exec. Director
Gen. Counsel

B. R. Allen

Bureau of Aviation Safety
Federal Building, Room 2307
Fort Worth, Texas 76102

NA-80

April 30, 1969

Mr. Jerome Lederer
Director of Safety
National Aeronautics & Space Administration
600 Independence Avenue, S.W.
Washington, D.C. 20546

Dear Jerry:

Regarding our recent telephone conversation, I'll be most happy to provide you with some of the SASI background data concerning its very early growing pains.

As you very correctly stated, the best service the Society could possibly provide for the aviation community would be to concentrate on developing techniques and procedures which would advance the art of aircraft accident investigation.

In my judgment the worst thing the Society could do would be to attempt to become a pressure or lobby group. Without exception, every member of the Society is connected in some way with another organization that might or might not be in sympathy with the Society's ultimate position on any given controversial matter. This eventually would create problems for the individual members as well as the entire Society. I am personally persuaded that the Society would never be able to adopt a position on any controversial matter that would reflect a reasonable majority consensus. The heterogenous composition of the membership would preclude a meaningful consensus on most issues.

Regarding my talk at the USAF/Industry System Safety Conference at Las Vegas, I have attached a copy of my introductory comments as well as several other pieces of correspondence that pertain to the subject of Information Exchange.

I would appreciate any comments you care to offer.

Sincerely,

Bobbie R. Allen
Special Assistant
to the Director

Enclosures