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DEPT. OF TRANSPORTATION
DOCKET SECTION

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August 17, 1999

U.S Department of Transportation Dockets
400 Seventh Street S.W.
Room Plaza 401
Washington, D.C. 20590

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Re: Docket No. FAA-199-6001, Notice No. 99-14, "Protection of Voluntarily Submitted Information."

Ladies and Gentlemen:

America West Airlines appreciates the opportunity to comment on the above-proposed rule. We, as well as other members of the aviation community, have long been concerned about the possible release to the public of sensitive airline operational data that could be both misunderstood and misused by those not having the technical background necessary to properly interpret it. This proposal, in addition to being a positive step in the accident prevention process, mitigates our concern to a large degree. Therefore, we support the proposed rule.

We do however, have some recommendations that we ask you to seriously consider. We believe that if accepted, they will add to the effectiveness of the rule. The recommendations are:

- The data-sharing program will only be effective if the FAA can demonstrate its ability to protect the source of the information and prevent its inadvertent release to outside parties. We understand that the definition of "de-identified" means the source of the information and names of persons are removed from information processed by the FAA. However, the fact remains that such information received by the FAA will be traceable to a specific airline by association with a letterhead, electronic mail identification, etc. In our opinion, this presents an unnecessary risk for the airlines that should be eliminated.

We recommend the FAA consider having all data submitted to an independent third party that would be responsible for maintaining its security. The third party would also be charged with the task of archiving the data in the form submitted by the airline, and summarizing it for FAA use. This would insure the availability and company identification of the data should it later be required by subpoena or other legitimate reasons. However, such a process would normally prevent the association of any data received by the FAA, or an unauthorized outside party, with a specific airline.

This process has worked extraordinarily well with the NASA ASRS program. In the twenty-plus years the ASRS program has been in effect, no reports have been compromised and the program has gained the trust and confidence of the entire aviation community. That is the type of performance America West would expect to see in the collection of FOQA/ASAP data, and we are confident there are a number of private contractors who are ideal candidates for processing such information.

A check-and-balance for this concept will exist. FAA inspectors would still retain the authority to review data on company property. By comparing what they observe during such reviews with the summaries provided by the third party, they would be able to determine if major problem areas they have noted have been accurately analyzed and included in the summaries provided to the FAA.

U.S. Department of Transportation Dockets

Re: Docket No. FAA-I 99-6001, Notice No. 99-14, " Protection of Voluntarily Submitted Information."

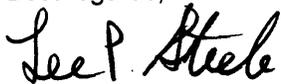
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- The proposal states that the FAA would consider designating initiatives such as FOQA and ASAP as "national programs", and thus reduce the administrative burden of each airline applying for protected status for the data it furnishes. We strongly recommend this be done. The proliferation of paperwork in the industry has already reached critical mass, and adding even more to a voluntary program may be a factor in an airline decision to participate in the program.
- The proposal asks for comments on whether holders of type or production certificates should be required to protect information they have received under the proposed Part 193 from further disclosure. We agree that such parties may have a need for such de-identified data in order to assist the FAA in the resolution of a safety or operating efficiency related problem. However, we recommend that the disclosure of any information under the proposed FAR be strictly limited to those parties that have a "need to know." Any additional distribution could compromise the intent of the program and should only be authorized by the FAA under unusual circumstances.

America West believes that this rule will certainly enhance the analysis of real time operational data, and thus be a major factor in improving airline operational performance. Equally important, however, is a needed companion rule that would govern how the FAA uses FOQA and ASAP data for enforcement purposes. While an existing policy statement by the Administrator does address this issue, such edicts are subject to change when Administrators change. The spirit and intent of the Administrators existing policy needs to be institutionalized in a rule so the aviation community will have confidence in the long-term position of the FAA relating to the use of sensitive data such as amassed through FOQA and ASAP programs.

Again, thank you for the opportunity to comment on this proposal. We look forward to its implementation.

Best regards,



Lee P. Steele
Vice President
Flight Operations

LPS/lc