

ORIGINAL

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U.S. DEPARTMENT OF TRANSPORTATION DOCKETS
DOCKET NO. FAA-1999-6001 - 24
400 SEVENTH ST. S.W.
ROOM PLAZA 401
WASHINGTON, D.C. 20590
FAX: 1-202-267-5075

U. S. DEPARTMENT OF TRANSPORTATION
19 SEP 23 1999
21 SEP 23 1999

RE: Protection of Voluntarily Submitted Information

ACTION REQUESTED: Reject the proposal

September 23, 1999 A.D.

Marisa Mullen, Office of Rulemaking, ARM-205, Mardi Thompson,
Office of Assistant Chief Counsel, AGC-200, et al and
To Whom It May Concern,

I am aware that you are earnestly attempting to restructure the aviation and security system for the United States and elsewhere. The above proposal concerns me greatly, because what it does, is allows those leaders, who are less than capable of performing their jobs, or those who, for one reason or another, deliberately sabotage the efforts of others, to operate under a cloak of secrecy. This will solve no problem. It will only create a climate of uncertainty and loss, because whomever reads any submittals to you, will not be able to verify the information.

The problem areas will never be or could never be identified for further investigations. The reader would be left with only the reliability of the writer, as to the accuracy of the statements.

Safety and security measures would never be upgraded properly, because the general public, who uses the aviation industry, are unable to monitor and watch for problems expressed by workers to the FAA. Where and whom would they watch? People who are concerned enough to take the time to write to you, should be accorded the opportunity to research the data submitted themselves.

By deleting sources and critical identifying names, all that is left is "hearsay". This is not even admissible in court, and should likewise, not be admissible, especially in a central data collection point that governs our safety and security in the air. I question the reliability of information submitted, when the writer knows, that the name and identifying factors would never become public. If the writer is afraid to publicly state true facts, that could be researched and put to public scrutiny, then the writer may be presenting false testimony that cannot hold up to a public debate.

It is my experience, that people who want things done wrong, for whatever self-motivation drives them, will always blur the source or reason of their actions. This Proposed Rule will only enhance flawed data. People who do not wish to be known, can always send information anonymously, deleting there name and giving details on what they wish to bring to light.

Some years ago, this same FAA proposed mandatory drug/alcohol testing, excluding management. When I saw this, I did write, with facts that were known to me. I was not afraid, and even hoped, that someone would investigate my claims. To my own knowledge, no-one did, but the end result of the proposed rule, was to include management. It was quite a relief to see this change.

The person who was in charge of a major airfield, was a chronic alcoholic. His actions and decisions were very hazardous to the public welfare. He was protected and defended with government dollars. I still remember the firemen who had responded to the crash of a "Wang" aircraft into an industrial park just off the airport. As the fuel vapors surrounded the scene, there was the Commissioner, smoking his cigarette. He was told three times by the Commander at the scene to put out the cigarette. Only after the Commissioner was threatened with forced removal, did the Deputy Commissioner take the cigarette from his fingers. The firemen returned to the base and when I went over, they relayed this information to me. The Commissioner had endangered ALL of them, they screamed. Their faces were red from anger. Yet no-one could touch him.

So powerful, was this Commissioner, that after a party on the second floor, he attempted to leave the building with his City car (he had damaged several, I understand). A witness saw him stagger into the City car, and drive it right thru the brick wall of the airport terminal. The car knocked out the plate glass windows, the brick wall, the heating pipes and almost completely penetrated the brick wall on the other side of the room! He was taken by ambulance to the emergency room at the hospital and the car was towed away. A secondary car was brought in, to replace the damaged one, and men from the garage were called in to "fix" it. Everyone was laughing, only a small crack to the front of the car. The damaged car was hidden in a special room, locked away from view and when one of my co-workers saw it, it was quickly removed, never to be seen again. Another management person said that the car was piecemealed back together thru various "ways".

To make a long story, very short, eventually, under duress, I did have to leave. Forced my way back, to try and get them into court, and did, only to verify that safety is not the priority in a court room. Authority is. All of my evidence was "removed", the attorneys attempted to distort my doctors

medical file records, by imposing a short time frame for him to review 7 years of consultations, in addition to his trying to reschedule all his appointments. Timing is a critical piece when attempting to put things in order. When that failed, and my doctor would not let them do this, he was removed as a witness, because he was not necessary to the case. The jury that was picked, was NOT allowed to read my medical reports or documentation, because it might "confuse" them...I can see that, the jury would have wondered how it got that far. ALL of my medical reports were favorable - so they were simply deleted. Medical reports tell a lot about the working environment of people. Is this why "someone" wants them to be "confidential"? All medical reports should be open to the public. A good medical specialist is the worst enemy of an attorney because, the specialist can scientifically break apart a concocted story, created by the fusion of facts, not the reality of the situation.

The real reason, I believe, that this proposal is in place, is due to a United States Supreme Court ruling, on April 21, 1987. They ruled that "major participants" in deadly crimes, who show "reckless indifference to the value of human life", even though they did not kill, or intend to kill, may receive the death penalty. (I passed that article out in 1987, warning airport personnel to turn into the FAA, any problems they suspect - and was fired for doing so.)

On December 15, 1982, federal investigators, investigating the crash of a World Airways DC-10, said that airport officials were "willing to accept the risk" of an accident when they failed to test the runway after a number of pilots reported poor braking.

On July 14, 1999, it was reported that SabreTech Inc. was indicted by a federal grand jury and two of its maintenance workers, and a company vice-president. They face the death penalty. (see articles for all three references)

The facts I encountered are:

1. In a court room, authority supercedes safety. With all of my evidence on safety hazards, Judge Robert Lawther's words to me, as I left, were: "somebody has to be in charge"
2. If its not in writing, it didn't happen.
3. Anonymity cannot be prosecuted, cannot be held accountable, and cannot be corrected - because, to whom will you go?
To whom will you verify?

Things that cannot be traced, may not be true, and they leave you back at square one, where the "human" performance is hidden.
Sincerely,



Christina Guk
1609 Marks Road
Valley City, Ohio 44280
330-220-8259

NAME GUK, Tina
MED. REC. NO. [REDACTED]
DOCTOR [REDACTED]
DATE Lepper
6/4/86

STRONGSVILLE

Report for MENTAL HEALTH SERVICES

SUMMARY OF CONTACTS 4/28/86 THROUGH 6/2/86:

Mrs. G is a 34-year-old lady; whom I saw on a sane day basis 4/28/86. She is married to a man, who works for Cuyahoga County and apparently her only difficulty is in the one which precipitated the contact here. The Guks have two children, a son, Christian, born 12/16/74 and Sebastian, born 11/29/78. They live on Marks Road in Valley City. It is my understanding that **there is no problem within the family. As a matter of fact, Mrs. Guk seems to manage adequately.** She is a rather **stocky-looking** lady, who has almost a Polish or Dutch (probably more Polish) look to her.

Mrs. Guk is very concerned about her job as "an airport operations agent III", **working** at the airport for seventeen years. She came to my attention because of her great concern and great upset about conditions at the airport, which she describes as unsafe. Initially it seemed that some of her reaction might stem from jealousy as she had not gotten a recent promotion. However, throughout my contact with her, the concern has remained the same. Although there is an element of jealousy, there also is much more than that. As she talks about the situation, she becomes tearful. As a matter of fact, **the** tearfulness is what brought her to my attention: She was referred by the advice nurse. She also has been seen by Dr. Clark, and there has been no change in her condition. She told me when I saw her on 6/2/86 that she now thinks she is reacting too much and yet she can't seem to get bold of this. As she describes the situation, there are people in charge of the maintenance of the airport runways, who are basically either inadequate or unconcerned. As she describes them, they sound like political appointees who may or may not have skills needed to do the job. She has cried on numerous occasions, and she has told about life threatening situations; for example, she says there are times when the runways are in such **poor** condition that it is totally unsafe for planes to land on them, and the FAA has also been concerned about this; She has all kinds of ideas about how things should be done, and yet she is not in the key position, so that the decision is **not** hers. This is essentially **the** situation with this woman. She feels that the only time any change is going to be made is if there is a tragedy such as an accident at the airport. As I have talked with her, she certainly does tell from time to time about how things should be done as she sees it. It, indeed, does make sense. However, although she **acknowledges** the fact that her own capacity to make changes in that situation is **quite** limited, she cannot live with the situation **as it** is. Therefore, she has been on leave for several days, even weeks now. This essentially is the situation, and perhaps she will be helped by some **medication.**

9-23-99

*I never returned
Christian Guk*

Lora Lepper
Lora Lepper, A.C.S.W.

Dict. 6/4/86
Trans. 6/4/86
sg 7717s

Report for

MENTAL HEALTH SERVICES

①

Risky runway wasn't tested, U.S. experts say

WASHINGTON (AP) — Federal investigators who have examined the crash of a World Airways DC-10 in Boston said yesterday airport officials were "willing to accept the risk" of an accident when they failed to test the runway after a number of pilots reported poor braking.

The jetliner skidded off the ice-covered runway last January and crashed into Boston Harbor. Two of the 212 people aboard were never found and are presumed to have drowned.

The National Transportation Safety Board (NTSB), putting its final touches on a report on the

accident, said officials at Logan International Airport decided not to test the runway for traction despite a policy of conducting such tests whenever two pilots report poor braking conditions.

In the 40 minutes before the crash, three pilots warned of icing on the runway.

NTSB Chairman James Burnett said the panel would decide today on the probable cause of the crash and make recommendations.

Discussions during a day-long hearing made clear the safety board is focusing on the decision by the airport operators to keep Runway 15-R open despite concern about aircraft braking, and delays in forwarding runway condition reports to Incoming pilots.

Investigators theorized that officials decided not to conduct another test because they were going to shut down the runway anyway after the arrival of another plane so an intersecting runway could be plowed.

Death penalty OK'd for

The News-Herald
Wednesday, April 22, 1987

FOREIGN/NATIONAL REPORT /5

participants in fatal crimes

Chicago Tribune

WASHINGTON — The U.S. Supreme Court approved the death penalty yesterday for "major participants" in deadly crimes who show "reckless indifference to the value of human life," even though they did not kill anyone or intend to.

In an opinion by Justice Sandra Day O'Connor, the court made accomplices liable for the death penalty whenever a person is killed during serious crimes.

In yesterday's 5-4 ruling, the court said the Constitution does not restrict juries to proof of intent to kill when they determine a defendant's mental state and culpability in a capital case.

"A narrow focus on the question of whether or not a given defendant intended to kill," Justice O'Connor said, "is a highly unsatisfactory means of definitively distinguishing the most culpable and dangerous of murderers."

She pointed out that many intentional homicides are committed in self defense or result from provocation.

"On the other hand," O'Connor said, "some nonintentional murderers may be among the most dangerous and inhumane of all — the person who tortures another not caring whether the victim lives or dies, or the robber who shoots someone in the course of robbery, utterly indifferent to the fact the desire to rob may

have the unintended consequence of killing the victim as well as taking the victim's property."

She concluded that such "reckless indifference to the value of human life may be every bit as shocking to the moral sense as an intent to kill."

Joining O'Connor's opinion were Chief Justice William Rehnquist and Justices Byron White, Lewis Powell and Antonin Scalia. In a dissenting opinion, Justice William Bren-

nan accused the court of reviving the felony-murder doctrine, which he termed "a living fossil from a legal era in which all felonies were punishable by death."

The Supreme Court ordered Arizona courts yesterday to determine whether two brothers, Ricky and Wayne Tison, acted "with reckless indifference to human life" in connection with the 1978 murders of four persons during a prison escape.

The high court said that the

Tisons, who smuggled weapons into the state prison where the father was serving a life term, clearly played a major role in the deaths.

After the prison break, the Tisons — accompanied by their father, another prison inmate and a brother — flagged down a car and forced its occupants to accompany them into the desert. According to trial testimony, their father and the other inmate then shot the four captives to death.

Firm faces 110 counts of murder in jet crash

CLEVELAND WEDNESDAY, JULY 14, 1999

ValuJet deaths in 1996 called preventable

By ELIZABETH A. MARCHAK
PLAIN DEALER REPORTER

MIAMI — An aviation maintenance company was charged here yesterday with murder and manslaughter for improperly marking and packing oxygen generators blamed in the 1996 crash of ValuJet Flight 592, killing all 110 on board.

The company, SabreTech Inc., also was indicted by a federal grand jury along with two of its maintenance workers and a company vice president.

The state and federal charges mark the first time in the United States that a major commercial air crash has resulted in criminal

charges, said Katherine Fernandez Rundle, state attorney for Miami-Dade County.

"This crash was completely preventable. It was not an accident like many other crashes are. It was a crime," Rundle said. "Hopefully, this chilling reality of

• The ValuJet story began in 1993. 2-A

criminal charges, murder and manslaughter charges will send a very clear message to the aviation industry, that hopefully, in the end, will save lives in the future."

The state's charges include 110 counts of third-degree murder; 110 counts of manslaughter and one count of unlawful transportation of hazardous waste.

SEE CRASH/13-A

*13-A



JOHN CLARK/ASSOCIATED PRESS PHOTOGRAPHER

Sharon Jarvis Moss, of Gastonia, N.C., lost her brother and sister-in-law on ValuJet Flight 592. She said something drastic, like the charges filed in Miami yesterday, has been needed to shake up the system.

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Aviation maintenance firm faces 110 counts of murder

CRASH FROM 1-A

The federal government's charges include 24 counts against SabreTech, Daniel Gonzalez, vice president and maintenance director, and mechanics Eugene Florence and Mauro Valenzuela. Arrangements were being made for them to surrender to authorities.

Charges against the company include failure to properly train employees in handling hazardous materials, mishandling the generators with "gross disregard for their hazardous nature," making false statements and failing to properly identify the generators for transport.

The generators ignited in the cargo hold of the DC-9. The flames spread to the cabin shortly after takeoff.

The federal charges also say all four entered into a conspiracy to "place the short-term business and monetary interests of SabreTech ahead of public safety concerns..."

"SabreTech workers bowed to managerial and supervisory pressure from Gonzalez and others to falsify and prematurely certify the performance and completion of work, a practice known as 'pencil whipping,'" federal prosecutors said.

Florence and Valenzuela were both "devastated" by the accident, said Jane Moscowitz, the Miami lawyer representing them. Both are family men who have had to keep body and soul together, she said.

Florence, the father of four, has continued to work in aviation as a mechanic — his proudest accomplishment in life, she said.

Valenzuela, the father of two young boys, gets work doing odd jobs when he can. Last week he was laying carpet, Moscowitz said.

"It was really nothing unexpected," she said of yesterday's developments, but she claimed that the charges were inappropriate because "we felt they did not do anything intentional."

Kenneth Quinn, SabreTech's lawyer, said his company was being singled out when both the *Federal Aviation Administration and ValuJet shared in the blame.

He said the crash was an accident, and had cost the company its business.

"You have a defunct company on trial and three former maintenance workers," he said.

The state and federal investigations also focused on ValuJet, which the National Transportation Safety Board determined in 1997 shared the blame for the crash with SabreTech and the FAA.

"While we may all agree with that particular finding," Rundle said, concerning the safety board's ruling, "it is very critical that we all understand that we simply could not find evidence that would support criminal culpability of the ValuJet corporation or its employees."

Speaking yesterday to reporters with Rundle, Guy A. Lewis, acting U.S. attorney for the Southern District of Florida, said SabreTech was concerned about making money at the expense of safety.

"According to the indictment, prescribed safety-related work was not done. Critical maintenance steps were left out," he said. "Documentation was forged and falsified and necessary repairs and inspections were either overlooked or simply not done."

At the conclusion of the news conference, Rundle invited Lee Sawyer, who lost her parents, Conway and Anna Laurie Hamilton, in the crash, to the podium. Handing her a generator and a plastic cap that would have prevented the tragedy, Sawyer placed the cap on the generator. Then Rundle gave her a hug and a kiss.

She thanked Rundle for the work of the lawyers and investigators.

Other family members said they were happy something had finally happened in the three-year-old investigation, but none of them thought the investigations went far enough.

"I am very pleased that the three-year investigation has produced an outcome and I really appreciate the efforts," said Sharon Jarvis Moss, who lost her brother Dan and sister-in-law Linda. "But I was very disappointed that ValuJet and the FAA were not in-

cluded.

"I still do not understand why it is not a crime for an airline to knowingly load unsuspecting passengers on substandard airplanes. I certainly cannot understand why it is not a crime for FAA employees to have life and death information that they choose to suppress..." she said. "Something drastic needed to happen to shake up the system. The airlines are not held accountable and the FAA is not held accountable."

Arthur Balandran, who lost son Thomas and daughter-in-law Marlo, both 26, said from his home in Topeka, Kan., that the indictments were a "stepping stone in the right direction" but they were not enough.

"When an airline puts passengers on a plane that's not safe, it's like getting in a car when, you know the driver is drunk, he said.

Susan and Paul Smith, of Montgomery, Ala., who lost their son Jay in the crash, also did not think the government's work is done.

"Why does SabreTech have to take all the blame?" Susan Smith said.

Paul Smith was hopeful that yesterday's charges would have some kind of impact.

"We can't bring them back, but we can't forget them either," he said, "We can't let their deaths be in vain."

SS 274-48-7537

13617 Eaglesmere Ave 210

NAME

12-9-51

ADDRESS

12-9-1951

Guk, Christina, M.

~~8217 RORMAN AVENUE 203~~

~~14120 Superior Road 44118~~

~~1608 East 47 Street (S) (10)~~

1609 D Marks	OFF DATE	Br	APPS	Swick classification	44212	DIVISION	RATE	REMARKS
3-2-70			TAP	Junior Clerk		Airports	\$4140.	
	4-20-71							Laid off
4-20-71			R	Accountant Clerk I		Accounts		
4-20-71			R	Accountant Clerk I		Airports		Min. 6-1-71 Transfer
								Prob. Appt Appvd
	1-29-73						5798.28 5880.72	12-2-72 Laid off & wa.
1-29-73			R	Airport Oper. Agent I		Airports		L.O. expired 1-29-75 Did not start until 3-10-73
								Prob. Appt Appvd
	10-31-74							Lve. 1 year - illness
7-19-75								Returned
	1-9-78							Laid off & wa.
1-9-78			TAP	Airport Oper. Agent II		Airports	13,000.00	
	11-6-78							Lve. of absence 1 year - ill
7-27-79								Returned

Guk, Christina M.

Guk, Christina M.

Airport Oper. Agent I

Guk, Christina M.

1608 East 47 Street (S)

1609 Marks Road

C of C

ON DATE	OFF DATE	APPT.	CLASSIFICATION	DIVISION	RATE	REMARKS
6-21-80		R	Airport Oper. Agent II	Personnel		
6-21-80		R	Airport Oper. Agent II	Airports		Min. 7-14-80 transfer sen. eff. 6-21-80
	8-14-82					Laid off & wa.
8-14-82		TAP	Airport Oper. Agent III	Airports	23,500.00	Prob. Appt. Appvd
	9-30-a					Lve. of absence 6 mos. - III
11-16-87						Returned
	6-1-87				29,056.40	Laid off
6-1-87		TAP	stock Clerk	Airports	18,923.13	
6-22-87 Civil Service Hearing regarding						
see dates out of order						
Civil Service disapproved the stock clerk salary + demotion.						
* 9-23-99 Entry update? Judge Robert Lavoche told me, after dismissing my case - "Somebody has to be in charge" Authority overrides SAFETY.						

NAME

ADDRESS

Airport chief OK'd disposal of 'paint,' not toxics *P.D.*

By JAMES LAWLESS
STAFF WRITER

*B-front page
SUN 4-3-88*

William N. (Nick) Bogas, Cleveland airport commissioner, confirmed yesterday that he authorized the burial of 152 barrels found to contain some hazardous wastes.

The barrels were buried in a landfill at Cleveland Hopkins international Airport on March 10 and 11.

"I was told they were paint barrels," Bogas said. He said he "absolutely" knew nothing about them containing hazardous wastes.

The barrels were discovered two weeks ago by Brook Park police acting on a tip. Since then, Ohio Environmental Protection Agency officials have identified some toxic solvents and cleaning agents in the barrels.

Both the state and federal EPA are conducting an intensive examination of the disposal site, and that has led to a parallel investigation by law enforcement agencies of possible criminal wrongdoing.

State and federal regulations require that hazardous wastes be incinerated--or buried in a licensed landfill.

The discovery of the chemicals has also led to strained relations between the Ohio EPA and the city of Cleveland, which is responsible for the site. Jacqueline L. Shuck, Cleveland director of port control, complained yesterday that the Ohio EPA would not give Cleveland results of tests of the materials.

"They said the results would be used as a part of the criminal investigation," she said. Shuck said Cleveland officials wanted to know whether there were sizable amounts of toxic waste or whether it was all trace amounts.

Richard L. Shank, Ohio EPA director, said yesterday that 20 samples were taken of the ground around the barrels and from barrels themselves. While the barrels contained some rain water, he said, the material in the barrels "was not slightly contaminated."

Further, he said, "the barrels had the lids cut out of them, had holes punched in them and had the bung (stopper) removed." The materials buried in those barrels were in concentrations, measured in parts per million, significant enough to be a violation of EPA regulations, Shank said.

Shuck said the barrels were buried as a part of a general cleanup of the airport property. Concerning the burial, she said, "I can't comment about whether it was a terrible mistake or if they were intentionally buried." Bogas denied that the hazardous waste was buried intentionally.

SEE TOXICS/8-B

Toxics

FROM/1-B

86

Shuck said, "There could be criminal charges, so we have to be very careful about what we say. People's rights have to be protected. This whole thing has been very strange, horrible."

She said there had been tips that there might be six to 10 other burial sites, but Bogas said he knew of only one other site where debris from a razed trailer was buried.

All the barrels are believed to be Cleveland property, with the possible exception of four marked NASA, according to Al Gariauskas, vice president of the Samsei Services Co., which is doing the cleanup at the airport.

Thomas Coyne, mayor of Brook Park, has his own complaints. He said Ed Richard, an assistant to Cleveland Mayor George V. Voinovich, had said that the disposal was an mistake or an oversight.

"That is not a mistake or an oversight; 150 barrels is a deliberate act," he said.

A city official, who asked not to

be identified, denied that, saying, "The act was inadvertent; no one was scheming to dispose of those barrels. There is no plot here."

Coyne said Bogas has been unwilling to talk about the issue with Brook Park police. The least Bogas could do was to identify the other disposal sites at the airport, he said.

Cleveland's problem developed because it has no systematic method for disposing of the barrels, Garlauskas said.

About \$75,000 has been spent in excavation and removal so far, he said, and the total bill could be about \$100,000, depending on whether Ohio and U.S. EPA charge the city for their work.

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LRUR

1981

INTER-OFFICE CORRESPONDENCE

Sep 3, 1981

Date Sept. 3, 1981

To All Airport Operations Agents

From George F. Doughty, Director
Department of Port Control

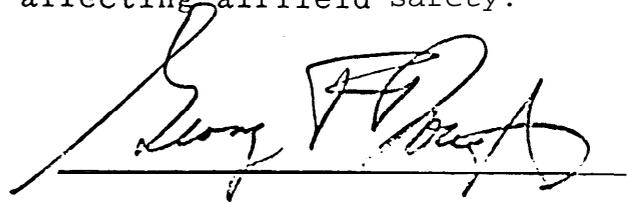
Subject Training and Certification
Program

It has come to my attention, by way of events of the recent past, that all Airport Operations Agents may not be totally familiar with the regulations and procedures-necessary for them to adequately perform their job.

We will therefore initiate a training and certification program which will involve testing of all Airport Operations Agents. The test will be based on FAR Parts 139, 197, 77, Airport Operations Manual and Emergency Plans, and related documents. A complete list of study materials will be provided.

At least one formal training session will be held in order to cover all questions relating to this material.. I suggest that each of you begin reviewing this material now.

Each agent will have two opportunities to pass the test. Although no one will lose their classification, Agents failing the test will be assigned to duties not affecting airfield safety.



GFD: jms

No training given as of April 26, 1986

**Maybe, it is quality they lacked.*

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