

November 9, 2004

Mr. Nicholas A. Sabatini
Associate Administrator for Regulation and Certification (AVR-1)
Federal Aviation Administration
800 Independence Ave SW
Washington, DC 20591

Reference: Docket Number FAA-2004-19400, Commercial Aviation Safety Team (CAST)
Safety Enhancements

Dear Mr. Sabatini:

Regarding the Notice of proposed order designating information as protected from disclosure, FAA-2004-19400, I am concerned regarding the following five (5) items within the current Order:

#1: The Order states in Proposed Findings #1 that “The key to CAST success now rests on understanding the level and effectiveness of implementation”.

Comment: I submit that the initial charter of CAST has been completed, and should have been allowed to be designated as a success many hours (years) ago. The determination of effective safety enhancements, followed by feasibility studies of each, based upon aircraft accident data was completed, somewhere around 2000.

Implementation of developed safety enhancements is, as indicated, voluntary. As stated in many CAST committee meetings, it is in the best interest of the traveling public for operators, manufacturers, and government agencies impacting air travel to implement these safety enhancements, in fact world wide if possible. There has been a reduction in fatalities due to CAST activities, in the form of developing safety initiatives, creating an implementation plan, and the voluntary implementation of those initiatives by CAST members.

I believe that using the same statistical process used to determine the fatal accident rate in 1997 (the initial starting number which CAST was tasked to reduce by 80%) would deliver a fatal accident rate indicating the desired results will be, if not already, achieved.

#2. The Order also states in Proposed Findings #2: “CAST participants **will** provide information as to the safety enhancements implemented, the method of implementation, the process to evaluate the implementation, and any other information, such as best practices related to the implementation of safety enhancements.”

Comment: The initial cadre of CAST members knew well in advance that any proscriptive requirements would directly affect the ability of CAST to affect any change in the safety communities via the developed safety initiatives. Thus the voluntary aspects towards implementation were touted as true. This statement does not reflect the intended voluntary action by CAST members. As an Order, it can be enforced. Additionally, not all of those regulated by the FAA are participants in CAST.

#3. The Order states in Proposed Findings #3, “Industry is concerned that if disclosed, there is the potential for the information to be used for other than improving aviation safety, ...”

Comment: I certainly agree that without an ability to protect certain information, many effective safety programs are at risk of being used as a source of data by various entities, without a clear understanding of the data they may obtain. With the specific information being submitted “voluntarily”, the protection is even more warranted.

#4. The Order states in Proposed Findings #4, “With this information the FAA and industry will be able to determine whether the safety enhancements are effective.”

Comment: I submit that only an assessment in the future will substantiate the effectiveness of the safety enhancements. Some may prove more useful than others, some may be replaced by future policies and procedures. I return to my initial substantiation that CAST has succeeded in the designated task.

#5. Further Proposition Finding #4 states that if the data suggests that the goal will not be achieved, “additional safety enhancements may be identified and implemented.”

Comment: As the process of determining any new safety enhancements from available fatal aviation accident data has come to an end, further activities by CAST have the consequence of reducing the effectiveness of CAST, and limiting further involvement by various organizations. There are still many additional ways to affect the reduction of risk in aviation related activities. CAST is a very expensive and limited means to secure these future applications of technology, policy, and procedures. Please allow CAST to complete the initially assigned task and sunset. If future unifications of government and industry are needed to complete a future task, I’m sure the industry will be available and willing.

I do see the benefit of protecting any information provided by the various participants regarding their application of the initiatives, but I do not think their submissions are required to effectively state that CAST has achieved the desired goal. Congratulations. The JSAT Police can now be disbanded.

Sincerely,

James K. McKie
Former participant in CAST activities from 1998-2004
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