

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

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November 14, 2007

Dr. Michael Griffin
Administrator
National Aeronautics and Space Administration
300 E St., N.W.
Washington, D.C. 20007

Dear Administrator Griffin:

During last week's hearing on aviation safety, you abandoned the prior claim of the National Aeronautics and Space Administration (NASA) that it could not release the safety-related data obtained as part of the National Aviation Operations Monitoring Service (NAOMS) because it would "materially affect the public confidence in, and the commercial welfare of, the air carriers and general aviation companies." Additionally NASA stated no information obtained from pilots could be released because it would breach a "confidentiality" promise.¹ Although your testimony was a little confusing on this topic, the most specific new reason given appeared to be that information taken from events occurring at an unspecified time during a 60-day timeframe that might include the name of an airport and the make and model of an aircraft could be reconstructed – or "reverse engineered" in the words of NASA staff – to identify the airline and/or the pilot.² You stated that "specific references to incidents and timeframes such that pilot identity could be reconstructed" by someone "knowledgeable in the field of aviation" would need to be deleted in the NOAMS database.³

On November 9th, NASA staff provided Committee staff with a demonstration intended to show how items in the NAOMS database could potentially be used to identify a particular pilot, e.g., an airline specifically named in the database combining the information about the airport used and the pilot's flying history in the database entry with its own pilot records in an attempt to identify a particular pilot. NASA staff told Committee staff that they had found only a few instances to date of references to specific airlines in the database of some 24,000 records, but that they had not searched for every airline name so there could be a few more such references.

¹ Letter dated Sept. 5, 2007, from Thomas Luedtke, NASA associate administrator for institutions and management, to Adam J. Rappaport, p. 3; see also Written Testimony of Michael D. Griffin before the House Science and Technology Committee, Oct. 31, 2007, pp. 3-4.

² Uncorrected transcript of hearing entitled, "Aviation Safety: Can NASA Do More to Protect the Public?" Committee on Science and Technology, U.S. House of Representatives, pp. 27-28. Mr. Griffin also stated that certain airlines were specifically identified. *Ibid.*

³ Uncorrected transcript, *supra*, p. 30.

NASA staff also indicated that revealing a particular airport and the type of aircraft flown, again combined with an airline's pilot record could possibly be used to identify a particular pilot – if the airline chose to do so.

We certainly are not opposed to NASA scrubbing the NAOMS data to remove the handful of references to specific airlines or other items that can be conclusively demonstrated to identify pilots. We do have concerns, however, about the two-step process that NASA has apparently determined is necessary before full release of the data. As described by NASA staff, these steps are as follows:

1. NASA has tasked Battelle Memorial Institute, the contractor on the NAOMS project to look for data fields that should be eliminated in their entirety or “genericized”⁴ to reduce the possibility that the information could be “reverse engineered” and identify the pilot. That report is due on November 20, at which point NASA will convene some type of panel to review the recommendations with the goal that the NAOMS data will be released by the end of the year, but possibly with entire data fields deleted.
2. After this release, NASA will conduct a record-by-record review of the NAOMS data in its entirety to determine if more information can be released for certain records. The review is to be conducted by the same persons who are responsible for the Aviation Safety Reporting System (ASRS). NASA staff expect this review to take at least a year, and the cost of the review has not yet been determined.

We have questions about the first step of this process. Perhaps the most significant at this stage of the review process is whether non-NASA personnel, such as external aviation safety experts, will sit on the panel. Therefore, by this letter, we are requesting that we be provided with the Battelle report as soon as it is submitted to NASA, a list of the members of the review panel at the same time, and a follow-up briefing on the review process and results.

Our second concern is that in this first step the data not be “scrubbed” to the point where any meaningful analysis becomes impossible. You indicated at our hearing that you did not expect to set a higher standard for the release of the NAOMS data than was set for the publicly available information in the Aviation Safety Reporting System (ASRS).⁵ This was somewhat confusing because ASRS reports provide a detailed written discussion of specific events that occurred during a 30-day timeframe and often include the name of the airport, the runway number, and the make and model of the aircraft involved, the time of day and the title and flying status and title of the person making the report instead of the mainly numerical records from a 60-day period reported in the NOAMS data.⁶ All of the ASRS information is public, and media

⁴ To “genericize” data would mean to group it so that identity would become more difficult. For example, the specific type of aircraft could be changed to size categories.

⁵ Uncorrected transcript, *supra*, p. 29.

⁶ See, for example, the following public ASRS report was made concerning an event at the Charlotte, North Carolina airport in August of 1996. According to the submitter, “AT SOME POINT ABOUT THIS TIME AN [EMERGENCY] WARNING LIGHT ILLUMINATED INDICATING THAT A CLOGGED FUEL FILTER WAS RESTRICTING FUEL FLOW TO THE ENG[INE]. I REMEMBER FIXATING ON THE WARNING LIGHT. I'M NOT SURE HOW LONG I STARED AT THE LIGHT...AFTER [LANDING] SAFELY I WAS INFORMED BY

organizations in the past week have used it in an attempt to identify the airline involved in an incident at the Denver airport and to report that there were 750 fatigue-related safety incidents since 2003, six of which involved pilots who fell asleep in mid-flight.⁷ We intend to follow this issue closely. It may be that if the first step is carried out carefully, the second, more expensive step of reviewing each record will not be necessary, since NAOMS was intended to provide statistical, quantitative survey data and trends, not focus on individual events.

In any event, we are troubled by NASA's plan to take up to a year to complete the release of the NAOMS data, and we consider such a delay to be totally unacceptable.

To further our understanding of public access to aviation safety databases, by this letter we are requesting the following information concerning the ASRS database, which is maintained by NASA for the Federal Aviation Administration (FAA):

1. Please provide a full history of NASA and/or FAA's decision to make public the reports in the ASRS database, including any role played by a Freedom of Information Act request. Is there any information in the ASRS database which is withheld from the public?
2. Is NASA aware of any instance in which the information in the ASRS database was used to "reverse engineer" a report and identify the person reporting the event? If the answer is yes, please describe the incident in full and any steps NASA took to prevent a recurrence.
3. For the ASRS database, please describe the intake process and follow-up interviews, how the information is preserved and de-identified; and what information is available publicly (if not answered in Question 1). In order for the Committee to fully understand the process, we are asking for the complete files for Report Nos. 344323, 712184 and 744107.
4. It is our understanding that over half of the reports made to the ASRS are never entered into the public database. Please provide an accurate statement of the percentage of the reports which are actually entered into the public database, why some reports are not entered, and the disposition of those unrecorded reports.

THE [TOWER] THAT I HAD DEVIATED FROM THE [CONTROLLER'S] INSTRUCTIONS. THE [PILOT] OF THE INCOMING [TRAFFIC] ON [RUNWAY] 18 HAD FILED A COMPLAINT THAT I HAD NOT MAINTAINED VISUAL SEPARATION AND CAUSED THE [PILOT] TO MAKE A [CLIMB]. AS I REMEMBER I FIXATED ON THE LIGHT AND LET IT TAKE PRIORITY."

"CTRLR CAME BACK 'DID YOU NOT RECALL I CHANGED YOUR XING TO 13000 FT?' IF WE WERE RECLRED TO CROSS 40 NM CLT AT 13000 FT INSTEAD OF 11000 FT, I NEVER HEARD IT."

["BELL 206 HELI[COPTER] FAILS TO MAINTAIN VISUAL SEPARATION FROM A [DEHAVILAND] DASH 8 ON [APPROACH.]", ASRS Report No. 344323

⁷ "Report Says Pilots Slept on Approach to Airport," *The Rocky Mountain News*, Nov. 3, 2007; ASRS Report No. 611329; "Fatigue Key to Air Crew Errors," *USA Today*, Nov. 8, 2007.

The requested documents and information should be delivered to the Committee offices in Room B-374, Rayburn House Office Building, by Tuesday, November 20, 2007. If your staff has any questions, please have them contact Edith Holleman, Investigations and Oversight Subcommittee counsel, at (202) 225-8459, or Richard Obermann, Space and Aeronautics Subcommittee staff director, at (202) 225-7223.

Your cooperation in this matter is greatly appreciated.

Sincerely,



BART GORDON
Chairman



MARK UDALL
Chairman
Subcommittee on Space
& Aeronautics



BRAD MILLER
Chairman
Subcommittee on Investigations
& Oversight



JERRY COSTELLO
Chairman
Subcommittee on Aviation
Committee on Transportation
& Infrastructure

Cc:

Rep. Ralph Hall
Ranking Member

Rep. F. James Sensenbrenner
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Rep. Tom Feeney
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