

Diana Pfeifle
FOIA Officer, AJV-W52
DOT/FAA Western Service Area
Air Traffic Organization
1601 Lind Avenue SW
Renton, WA 98057-4056
Diana.Pfeifle@faa.gov

March 20, 2014

Dear Diana:

This is a re-filing because my first request was canceled. If this request is divided into 2 separate requests, as was my last request, please inform me which specific portions of the request are being re-filed to a different agency so I am aware that I have TWO DIFFERENT requests, with 2 different responses and 2 different sets of deadlines. If this should happen, please also notify me of the name, phone number, email address, and mailing address of the person I can contact regarding each request, as re-filed by you – as well as a CC (carbon copy) to me of the communication in which you referred that portion of the request to the other agency.

I am sending this request directly via email because the web form doesn't allow spacing and it would be a nightmare to process this request without proper spacing.

Pursuant to the Freedom of Information Act, I request the following records for the time period from 2:00pm-8:00pm (1400-2000(L)) HST on December, 11, 2013 substantiating events before, during and after the rescue and recovery operations for the fatal accident described in NTSB ID: WPR14FA068 occurring offshore Kalaupapa (PHLU) airport on the island of Molokai.

- 1) Recordings and/or transcripts of all air-to-air, air-to-ground, inter- and intra-facility communications, as well as logs and/or duty journals, for related activities in FAA facilities and sectors from, into (and between) the Honolulu area (including Barber's Point/Diamond Head) generally aligning with, or overlying, the geographical area defined as the "Maui District" by the Aviation Division of the Hawai'i Department of Transportation
- 2) Recordings, transcripts, photocopies and/or electronic data files of all logs and/or journals (including handwritten notes) regarding the accident occurring during the times and within the area(s) specified above;
- 3) Recordings, transcripts, photocopies and/or electronic data files of all logs and/or journals (including handwritten notes) of telephone calls regarding the accident occurring during the times and within the area(s) specified above as well as all telephone calls regarding the accident and recovery operations at any time subsequent to the accident;
- 4) Photocopies and/or electronic data files of all e-mail relating to, or as a result of, occurring at any time during and/or subsequent to the accident specified above;
- 5) Recordings, transcripts and/or electronic data files of all radio (VHF/UHF) transmissions during the times and within the area(s) specified above;
- 6) Recordings, transcripts, photocopies and/or electronic data files of all inter- and intra-facility communications during the times and within the area(s) specified above;
- 7) Recordings, transcripts, photocopies and/or electronic data files of all logs and/or journals (including handwritten notes) from any and all conferences, meetings and similar activities regarding the accident occurring at any time subsequent to the accident, up to, and including, the present time;

- 8) Recordings, transcripts, photocopies and/or electronic data files of all After Action Reports, Summaries, Executive Summaries, Briefings, Presentations, or similar reports by any name or designation, compiled as a result of, and at any time subsequent to the accident.
- 9) Electronic data files of all radar data during the times and within the area(s) specified above;
- 10) Recordings, transcripts, photocopies and/or electronic data files of all crash alert phone systems and any and all other similar systems by whatever name and/or designation during the times and within the area(s) specified above.

The purpose of the request is to identify all elements, organizations and duty positions participating in, supporting or contributing to in any manner, to the rescue efforts near PHLU on December 11, 2013, including, but not limited to:

(FAA) Honolulu Air Route Traffic Control Center (HAN)
 (FAA) Honolulu Center Radar Approach Control (CERAP)
 (FAA) Honolulu Terminal Radar Approach Control (TRACON)
 (FAA) The Honolulu Airport Traffic Control Tower (ATCT)

Additionally I request:

- 11) Any and all recordings and/or transcripts of communications that occurred on VHF Emergency frequency 121.5 MHz and UHF Emergency Frequency 243.0 MHz during the timeframe specified.
- 12) Any and all recordings and/or transcripts (if any) of communications that occurred on Kalaupapa Common Traffic
- 13) Advisory Frequency (CTAF) VHF 122.9 MHz during the timeframe specified.
- 14) Any and all recordings and transcripts of communications that occurred on Honolulu Approach/Departure Control frequencies 124.1/317.5 (MOUNT HALEAKALA RCAG).
- 15) the following records for these Maui District Airports during the time period from 3-7pm HST on Dec 11, 2013 (The actual controlling and/or operational authority for these Air Traffic Control Towers (ATCT) is not readily available in regular Aeronautical Information publications (Flight Data). Irrespective, whether they might be classified as Non-Federal Control Towers (NFCT), or FAA-Operated, or FAA Contract Operated, or FAA Shared Contract Operated, or by any other designation, or authority):

Any and all information maintained by, or available to the FAA, specified below for:

- Hana Airport (HNM) (Maui)*
 - Kalaupapa Airport (LUP) (Molokai)*
 - Kahului Airport (OGG) (Maui Primary Airport)*
 - Kapalua Airport (JHM) (Maui)*
 - Molokai Airport (MKK) (Primary Airport)*
- a) ALL data (recordings and/or transcripts) for all radio (VHF/UHF) transmissions, inter- and intra-facility communications and radar data, including crash alert phone systems and any and all other similar systems.
 - b) Any and all recordings and/or transcripts of recordings that occurred on VHF Emergency frequency 121.5 Mhz and UHF Emergency Frequency 243.0 Mhz

- c) Any and all recordings and/or transcripts of recordings that occurred specifically on Kalaupapa Common Traffic Advisory Frequency (CTAF) VHF 122.9 Mhz
- d) Logs of all aircraft operations at Kalaupapa (PHLU) and Molokai (PHMK).
- e) Duty logs of all tower personnel and/or journals of operations at Kalaupapa (PHLU) and Molokai (PHMK), where applicable.
- f) Any and all recordings and/or transcripts of Traffic Control Towers (ATCT), where applicable.
- g) Any and all recordings and/or transcripts of Common Traffic Advisory Frequencies (CTAF), where applicable
- h) Any and all Notices to Airmen (NOTAMs) of any and all classifications that were already in effect, or issued during, the times specified above in the area(s) and for the designated facilities in this FOIA request.

I request a waiver of the fees associated with this request because:

- 1) This request is on behalf of the public interest, for reporting to be done at the news site Canada Free Press by journalist/senior contributor Doug Hagmann, for whom I am making this request. The news accounts for this time period have many, many contradictions and new information has surfaced (literally) which calls into serious question the reports given thus far, by media and by governmental agencies alike. This is precisely the kind of situation that FOIA was designed for – where government openness is essential for maintaining the public trust - and financial considerations should not stop the public from knowing the truth about government actions.
- 2) These records should have already been compiled for the National Transportation Safety Board, so the only processing necessary – beyond looking up what was submitted to the NTSB - should be redaction of personally-identifying information. This fact should also reduce the amount of processing time.

I prefer to receive these as electronic files, if possible, sent to [REDACTED] and to [REDACTED]. Please notify me in advance of any costs exceeding \$25 associated with this request.

Thank you for your time. I look forward to hearing from you soon, via [REDACTED] and [REDACTED] or [REDACTED].

Sincerely,

[REDACTED]



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Office of the Regional Administrator

1601 Lind Avenue Southwest
Renton, Washington 98057

JUN 06 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED



first one is sector 3

*1:23 picking up ELT in
Kalaupapa*

Sec 3

Radar Assoc H - radar

L - radar

V - radar

Op supervisor

Subject: Freedom of Information Act (FOIA) Request 2014-008224WS

This is a Northwest Mountain Region, Air Traffic Organization (ATO), Western Service Area, partial denial, partial no records response to your FOIA request dated March 20, 2014, made under the provisions of Title 5 United States Code (U.S.C.), Section 552. You requested a copy of records from 2:00 p.m. to 8:00 p.m., Hawaiian Standard Time, on December 11, 2013, regarding N687MA, an aircraft involved in an accident near Kalaupapa, Hawaii, on December 12, 2013, Coordinated Universal Time (UTC).

A search for records was conducted at the Honolulu Control Facility (HCF) and the Maui Airport Traffic Control Tower (OGG) on April 18, 2014. The search revealed records responsive to items 1, 2, 5, 6, 8, 11, 14, and 15(h) of your request as described below and included on the enclosed digital versatile disc:

- HCF documents responsive to items 2 and 8:
 - Air Traffic Mandatory Occurrence Report,
 - Federal Aviation Administration (FAA) form 7230-4, Daily Record of Facility Operation,
 - National Traffic Management Log,

- HCF certified audio re-recordings responsive to items 1, 5, 6, 11, and 14:
 - Radar Associate 3 Position, from 0000 to 0600 UTC,
 - Operations Supervisor in Charge Position, from 0000 to 0600 UTC,
 - H Radar Position, from 0000 to 0600 UTC,
 - L Radar Position, from 0000 to 0600 UTC,
 - V Radar Position, from 0000 to 0600 UTC,
 - Radar Sector 3 Position, from 0000 to 0600 UTC, and

- OGG document responsive to item 15(h):
 - All Notice To Airmen that were active on December 11, 2013.

Please note that any communications for frequencies responsive to item 14 are transmitted on the Sector 3 Position and any communications responsive to item 11 are captured on all

sector positions. Please be advised that the audio re-recordings have an encoded time source on the right channel and can be listened to on any media player by adjusting the balance to the full left position.

We have withheld a portion of the National Traffic Management Log that contains information exempt from disclosure under Exemption 3 of the FOIA, Title 5 U.S.C. Section 552 (b)(3). Exemption 3 permits withholding of records specifically exempted from disclosure by another Federal Statute. In this instance, Title 49 U.S.C., Section 40119(b) states, in part, that the Administrator may prescribe regulations as deemed necessary to prohibit the disclosure of any information obtained or developed during security activities if he concludes that disclosure would be detrimental to the safety of persons traveling in air transportation. The withheld information identifies military aircraft.

The search revealed no ATO records responsive to items 3, 4, 7, 9, 10, 12, and 13 of your request. There are no ATO provisions for recording the frequencies listed in items 12 and 13. In addition, this accident was classified as a "no services" accident, meaning no FAA facility had contact with the aircraft. No transcripts were created and any radar data responsive to item 9 or additional audio re-recordings that may have existed have been destroyed in accordance with FAA Order 7210.3Y, Facility Operation and Administration. The FAA retention and destruction regulations are outlined in FAA Order 7210.3Y, Facility Operation and Administration, and FAA Order 8020.16A, Air Traffic Organization Accident and Incident Notification, Investigation, and Reporting.

In an email dated June 5, 2014, you were provided with contact information for Serco Inc., for any available records from the Molokai Federal Contract Tower. The State of Hawaii's Department of Transportation operates the Hana Airport, Kalaupapa Airport, and Kapalua Airport and may also have records responsive to your request. However, please be advised that the State of Hawaii has no statutory obligation to respond to a FOIA request. They may be contacted at the following address:

Airports Division Offices
400 Rodgers Boulevard, 7th Floor
Honolulu, HI 96819-1880

Your request qualifies for the "All Other" fee category, whereby you are not charged for the first two hours of search time, any review time, and documentation under 100 pages. The total charge for processing your request is **\$1,130.00**. An invoice is enclosed for your reference.

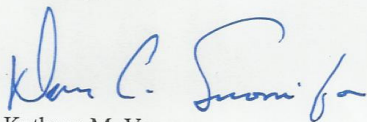
The undersigned and Edith V. Parish, Acting Director, ATO, Western Service Center, are responsible for this partial denial, partial no records response. You may request reconsideration of this determination by writing to the address below or through electronic mail at FOIA-Appeals@faa.gov.

Assistant Administrator for Finance and Management, AFN-1
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Your request for reconsideration must be made in writing within 45 days from the date that the initial determination was made, and must include all information and arguments relied upon. Your appeal must also state that it is an "appeal" from the above described denial of a request made under the FOIA and include your assigned FOIA control number. The envelope containing the appeal should be marked "FOIA."

If you have questions, please contact Diana Pfeifle, FOIA Officer, ATO, Western Service Area, at (425) 203-4156.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathryn M. Vernon".

Kathryn M. Vernon
Regional Administrator
Northwest Mountain Region

Enclosures

Federal Aviation Administration
Air Traffic Org - Western Service Area
FAA ATO-WSA Mailcode: AJO2-W52
1601 Lind Avenue SW
Renton, WA 98057-4056

FOIA Number:	2014-008224WS (WSJA001)
Pay.Gov Web Payment ID:	[REDACTED]

Invoice



Date	Item Category	Description	Other	Charges Incurred	Charges Deducted	Charges Applied	Payment
06/04/2014	Duplication	ATC Tapes		\$1,080.00	\$0.00	\$1,080.00	\$0.00
06/04/2014	Search	Manual Search	HCF	\$150.00	\$100.00	\$50.00	\$0.00
06/04/2014	Review	Review Time		\$250.00	\$250.00	\$0.00	\$0.00
						\$1,130.00	\$0.00

A balance equal to or less than \$10.00 is not collected.

Amount Due

\$1,130.00

To pay by check: Please clip the payment coupon below and mail it, along with your check payable to DOT/FAA, to the address indicated.

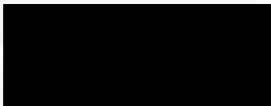
To pay thru Pay.Gov: Please use the link from our FOIA web page (www.faa.gov/foia) to access the proper Pay.Gov Account.

Pay.Gov is a secure website where you can pay by eCheck or Credit Card. When you access the Pay.Gov website, you will be asked for the following information:

Web Payment ID Number:
FOIA Request Number:
Name of FOIA Requester:
Amount Due:



\$1,130.00



Balance due upon receipt.

Balance Due:

Payment Amount:

Please write the FOIA Number
in the memo field on your check.

FOIA Number:

Remit to: Federal Aviation Administration
Air Traffic Org - Western Service Area, WS-JA1
FAA ATO-WSA Mailcode: AJO2-W52
1601 Lind Avenue SW
Renton, WA 98057-4056