

October 31, 2019

FOIA Coordinator  
Federal Aviation Administration  
National FOIA Staff (AFN-400)  
800 Independence Avenue, SW  
Washington, DC 20591

Re: Freedom of Information Act Expedited Request

Dear FOIA Officer:

This is an expedited request under the Freedom of Information Act. I hereby request copies of the following records:

- Records of all software changes, including MCAS, that Boeing has submitted to the FAA for the 737 MAX since October 28, 2019.
- All software changes for the Boeing 737 MAX, including MCAS, that were proposed, required, or requested by the FAA since October 28, 2019.
- Records describing and analyzing the flaws or needed adjustments to MCAS and other 737 MAX software.
- Records describing the solutions or fixes to the aforementioned flaws that were either (1) proposed by the FAA, Boeing, JATR, TAB, or any other federal government entity, (2) requested or required by FAA, JATR, TAB, or other federal government entity, (3) submitted to FAA, JATR, or TAB by Boeing.
- Any cost-benefit analysis of grounding and ungrounding the 737 MAX either (1) conducted by the FAA or (2) submitted to the FAA by Boeing, AIA, or any other party.
- Records confirming whether a cost-benefit analysis has or has not been (1) conducted by the FAA, or (2) submitted to the FAA by Boeing or any other interested party.

Acronyms:

AIA-Aerospace Industries Association

JATR-Joint Authorities Technical Review

MCAS-Maneuvering Characteristics Augmentation System

TAB-Technical Advisory Board

Classification as an expedited request is justified because the records requested involve threats to the lives of millions of airline passengers and the general public. The FAA may decide to unground the Boeing 737 MAX within the next few months. A normal minimum processing time of one to two years would render this request futile and would harm the lives of the public. Although expedited requests are granted in only the most extreme circumstances, the FAA's

failure in oversight and certification of the 737 MAX requires the expedited release of records that can be reviewed by independent experts and disseminated to the flying public.

In order to help determine my status for purposes of determining the applicability of any fees, you should know that I fall into the category of all other requesters. Flyers Rights Education Fund is a 501(c)(3) organization that helps to educate the public and publishes a weekly newsletter for airline passengers.

I am willing to pay fees for this request up to a maximum of \$750. If you estimate that fees will exceed this limit, please inform me first.

I request a waiver of all fees for this request. Disclosure of the information to Flyers Rights is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in its commercial interest.

Below are facts supporting the need for a fee waiver:

**1. The subject matter of the requested records concerns the operations or activities of the federal government.**

The subject matter of these records concerns actions that the FAA is taking to review the MCAS software and the safety of the Boeing 737 MAX before the federal government considers ungrounding the Boeing 737 MAX.

**2. The requested records are meaningfully informative on those operations or activities so that their disclosure would likely contribute to increased public understanding of specific operations or activities of the government.**

The public has a need for information about the software changes proposed and made to the Boeing 737 MAX. The information sought by this FOIA request has not yet been released to the public, but would play a vital role in informing the public of the FAA's activities around ensuring the safety of air travel.

**3. Disclosure will contribute to the understanding of the public at large, rather than the understanding of the requester or a narrow segment of interested persons.**

The requester is the largest nonprofit, advocacy organization for airline passengers. Flyers Rights has over 60,000 members, publishes a weekly newsletter, and operates a toll-free hotline for airline passengers. According to the FAA, more than 2.5 million people travel on commercial flights each day in the United States. The U.S. economy depends on commercial aviation. The general public and the very sizable travelling public will benefit from the release of the requested information.

**4. Disclosure would contribute significantly to public understanding of the governmental operations or activities.**

Paul Hudson, President of Flyers Rights, has been interviewed or quoted in hundreds of news stories, including articles and reports by NBC, CNN, FOX, New York Times, Washington

Post, and Los Angeles Times. With its website and weekly newsletter, disclosure to the requester will be broadly disseminated to the public by the requestor and the news media.

Disclosure of these records would greatly increase the public's understanding of the FAA's process of determining whether to unground the 737 MAX and on what conditions to unground the 737 MAX. The public does not have any information on the details of software changes that have been proposed or that have been made to the 737 MAX.

**5. Disclosure would not further any commercial interests of the requester.**

The requestor is a 501(c)(3) nonprofit corporation for public education and understanding. Knowledge of the operations and activities of the federal government will further the public interest. The interests of Flyers Rights, as a nonprofit organization advocating for airline passengers, are aligned with those of the public.

[Flyersrights.org](http://flyersrights.org), as a voting member of the FAA Aviation Rulemaking Advisory Committee representing airline passengers and the general public on air safety, needs this requested information to properly perform its role on this important FACA Committee and otherwise.

I also have included an email address and a telephone number at which I can be contacted, if necessary, to discuss any aspect of this request.

Thank you for your consideration of this request.

Sincerely,

/s/ Paul Hudson

Paul Hudson, on behalf of Flyers Rights Education Fund

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/s/ Andrew Appelbaum

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