

EXHIBIT 8

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FLYERS RIGHTS EDUCATION)	
FUND, INC, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 19-3749 (CKK)
)	
FEDERAL AVIATION ADMINISTRATION,)	
)	
Defendant.)	
)	

Supplemental Declaration of Michael Neely

I, Michael Neely, make the following declaration that:

1. I make this supplemental Declaration to “Case 1:19-cv-03749-CKK , docket 21, Document 21-4 Filed 10/28/20”.
2. All contents in my initial Declaration noted above apply in this supplemental Declaration, and will not be repeated here.
3. I submit this Supplemental Declaration in further support of the Motion of Plaintiff Flyers Rights Education Fund for Summary Judgment. I have personal knowledge of the matters stated below.
4. I have reviewed the final Airworthiness Directive issued by the Federal Aviation Administration (FAA) on November 18, 2020 after filing my initial Declaration; the Rescission of Emergency Order of Prohibitions (the FAA’s ungrounding order, issued on the same date; and the final Summary of the FAA’s Review of the Boeing 737 Max, issued by the

FAA on the same date (“Final Summary of FAA Review”).

5. My review of these documents confirms that without the Disputed Information Categories withheld by the FAA from public disclosure in this case, asserted under Exemption 4 of the Freedom of Information Act, it is not possible for me, or any other independent expert in aircraft design and safety, to determine whether the design modifications that the FAA has determined now make the 737 MAX safe to fly in fact do make it safe to fly.
6. The Final Summary of FAA Review indicates that a crucial defect in the original design that contributed to the fatal crashes...was addressed by Boeing by updating...software ... and changing flight control laws to safeguard” Final Summary p. 20.
7. The FAA Summary indicates that the updated flight control system was tested and asserts in conclusory fashion that it worked. Final Summary pp. 40-42. But in the 100 some pages of the Final Summary, there is no actual information how this design change was concluded and tested with specific test results. The FAA withheld under Exemption 4 all of the test plans and safety analyses that would contain any of this information.
8. I again elevate, as stated in my 10/28/20 Declaration, the significant findings of the United States House of Representatives Aviation Subcommittee investigation report (#14) the National Transportation Safety Board’s 737 MAX crash report (#15), along with the other five

737 MAX reports concluding “*functional hazard assessments...were not consistent with the underlying assumptions...used during the design certification process as well as diagnostic tools to improve the prioritization and clarity of failure*” and “*...Culture of Concealment. In several critical instances, Boeing withheld crucial information from the FAA, its customers, and 737 MAX pilots.*”

9. Based upon the investigations and findings I cited, Boeing nor the FAA has provided nor proved, at minimum, they have;
 - i. Not made any changes to properly follow regulated safety procedures in their design approaches initially neglected that caused the crashes,
 - ii. Not proved they did anything different to mitigate, or prevent from the same neglect of following safety procedures in design changes claimed,
 - iii. Not provided any safety hazard analysis proving it performed properly followed procedures in its proposed changes vs improperly followed as the cause of the crashes,
 - iv. Not proved that any other safety issues exist on 737 MAX due to neglect or improper use of its regulated safety procedures.
 - v. Not made any Code of Federal Regulations (CFR) changes, or certification changes to enhance or reinforce the need for safety rigor,
10. I further I call attention to the facts in the FAA’s “DOT/FAA/TC-16/39

Safety Issues and Shortcomings with Requirements Definition, Validation and Verification Processes Final Report” that was co-authored by a Boeing certification focal I worked with during my employment at Boeing (ref page 3, box 17). I raise attention to the fact that the FAA and Boeing were aware of the engineering development issues that caused the 737 MAX crashes in 2015 and 2016 when the “DOT/FAA/TC-16/39” report was updated by the FAA and Boeing. The report states in page 3, boxes 16 and 17:

“This report addresses safety issues and shortcomings with requirements definition, validation, and verification processes. It was revised (Revision A) in response to FAA review and feedback...”

“This document presents safety issues and shortcomings with requirements definition, validation, and verification processes. System architectures and associated requirements for aerospace digital avionics systems have accelerated in complexity and integration over the last two decades. Initial generations of digital avionics automated individual functions were standalone or had limited integration with other airplane-level functions. However, today’s complex avionics architectures can be highly integrated across complex systems. This research has been initiated to identify and address problems caused by, or that contributed to, incorrect or incomplete requirements. This report builds on research completed in years 1 and 2 of this task order, which addressed safety issues with requirements definition, validation and verification processes and practices, and the root causes of requirements errors, omissions, or conflicts. Included is research based on input from subject matter experts, including recommendations to address the root causes.”

I further raised attention to the “DOT/FAA/TC-16/39” report “Executive Summary” page 11 states;

Findings from this research were summarized into four major root causes that suggest potential improvements and additions to industry guidance related to:

- 1. Incomplete, incorrect, or missing requirements*
- 2. Incorrect implementation of otherwise correct requirements*

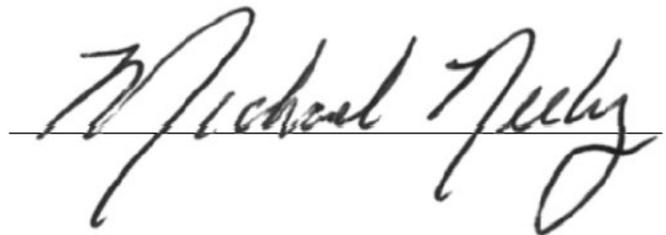
3. Incomplete, inadequate change impact analysis

4. Incomplete, incorrect programmatic and technical planning

I opine that this report addresses Boeing's neglect to follow Safety procedures and processes across its commercial aircraft designs, to include the design of the 737 MAX MCAS system, known as early as 2015/2016 or prior, that caused the MCAS system to be viewed as less hazardous than it really was, consequently resulting in a catastrophic loss of two 737 MAX.

11. The findings from all the industry and U.S. government reports have not been proven mitigated by Boeing or the FAA to satisfy a conclusory certification of the 737 MAX return into service. Therefore, in the opinion of this consultant, it would be a RISK TO PUBLIC SAFETY if the 737 MAX was allowed into service without a thorough third party review of the required design data, safety analysis and certification data that presumably backed the FAA's conclusions.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on November 23, 2020 in Huntsville, Alabama.



A handwritten signature in black ink, reading "Michael Feeley", written over a horizontal line.