

APPENDIX: V

DOCUMENT NUMBER: NTSB Record 23

DATE OF DOCUMENT: Unknown

TOTAL NUMBER OF PAGES: 01

TOTAL NUMBER OF PAGES WITHHELD ENTIRELY: 0

TOTAL NUMBER OF REDACTED PAGES: 1

DESCRIPTION OF DOCUMENT: Chart of a segment of radar data

A staff member of the NTSB created this one-page document to present some preliminary radar data. Upon further review of the document at the time of the filing of the Vaughn index in CV 02-8708-AHM, it was determined that the headings could be released without affecting the material exempt under the Freedom of Information Act (FOIA). The preliminary data and handwritten notes concerning that data are still redacted and withheld pursuant to exemption (b)(5). Radar data must be "synchronized" to adjust for conditions such as magnetic variation, common origin offsets and differences in timing. This preliminary data has not been fully synchronized.

The Airplane Performance Study, a study available in the public docket, as well as on-line at www.nts.gov, discusses the collection and evaluation of the radar data for TWA flight 800. All of the data supporting the

Airplane Performance Study is available in the public docket. The information still withheld in Record No. 23 is a preliminary collection of data which was collected in leading to the Airplane Performance Study and/or the data supporting the Study.

The preliminary segment of radar data and the handwritten notes have been redacted under exemption (b)(5). These data and notes reflect the personal opinion of the writer rather than the policy of the agency. The employee creating this chart and the notes was acting as a member of the TWA flight 800 accident investigation team. The document was intended to provide preliminary data to those who needed it to derive other results, such as the flight path of the accident aircraft using a simulation program created by another staff member of the NTSB. The selection of these data culled from hundreds of pages of data, and the notes, give an indication of the preliminary thoughts of how data may be used in the simulation program. A number of simulations were performed, resulting in several reports that are available in the public docket: Main Wreckage Flight Path Study, Errata to the Main Wreckage Flight Path Study, and Addenda I and II to Main Wreckage Flight Path Study. These reports are identified as

Exhibits 22C through F in the public docket and are found in Exhibits VII - X to the Crider Declaration.

Information provided on Record 23 was used in the simulations to further derive the flight path responses of the accident aircraft following a catastrophic event, such as the loss of the forward section. Understanding the flight path following the catastrophic event may assist the Safety Board with the understanding of the cause of the catastrophic event.

The information is predecisional and deliberative in nature, thereby exempt from disclosure. By virtue of the application of exemption (b)(5) of the FOIA, the preliminary data and handwritten notes on this document were withheld in their entirety.

The (b)(5) exemption for the protection of deliberative process materials has always encompassed the preliminary findings and recommendations made to the decisional authority so as not to cause harm to the quality of the agency's decision-making process, and thereby the decision. The harm arising from the release of this information is that, without the protection provided by the exemption, full and frank discussion of options and opinions so vital to the decision-makers would be impossible. (See Declaration of Dennis Crider). In this instance, NTSB

staff is seeking review and confirmation of data and preliminary findings to prepare the NTSB studies for presentation to the Safety Board. The five-member Safety Board is the ultimate decision-maker as to the probable cause(s) of an accident, and the safety recommendations that follow from that cause. The simulation results described in the reports that are created using information from this document will contribute to the Safety Board's understanding of the flight path of the accident airplane, and thus aid in its decisions that will either alter maintenance of systems, training of personnel, or construction of systems so as to prevent future accidents. Because it is purely predecisional and part of the deliberative process, this record is exempt under 5 USC 552 (b) (5).

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(b)(5)