

Appendix V

DOCUMENT NUMBER: NTSB Record 5

DATE OF DOCUMENT: March 21, 1997

TOTAL NUMBER OF PAGES: 01

TOTAL NUMBER OF PAGES WITHHELD ENTIRELY: 0

TOTAL NUMBER OF REDACTED PAGES: 01

DESCRIPTION OF DOCUMENT: Chart Describing TWA flight 800
Mass Properties

The NTSB received this document from The Boeing Company Air Safety Investigation Team, which is part of its Commercial Airplane Group (CAG/ASI). The document, which was voluntarily tendered by CAG/ASI to the NTSB, was intended to relay to the NTSB investigative team information about the mass properties of Boeing Model 747 aircraft. The mass properties of the aircraft, which are considered by Boeing to be commercial and confidential information, were needed by the NTSB investigative team to analyze the possible physical responses of the plane following a catastrophic event, such as the loss of the forward section of the aircraft. In addition to the commercial confidential information concerning Boeing aircraft, the document also contained information identifying the professional staff of Boeing who prepared

the document and who are knowledgeable concerning the Boeing commercial, confidential information contained in the document. Certain information contained in this document was withheld by virtue of the application of exemptions (b)(4) and (b)(6) to the Freedom of Information Act (FOIA).

The substantive information concerning the mass properties of the accident aircraft and its aircraft type, in different configurations, is considered by Boeing to be commercial information, the release of which would disclose to the public, including its competitors, operational information regarding the Boeing fleet of 747 aircraft. It is the understanding of the NTSB that the data contained in this record is not of the type that is customarily disclosed by Boeing to the public. The commercial data contained in this document were not identified by the NTSB as commercial information that, for the protection of public safety, was required to be published in a report or the public docket of the NTSB. As a result, pursuant to exemption (b)(4), the data contained in this record were found to be commercial confidential information and exempt from release under the FOIA; therefore the data were withheld.

The names, telephone and facsimile numbers for the Boeing employees were redacted pursuant to exemption (b)(4). The redacted information involving the identity of its professional employees, voluntarily submitted by Boeing, is considered by Boeing to be commercial in nature and to reveal commercial operations, which from Boeing's perspective, makes the withheld information confidential in nature.

Boeing's employees, including the engineers and technical staff in CAG/ASI, are vital to the design, manufacture, sale and support of commercial aircraft, which are a primary product of the company. Boeing invests a great deal of time, money and other resources educating and training its personnel in order to develop their skills and usefulness to Boeing's commercial operations. Boeing engineers and technical staff in their daily work routinely create, have access to, and use Boeing proprietary information that is commercially valuable to Boeing. Further, they routinely access and use the proprietary information of Boeing's suppliers and customers, which information was provided to Boeing by its suppliers and customers with the expectation that it would be held confidential. Use and disclosure of proprietary

information, whether that of Boeing, a supplier or customer, is restricted by agreements between Boeing and its employees, suppliers, and customers. Boeing has policies and procedures to prevent disclosure of proprietary information, which is not customarily made available to the public. Disclosure of the withheld information concerning Boeing's employees would identify the professional staff of Boeing that are involved in the technical and professional activities of CAG/ASI, which would link particular employees with particularized commercial operations of Boeing. Additionally, it would identify and disclose those employees of Boeing that are in possession of and familiar with the proprietary information of Boeing and its suppliers and customers. Boeing therefore has a commercial interest in withholding from disclosure the identifying information concerning its employees and link to the proprietary information they have created, accessed, or used in the course of their employment.

As a normal business practice to prevent burdensome or improper contact between Boeing's employees and third parties who might have an adverse interest in Boeing's business, Boeing generally does not release direct contact information for its employees. If the withheld information were released, names and contact information for employees

who have access to or knowledge of Boeing's commercially valuable proprietary data would be available to the public in general and to Boeing's competitors in particular. Armed with the basic knowledge of the employees' knowledge, skills, and responsibilities, Boeing's competitors could attempt to hire these individuals away from Boeing or otherwise seek to gain information from them. In short, public disclosure of the withheld information, to the extent that it may cause substantial harm to Boeing's competitive position, would also be likely to impair the NTSB's ability to have direct access and information concerning the professional and technical staff of Boeing. If, as a result of disclosure of identifying information concerning its employees, the employees were subject to burdensome or improper contact, it would be more difficult and expensive for Boeing to offer its most experienced and knowledgeable employees to support NTSB investigations. Loss of the investigative asset that the Boeing employees represent would significantly impair the NTSB's ability to complete its accident investigation work. For Boeing, loss of members of its highly skilled workforce would have a detrimental effect on Boeing's ability to compete in a very demanding global marketplace.

The names and other identifying information concerning the employees of Boeing, including the names, telephone numbers and facsimile numbers, were also withheld pursuant to exemption (b)(6). These individuals are not government employees; rather, they are employees of a private corporation. Given the commercial value of the information that is in the possession of these individuals and the curiosity that has arisen surrounding the accident investigation of the crash of TWA Flight 800, release of the names, telephone and facsimile numbers of these Boeing employees would permit the invasion of the employees' personal privacy and would make them subject to unwanted and possibly unmanageable contact from a host of individuals unknown to them. It is clear, therefore, that the employees of Boeing have a privacy interest in their names and other identifying information and in the non-disclosure of their names and other identifying information.

Taking into consideration the public interest in the disclosure of the material withheld under (b)(6), as public interest is defined in the FOIA, it does not appear that the withheld information is of the type in which there is a public interest or, if an interest exists, it is minimal. That is, the names and identifying information of Boeing

employees do not shed light on the agency's performance of its statutory duties. Thus, it appears that there is little to no public interest in the disclosure of this information and that the Boeing employees' right to privacy outweighs any such interest. The disclosure of the information, without revealing information concerning how the NTSB performs its statutory duties, would constitute a clearly unwarranted invasion of personal privacy.

TWA 800
Mass Properties

Parameter

Before Event

After Nose⁺ Separation

[REDACTED]

[REDACTED]

[REDACTED]

←-----↑ (b)(4)

[REDACTED]

←

[REDACTED]

← (b)(4)
(b)(6)

3/21/97