

December 30, 2019

Ost.foia@dot.gov

Re: Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5. U.S.C. § 552, and the implementing regulations of your agency,¹ Accountable.US requests access to and copies of all correspondence, for the period of March 10, 2019 until March 17, 2019, between any Department of Transportation (“DOT”) employee(s) listed in column A and any individual(s) listed in column B (email addresses have been included for this group when known, but the other names are also presumably @boeing.com domains):

COLUMN ONE	COLUMN TWO
Steven G. Bradbury, Acting Deputy Secretary and General Counsel Daniel Elwell, FAA Deputy Administrator and former Acting Administrator D. Kirk Shaffer, FAA Associate Administrator for Airports Ali Bahrami, FAA Associate Administrator for Aviation Safety Philip O. Newman, FAA Assistant Administrator for Government and Industry Affairs	Arthur E. Cameron (art.cameron@boeing.com) Timothy J. Keating (tim.keating@boeing.com) Heath D. Bumgardner (heath.bumgardner@boeing.com) Peter Pagano (peter.a.pagano@boeing.com) Kevin Rozelsky (kevin.m.rozelsky@boeing.com) Theodore Austell III (theodore.austell@boeing.com) Tom McLemore (tom.mclemore@boeing.com) David A. Young (dave.young@boeing.com) Kevin P. Varney (kevin.varney@boeing.com) Christine Ramsdell (christine.h.ramsdell@boeing.com) Arthur W. Beckman (Arthur.w.beckman@boeing.com) Steven Bachmann (steven.e.bachmann@boeing.com) Daniel P. Curran (Daniel.p.curran@boeing.com) Meredith Mellody (Meredith.mellody@boeing.com) Michael Waclawski (mike.waclawski@boeing.com) Jenness Simler (jenness.b.simler@boeing.com) Dario J. Gomez Amy B. Smith Nicole Young Krista O'Neill Thomas Culligan

For each correspondence identified, Accountable.US then also requests all messages in any communications chain that includes the identified correspondence – be they letters, texts, emails, Signal messages, WhatsApp messages, or faxes.

“Correspondence” should include but not be limited to: emails, email attachments, text messages, telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any responsive communications, summaries of any

¹ Title 49.

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responsive communications, or other materials reflecting communications sent to, from, carbon copying (CC), or blind carbon copying (BCC) all relevant individuals.

If possible, we would prefer to receive this information electronically via e-mail at RPTFOIAS@accountable.us. Alternatively, we prefer PDF files on a USB drive or CD/DVD sent by mail to Accountable.US, 1919 M St. NW, Suite 450, Washington, DC 20036. If you have questions or need additional information, please feel free to call me at (202) 644-8526 ext. 308.

Fee Waiver Request

Accountable.US requests a waiver of fees because it qualifies for classification as a “news media” requester, responsible only for duplication fees under FOIA's fee assessment provisions.²

So-called media status is consistent with how Accountable.US components, including Restore Public Trust, have been treated by multiple agencies. The U.S. Department of Agriculture, for example, recognized this status in light of the regular publication and dissemination activities in which Accountable.US engages. Accountable.US will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Accountable.US will also make materials it gathers available on its public website.³

The disclosure of the requested information is also “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.” The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business. There is significant public interest in the multiple crashes of Boeing 737 MAX aircraft as reported on by the New York Times [<https://www.nytimes.com/2019/03/10/world/africa/ethiopian-airlines-plane-crash.html>].

This request is primarily and fundamentally for non-commercial purposes.⁴ On March 26, 2019, Accountable.US applied to be recognized as a not for profit, 501(c)(3) organization, with the Internal Revenue Service. Accordingly, Accountable.US does not have a commercial purpose and the release of the information requested is not in Accountable.US's financial interest. Accountable.US's mission is to ensure public officials are advancing policies in the public's interest not for special interests.

Accordingly, Accountable.US qualifies for a fee waiver.

Conclusion

If you have any questions regarding this request, including how to construe the records sought or appropriate searches to locate them, please contact Accountable.US.

² 5 U.S.C. § 552(a)(4)(A)(iii).

³ Accountable.US and its components have demonstrated a commitment to public disclosure and public education through its website. For example, their websites contain multiple substantive analyses, document repositories, and other educational resources: AlliedProgress.org/research; AlliedProgress.org/campaigns; RestorePublicTrust.org/news; RestorePublicTrust.org/BigPharmasBestFriends; WesternValuesProject.org/DepartmentofInfluence

⁴ 5 U.S.C. § 552(a)(4)(A)(iii).

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If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Accountable.US requests that you provide an index of those documents as required under Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). Specifically, this Vaughn index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

Johanna Albaugh
Accountable.US

ACCOUNTABLE^{US}

December 30, 2019

Ost.foia@dot.gov

Re: Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing regulations of your agency,¹ Accountable.US requests access to and copies of all correspondence to and from Transportation Secretary Elaine Chao for the period of March 10, 2019 until March 17, 2019.

“Correspondence” should include but not be limited to: emails, email attachments, text messages, telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any responsive communications, summaries of any responsive communications, or other materials reflecting communications sent to, from, carbon copying (CC), or blind carbon copying (BCC) all relevant individuals.

If possible, we would prefer to receive this information electronically via e-mail at RPTFOIAS@accountable.us. Alternatively, we prefer PDF files on a USB drive or CD/DVD sent by mail to Accountable.US, 1919 M St. NW, Suite 450, Washington, DC 20036. If you have questions or need additional information, please feel free to call me at (202) 644-8526 ext. 308.

Fee Waiver Request

Accountable.US requests a waiver of fees because it qualifies for classification as a “news media” requester, responsible only for duplication fees under FOIA's fee assessment provisions.²

So-called media status is consistent with how Accountable.US components, including Restore Public Trust, have been treated by multiple agencies. The U.S. Department of Agriculture, for example, recognized this status in light of the regular publication and dissemination activities in which Accountable.US engages. Accountable.US will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Accountable.US will also make materials it gathers available on its public website.³

The disclosure of the requested information is also “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.” The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business. There is significant public interest in the multiple crashes of Boeing 737 MAX

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aircraft as reported on by the New York Times
[<https://www.nytimes.com/2019/03/10/world/africa/ethiopian-airlines-plane-crash.html>].

This request is primarily and fundamentally for non-commercial purposes.⁴ On March 26, 2019, Accountable.US applied to be recognized as a not for profit, 501(c)(3) organization, with the Internal Revenue Service. Accordingly, Accountable.US does not have a commercial purpose and the release of the information requested is not in Accountable.US's financial interest. Accountable.US's mission is to ensure public officials are advancing policies in the public's interest not for special interests.

Accordingly, Accountable.US qualifies for a fee waiver.

Conclusion

If you have any questions regarding this request, including how to construe the records sought or appropriate searches to locate them, please contact Accountable.US.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Accountable.US requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). Specifically, this Vaughn index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

Johanna Albaugh
Accountable.US

⁴ 5 U.S.C. § 552(a)(4)(A)(iii).

December 30, 2019

Ost.foia@dot.gov

Re: Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing regulations of your agency,¹ Accountable.US requests access to and copies of all calendars, including electronic and/or hard copy versions, for Transportation Secretary Elaine Chao for the period of March 10, 2019 until March 17, 2019.

If possible, we would prefer to receive this information electronically via e-mail at RPTFOIAS@accountable.us. Alternatively, we prefer PDF files on a USB drive or CD/DVD sent by mail to Accountable.US, 1919 M St. NW, Suite 450, Washington, DC 20036. If you have questions or need additional information, please feel free to call me at (202) 644-8526 ext. 308.

Fee Waiver Request

Accountable.US requests a waiver of fees because it qualifies for classification as a “news media” requester, responsible only for duplication fees under FOIA's fee assessment provisions.²

So-called media status is consistent with how Accountable.US components, including Restore Public Trust, have been treated by multiple agencies. The U.S. Department of Agriculture, for example, recognized this status in light of the regular publication and dissemination activities in which Accountable.US engages. Accountable.US will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Accountable.US will also make materials it gathers available on its public website.³

The disclosure of the requested information is also “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.” The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business. There is significant public interest in the multiple crashes of Boeing 737 MAX aircraft as reported on by the New York Times [<https://www.nytimes.com/2019/03/10/world/africa/ethiopian-airlines-plane-crash.html>].

This request is primarily and fundamentally for non-commercial purposes.⁴ On March 26, 2019, Accountable.US applied to be recognized as a not for profit, 501(c)(3) organization, with the Internal Revenue Service. Accordingly, Accountable.US does not have a commercial purpose and the release of the

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⁴ 5 U.S.C. § 552(a)(4)(A)(iii).

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information requested is not in Accountable.US's financial interest. Accountable.US's mission is to ensure public officials are advancing policies in the public's interest not for special interests.

Accordingly, Accountable.US qualifies for a fee waiver.

Conclusion

If you have any questions regarding this request, including how to construe the records sought or appropriate searches to locate them, please contact Accountable.US.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Accountable.US requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). Specifically, this Vaughn index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld. Thank you for your assistance.

Sincerely,

Johanna Albaugh
Accountable.US

December 30, 2019

Ost.foia@dot.gov

Re: Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing regulations of your agency,¹ Accountable.US requests access to and copies of all drafts of all press releases from the Federal Aviation Administration (“FAA”), the Office of the Secretary of Transportation (“Secretary’s Office”), and/or any division of the FAA or the Secretary’s Office, drafted between March 10, 2019 and March 17, 2019, related to (i) Ethiopian Airlines Flight 302, (ii) Lion Air Flight 610, or (iii) the Boeing 737 MAX.

If possible, we would prefer to receive this information electronically via e-mail at RPTFOIAS@accountable.us. Alternatively, we prefer PDF files on a USB drive or CD/DVD sent by mail to Accountable.US, 1919 M St. NW, Suite 450, Washington, DC 20036. If you have questions or need additional information, please feel free to call me at (202) 644-8526 ext. 308.

Fee Waiver Request

Accountable.US requests a waiver of fees because its request is in the public interest.² Alternatively, Accountable.US requests “news media” status such that it only must pay duplication fees after the first 100 pages.³

Fee waiver is appropriate because the disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.” The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public’s business. It will thereby significantly increase the public’s understanding of these issues. And it will do so on issues for which there is significant and ongoing public interest, namely the multiple crashes of Boeing 737 MAX aircraft and the government actions before and after those crashes, including as reported on by the New York Times. *See, e.g.,* <https://www.nytimes.com/2019/03/10/world/africa/ethiopian-airlines-plane-crash.html> (Mar. 10, 2019); <https://www.nytimes.com/2019/12/23/business/Boeing-ceo-muilenburg.html?searchResultPosition=2> (Dec. 23, 2019). Accountable.US has no, or very little, commercial interest in the disclosure, particularly in comparison to the obvious and significant public interest.

Alternatively, limitation of the fees charged to Accountable.US via recognition of Accountable.US’s “media status” is consistent with how Accountable.US components, including Restore Public Trust, have been treated by multiple agencies. The U.S. Department of Agriculture, for example, recognized this status in light of the regular publication and dissemination activities in which Accountable.US engages. Accountable.US will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Accountable.US will also make materials it gathers, along with its analysis of those materials, available on its public website.⁴

¹ Title 49; *see, e.g.,* 49 C.F.R. Part 7.

² 5 U.S.C. § 552(a)(4)(A)(iii).

³ 5 U.S.C. § 552(a)(4)(A)(ii)(II).

⁴ Accountable.US and its components have demonstrated a commitment to public disclosure and public education through its website. For example, their websites contain multiple substantive analyses, document

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Finally, relevant to both Accountable.US's fee waiver request and its alternative "media status" request, this document request is primarily and fundamentally for non-commercial purposes. On March 26, 2019, Accountable.US applied to be recognized as a not for profit, 501(c)(3) organization, with the Internal Revenue Service. Accordingly, Accountable.US does not have a commercial purpose and the release of the information requested is not in Accountable.US's financial interest. Accountable.US's mission is to ensure public officials are advancing policies in the public's interest rather than for special interests.

Accordingly, Accountable.US qualifies for a fee waiver or, alternatively, for fee limitations because of its "media status."

Conclusion

If you have any questions regarding this request, including how to construe the records sought or appropriate searches to locate them, please contact Accountable.US.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Accountable.US requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

Johanna Albaugh
Accountable.US

repositories, and other educational resources: AlliedProgress.org/research; AlliedProgress.org/campaigns; RestorePublicTrust.org/news; restorepublictrust.org/bigpharmasbestfriends; WesternValuesProject.org/DepartmentofInfluence