



as the extracted numeric files. Declaration of James Cash, attached as Exhibit A.

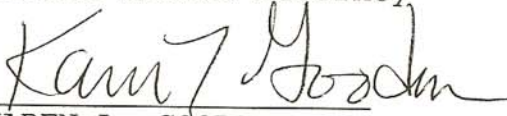
In the course of its investigation of the crash of TWA Flight 800, the NTSB performed further analysis of the data. The data analysis supporting the Airplane Performance Study is part of the public docket available through the NTSB's website. The remaining data analysis has been withheld from production pursuant to the deliberative process privilege as described in the Declaration of Charles Pereira, filed with the government's motion for summary judgment.

For these reasons, and for the reasons set forth in the memorandum and reply memorandum in support of the NTSB's Motion for Summary Judgment, the NTSB respectfully requests that the court enter judgment in its favor.

Respectfully submitted,

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By:

  
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DATED: July 30, 2001

**DECLARATION OF THE  
NATIONAL TRANSPORTATION SAFETY BOARD**

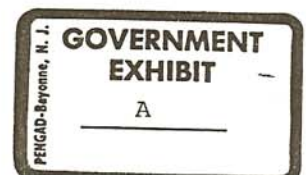
I, James Cash, declare as follows under the penalties of perjury.

1. I am employed as the Chief, Vehicles Recorder Division in the Office of Research and Engineering of the National Transportation Safety Board (NTSB). I have held this position since May 2001. From 1999 to May 2001, I was the Chief Technical Advisor in the Office of Research and Engineering. I have been employed with the NTSB since 1983. My principal role is to supervise and/or perform the read-out of vehicle recording devices, including cockpit voice recorders, flight data recorders, railroad event recorders and Marine data recorders.

2. The purpose of this declaration is to provide a description of the data contained on the attached compact disks ("CDs"), which are being produced to Graeme Sephton in July 2001.

3. In connection with its investigation of the crash of TWA Flight 800, the NTSB obtained data from the Federal Aviation Administration ("FAA") for a time period of three hours, from approximately 7:00 p.m. to 10:00 p.m. on the night of the crash.

The FAA radar data collected by the NTSB came from the New York Terminal Radar Approach Control (NYTRACON). NYTRACON has four (4) radar sites that are located at airports in the New York City area. These airports include JFK Airport; Newark, New Jersey airport; Islip, New York airport in White Plains, New York; and Stewart Field airport in Newburg, New York. The NYTRACON data is



the largest collection of radar data, and the principal data used in the drafting of the "Airplane Performance Study".

4. The NTSB utilized a data reduction process to convert the FAA data into a binary format (NTSB binary files) compatible with NTSB reduction software. The NTSB next extracted a subset of the FAA data into a numeric format ("numeric files"). Part of this extracted subset are the data that support the "Airplane Performance Study".

5. CD#1 contains both the NTSB binary files and the extracted numeric files for a selected time period, a selected target altitude range and a limited degree range within the 360-degree rotation of the radar antennae. The data on this CD was copied from the VAX mainframe computer. The VAX mainframe computer was used because a large amount of space and processing capability was necessary.

6. CD#2 contains the NTSB binary files and the numeric files for the entire data file time period, all altitudes, and all radar targets for the 360-degree rotation of the radar antennae. The data on this CD was copied from the VAX mainframe computer.

7. In the course of its investigation, the NTSB further refined, analyzed and manipulated the extracted data referenced in paragraph 4. The data analysis supporting the Airplane Performance Study for NTSB investigation number DCA96MA070, is part of the public docket available through the NTSB's website at

www.NTSB.gov. The remaining data analysis, which is described in paragraphs 11-15 of the Declaration of Charles Pereira, dated October 18, 2000, is being withheld from release pursuant to the deliberative process privilege.

8. The data contained on the CDs and the data analyses referred to in paragraph 6 above comprise all of the NTSB radar data relating to the NTSB's investigation of the crash of TWA Flight 800.

9. On information and belief, the NTSB produced data contained on the CD#1 before the plaintiff filed his Freedom of Information Act ("FOIA") request. However, the NTSB did not maintain a record of the specific data it provided to the plaintiff prior the formal FOIA request, and, therefore, is unable to verify what data was provided on an informal basis.

10. To confirm the parameters of the data provided on CD#1, in July 2001, the NTSB binary files were processed through the data reduction program again, which created additional data. These data are contained on CD#2.

Signed under the pains and penalties of perjury this

27 day of July, 2001.

  
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James Cash  
Chief, Vehicles Recorder Division