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WITHDRAWAL SHEET

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Donald J. Devine to Edwin Meese, re White House meeting on ATCs (partial of page 1)	12/7/81	P-3 open
2. memo	pages 2-3 of item #1	12/7/81	P-5 open
3. memo	situation room to Richard V. Allen, re ATC situation (2 pp)	8/10/81	P-1 B1 CCB 11/15/00
COLLECTION:			
FULLER, CRAIG: Files			cas
FILE FOLDER:			
PATCO OA 10974 ^{- III} 8982			12/5/94 <i>9/20/00/ed/11</i>

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

Freedom of Information Act - [5 U.S.C. 552(b)]

- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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*Ken
FYI*

THE WHITE HOUSE
WASHINGTON

CABINET ADMINISTRATION STAFFING MEMORANDUM

DATE: July 23, 1981 NUMBER: 018740CA DUE BY:

SUBJECT: Up-date, PATCO Situation

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Allen	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Anderson	<input type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Garrick	<input type="checkbox"/>	<input type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Darman (<i>For WH Staffing</i>)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	Gray	<input type="checkbox"/>	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	Beal	<input type="checkbox"/>	<input type="checkbox"/>
Commerce	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Labor	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HHS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>			
Transportation	<input type="checkbox"/>	<input type="checkbox"/>			
Energy	<input type="checkbox"/>	<input type="checkbox"/>			
Education	<input type="checkbox"/>	<input type="checkbox"/>			
Counsellor	<input type="checkbox"/>	<input type="checkbox"/>			
OMB	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
CIA	<input type="checkbox"/>	<input type="checkbox"/>			
UN	<input type="checkbox"/>	<input type="checkbox"/>			
USTR	<input type="checkbox"/>	<input type="checkbox"/>			
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_____	<input type="checkbox"/>	<input type="checkbox"/>			

Remarks:

For your information,

RETURN TO: Craig L. Fuller
Deputy Assistant to the President
Director,
Office of Cabinet Administration
456-2823



Office of the Director

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

(F) PATCO

December 7, 1981

MEMORANDUM

TO: The Honorable Edwin Meese III
Counsellor to the President
The White House

FROM: Donald J. Devine
Director

SUBJECT: White House Meeting on Air Traffic Controllers

1. The President, at the meeting with the AFL/CIO executive committee on December 2, 1981, said that the Administration would investigate the job status of those individuals who engaged in the strike against the government as Air Traffic Controllers. After that meeting, you suggested we should meet on this subject the week of December 7, 1981.

2. Three options have been mentioned for this situation.

Option 1: The status quo. Sticking with the present status has the very strong virtue of consistency. There is also little doubt but that most Americans, especially those disposed to favor the President, accept this decision. In addition, there is no question but that this is a legally proper option. The only problem with the status quo is that there has been some shift of public opinion towards sympathy with the strikers' family situations. This situation also has become highly symbolic to organized labor, as made clear in the meeting with the AFL/CIO. Several columnists have raised the charge that the President would be seen as lacking compassion if he did not do something.

Option 2: Rehire controllers as controllers. This option would be most responsive to the desires of the AFL/CIO Executive Council. It would show extreme compassion, would moderate the image of the Administration, and it would help improve air service, especially to improve competition for the new airlines. It has the substantial negative effect, however, of creating internal personnel problems within the FAA. It would also not be understood by a critical mass of the President's constituency. Very importantly, the leadership of friendly governments internationally have been very impressed with the President's strong position on this issue. Moreover, as the President emphasized at the meeting, such a decision would be a poor precedent for Federal sector labor relations.

Option 3: Allow controllers to take other Federal examinations. This compromise between the other two positions has great appeal. It will not be seen as "backing down" as much as would either of the other decisions. It has the problem that it will not satisfy either side, however. The union leaders will argue that this is symbolic only, since there are relatively few new Federal positions available. And supporters of a hard anti-union line will undoubtedly see it as some weakness. For both of these reasons, though, the President can appear magnanimous and Presidential without changing his fundamental position.

3. Decision on options:

Status quo _____ Hire as controllers _____ Take other exams _____

4. If either of the options which involve a possible rehiring of controllers is adopted, it will be necessary to agree upon procedures to implement that decision. Possible steps in implementing that decision follow.

a. Since PATCO is decertified, it is first necessary to reorganize the labor force at FAA. There will undoubtedly be some kind of labor organization eventually, so it makes sense to form it now under these optimal circumstances. This new union should be formed by the employees who remained on their jobs, and upheld their duty. They should elect their leaders and fully form a new labor organization, with chapters at local installations.

b. After the new union is formed at FAA, OPM would announce, through a Federal Personnel Manual Bulletin, that the dismissed controllers were now eligible to be rehired. It would be required that they go through the normal selection process, including suitability investigations.

c. Suitability will be determined by FAA (if the decision is made to rehire them as controllers), or OPM (if eligibility is opened for other employment) only after a full field investigation. This full field investigation must include interviews with employees at the installation where the individual was formerly employed. These must include a reasonable number who remained at their jobs during the job action.

d. If the field investigation presents any evidence that the applicant took active part in instigating the job action, harrassed any worker who remained on the job, solicited others to join in the strike, destroyed or harmed public or private property during this period, injured or intimidated any person in connection with the job action, or otherwise took leadership in the strike, this person should be deemed unsuitable for any employment with the Federal government.

e. Suitability decisions will be made by appropriate suitability officers, investigators, or individuals with hiring authority within the agencies. All decisions to rehire such individuals will be forwarded to the Office of Investigations, Office of Personnel Management. Decisions of the Office of Investigation would be appealable to the Director of OPM. His decision would be final.

5. Decision on method:

Acceptable _____ Draft new method _____ Change section(s) _____

cc: The Honorable Craig L. Fuller
Assistant to the President
for Cabinet Affairs
The White House

The Honorable Edwin L. Harper
Deputy Director
Office of Management and Budget

The Honorable T. Kenneth Cribb, Jr. ✓
Assistant to the President
for Cabinet Affairs
The White House

8/11

For -

Ken Cribb

? Drew Lewis

? EM

Ken should look
at first

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 3 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

THE WHITE HOUSE

WASHINGTON

May 26, 1981

MEMORANDUM FOR CRAIG FULLER

FROM: Kenneth Cribb

SUBJECT: Potential PATCO Job Action

At the PATCO Convention in New Orleans this past week-end, ^{Sp} it was decided that the air traffic controllers would shut down all commercial traffic if no agreement is reached with the FAA by June 22. The shutdown would occur on June 22.

Ken Moffett, ^{Sp?} Acting Director of the Federal Mediation and Conciliation Service, is setting up meetings to aid the progress of the negotiations, ~~but is not hopeful of a breakthrough.~~ *Because of the respective positions of the parties on the Mathias Bill, Moffett is not hopeful of a breakthrough.*

Ⓟ PATCO

THE WHITE HOUSE
WASHINGTON

May 20, 1981

MEMORANDUM FOR CRAIG FULLER

FROM Kenneth Cribb

SUBJECT FAA Contingency Plan in the Event of a PATCO Strike

I attach the FAA contingency plan on a possible PATCO strike. Although the package bulks large, you will find a two-page executive summary on background, as well as a two-page summary of the contingency plan immediately following the cover letter addressed to me.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Chief Counsel

May 19, 1981

Mr. Kenneth Crib
Office of Cabinet Information
Old Executive Office Building
Room 127
Washington, D.C.

Dear Mr. Crib:

This is in response to a request you made to the Office of the Secretary for information concerning the proposed "PATCO Strike Plan." The plan (which is enclosed) is relatively thick and complex. In order to assist you in understanding the document, I have also enclosed an Executive Summary as well as other material which contain comments received on the original draft plan.

Please let me know if you have any questions. I can be reached on 426-3073.

Sincerely,

Edward P. Faberman
Assistant Chief Counsel
Regulations and Enforcement Division

Enclosures



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

MEMORANDUM TO: Craig Fuller
Director of Cabinet Administration

FROM: Drew Lewis *Drew*

SUBJECT: Up-date, PATCO Situation

From all reports we have received, it appears that a significant majority of PATCO members are voting to reject the agreement reached on June 22nd.

It is also fair to report that votes are not being taken by secret ballot at every facility. This suggests the possibility that some local representatives may be conducting the vote in ways that could allow for institutional influence.

We are continuing to assess the situation through strategy meetings with our negotiating representatives from the FAA, and through discussions with staff counsel as well as our independent counsel. We will advise you of our recommendations when the results of the contract vote are known.

We continue to believe that our offer -- consisting of increased pay for night and overtime duty, increased separation benefits and a voice in the development of FAA air traffic control procedures -- constitutes a fair and equitable package. We believe it acknowledges the unique nature of the air traffic controller's job, providing appropriate benefits at an acceptable public cost.

Based on some information we have gathered, it is our understanding that the controllers are seeking, at a minimum, a shorter (perhaps 18 months) contract, a shortened work week, increased retirement benefits and more financial benefits for the controllers rather than their supervisors. These demands (other than the issue of contract duration), as well as the pay and benefit items agreed to on June 22nd, would require legislation.

We have, as you know, held firm to our proposal which was accepted by Mr. Poli on June 22. We had hoped that the same reasons that persuaded Mr. Poli to accept our offer would also persuade the membership, but that apparently is not the case.

We are preparing now to respond to any eventuality. We assume Mr. Poli will seek to resume contract talks. We will keep you advised of all developments in this matter.

cc: Ed Meese
Jim Baker

OPERATIONAL CONTINGENCY PLAN

The operational contingency plan is an action plan developed to provide the best air traffic control service possible using our remaining available resources in the event of a PATCO national strike. While the plan is in effect, our capability will be severely reduced as the facilities will be manned primarily with supervisory personnel. The plan is geared to maintaining system operation at a level reduced sufficiently to ensure safety during the strike.

The plan provides for transportation of the most people possible and, therefore, preference is given to air carrier and air taxi flights. Long-range flights will be given top priority as alternate travel methods are least acceptable and available for long distances.

Permanent daily schedules will be provided which will be established to limit traffic to the capacities that will be available at the facilities servicing these flights. Routes from point to point are predetermined and specific altitudes are assigned to each airway. This was done to provide, to the extent possible, built-in altitude separation, a smooth flow of traffic in all the facilities, and no airborne delays.

The schedules contained in the plan will be based on current airline flight schedules; however, departure times will be altered. All but a minimum number of long-range flights that traverse more than 500 miles will be accommodated. International flight departure and arrival times have been adjusted to the minimal extent possible and all are expected to be accommodated except some serving Canada and Mexico. This approach will ease the air traveler's burden and airport waiting area congestion.

As a result of this plan, airlines will be required to accept routes and altitudes which are far less than desirable while it is in effect. In addition, the predetermined schedules must be adhered to.

Some other air carrier and air taxi flights will be accommodated but will be restricted to the extent necessary to avoid impact to the schedules and service to long-range flights.

In order to provide these basic transportation needs while the plan is in effect, the military will be asked to terminate some training and other noncritical flights. Military necessity or emergency activities will continue to receive top priority and be supported to the extent possible with our limited resources.

All other types of air traffic will be impacted to the extent required to maintain essential services. We anticipate the necessity to establish special restrictions on general aviation activities and curtail or suspend services at specified tower controlled airports.

The strike contingency plan will also address several other related problems such as probable sabotage, threats or physical harm to nonstriking controllers and supervisors, and special emergency restrictions. These restrictions include disapproval of most VFR flights in terminal control areas, refusal to accept proposed IFR flight plans and termination of TRSA service.

We will keep the air traffic control system operating safely, serving the critical requirements of the military, emergency flights and most necessary long distance air carrier flights. All other users of the system will be severely impacted however.

EXECUTIVE SUMMARY OF BACKGROUND INFORMATION

1. Work on the plan commenced in January 1980, however, coordination was not permitted by the Administrator until August 1980.
2. The formation of the plan was announced by the Administrator in a Congressional hearing in August 1980 and limited coordination was then approved within headquarters, with ATA and with the military.
3. A user briefing was conducted for all interested parties in the headquarters auditorium on November 7, 1980. Copies of Phase 2 and Phase 3 of the draft plan were given to the attendees as well as copies of the long-range schedule. There were over 100 attendees.
4. Phases 2 and 3 of the draft plan were printed in the Federal Register on November 13, 1980. Comments were solicited for a 30-day period. Comments on how to do the national schedule (company and flight assignments) were specifically requested.
5. From mid-November until early January the regions were briefed. AAT-500 conducted an hour overview briefing for the Regional Director and his staff. The team working on the contingency plan conducted an all day briefing for regional staff personnel and facility chiefs.
6. From early December to mid-January the facilities accomplished their planning activities including the development of Priority 2 short-range and Priority 3 schedules.
7. From mid-January until the present time, the team worked on updating the plan based on comments and the preparation of the final schedule.
8. Forty-seven (47) comments were received. The general breakdown of comments is:

- Did not understand the plan	- 6
- General comments/proposals	- 16
- Specific proposals	- 11
- Requests/suggestions for special treatment	- 12
- Objections to requests for special treatment	- 12

Most proposals were oriented to special treatment for segments of the industry. Major objections to the plan were opposition to the FAA developing an airline schedule and the erroneous assumption that there would be few, if any, flights of less than 500 miles on the schedule.

9. The schedule will include over 3000 flights of 500 miles or more and over 5500 flights of less than 500 miles. International flights will all be accommodated and will be regulated by the flow control procedures contained in the plan. International traffic should add about another 1000 flights per day for a total of 9500 or more air carriers or cargo flights which can be accommodated by the supervisory work force. The military Priority 1 flights will add a limited number to this count.

10. Changes were made in the proposed plan to help Priority 4 and cargo flights.
11. The military has concurred with the plan.
12. Distribution of the contingency plan and schedules to regions, facilities, and users is expected to be complete by March 1.
13. Work will continue within the FAA to further improve the plan.

ANNOTATED SUMMARY OF SUGGESTED CHANGES

- . Ensure military priorities are valid by only allowing Joint Chiefs of Staff established Priority 1's to be approved.

Not accepted. High level review of priorities is provided in the plan.

- . Military training flights should be excluded from priority.

Not accepted. Verifying military priority during plan.

- . Air carriers should be diverted to low density airports to relieve major terminals.

Not accepted.

- . Scheduling should be accomplished through a CAB approved conference of carrier scheduling experts.

Not accepted.

- . Scheduling/flight approval should make provision for general aviation international flights.

Accepted. Covered in plan.

- . Provide highest priority to airports considered in CAB's essential air service. Provide short-range service to isolated areas.

Partially accepted. Accommodating to the extent possible.

- . Change priorities to serve the greatest number of aircraft.

Not accepted.

- . The February 1980 Airline Guide is out of date and scheduling should be done based on the current Airline Guide.

Partially accepted. Used 1980 for city pairs to balance workload. Using 1981 for inserting companies.

- . Airline schedules should consider the individual airlines maintenance bases to ensure they are on their scheduled routes.

Partially accepted. Covered in plan midnight shift relocation flights.

- . Provision should be made to provide for scheduled cargo flights on the night shifts.

Partially accepted. Cargo flights are considered in the schedule and will be accommodated as we can on midnight shift via Priority 4, with some special restrictions.

- . Doesn't consider curfews.

Partially accepted. Requested waiver for scheduled traffic.

- . Scheduling should include an added Priority 1A. This category would provide one flight (RT) per market for each carrier serving the city pairs.

Partially accepted. Assignment does. Where possible, ensure one flight per company serving market.

- . Provision should be made to allow general aviation to fill unused Priority 2 slots.

Accepted.

- . Scheduling should be accomplished so slots are evenly divided between user categories.

Partially accepted. Doing to extent possible in plan. Categories mixed--commuter, regional, trunk.

- . Require Public Health Service determine medical flight priority.

Not accepted. Too time-consuming.

- . Priority of other than Category 1 flights should be based on business needs and not numbers of passengers.

Not accepted.

- . Use numbers of passengers to establish priority rather than distance.

Not accepted. Don't have the data, excessive time to collect.

- . The "predominant" carrier should be given priority on scheduled flights.

Not accepted. Don't have adequate information or time.

- . Replace current priority/schedule scheme and simply inform carriers to reduce flights by percentage of reduced capacity.

Not accepted. Does not provide for balancing workload in center. Would greatly reduce the number of flights the system could accommodate.

- . Scheduling priorities should evenly divide capacity between category of flight; e.g.:

30% 300-500 miles

30% 501-1000 miles

30% over 1000 miles

Not accepted. Contrary to premise of no alternative method and inadequate time to develop and balance a totally new schedule.

- . General aviation should be provided equal priority with scheduled carriers.

Not accepted. Contrary to moving the most people.

- . Treat all carriers and markets equally rather than apply mileage criteria.

Not accepted. Almost impossible to accomplish without severely reducing system capacity.

- . Treat trunk and regional carriers separately and give regionals limited right of first access to slots.

Not accepted. Gives extra priority to regionals.

- . Forecasted capability should be provided by noon the preceding day to allow airlines to plan schedules to use additional capacity.

Not accepted. Can't do initially. Plan provides for additional services as soon as we can estimate increased work force with some confidence.

- . Consider a 250 knot speed limit below FL 180.

Not accepted. No change to existing rules.

- . The plan could consider the use of quadrant separation.

Not accepted. No change to existing rules.

- . Shut down all 16-hour towers and those that do not meet regular criteria.

Not accepted. Closures will be determined as necessary.

- . Place all towers on 16 hours or less schedule.

Not accepted. Closures will be determined as necessary.

- . Reduce center operations to 20 hours or less.

Not accepted. Would reduce system capacity.

- . Cancel Stages I, II, and III radar service or provide Stage I, personnel permitting.

Not accepted. No change to existing rules.

- . When facilities closed central flow, assign cruising altitudes to IFR.

Not accepted. Centers will operate 24 hours each day.

- . Include flow control procedures for international flights, if any, in plan.

Accepted. Incorporated in plan.

- . Encourage VFR flight.

Not accepted. We do not plan to encourage or discourage VFR flight.

- . Expand the 8-hour flight plan filing time to 12 hours.

Partially accepted. 12 hours for day shift flights, 8 hours for evening shift.

- . Establish a common climb/descent speed.

Not accepted. No change in rules.

- . Provide highest priority to inflight emergencies.

Accepted. Already provide that priority.

- . Plan should not allow reduced separation due to weather conditions.

Not accepted. Reduced separation referred to is the planned spacing along route for flow purposes, not a reduction in IFR separation standards.

- . Priority 3 and Priority 4 flights should be approved on the first day to avoid excluding general aviation.

Not accepted. Must have the first 24 hours to determine impact of Priority 1 and 2 flights before adding workload.

- . Scheduled flights should not be canceled until 30 minutes late to allow for weather, ATC delays, etc.

Accepted. Already covered in plan.

- . Use military, FSS personnel, and instrument rated pilots as controllers.

Not accepted. Must use current qualified personnel. We are assigning work schedules to move the most aircraft over the 24-hour period.

- . Close some small towers/VFR towers.

Not accepted. Must use current qualified personnel. We are assigning work schedules to move the most aircraft over the 24-hour period.

- . Give priority to staffing centers, detail personnel to ARTCCs for training prior to strike.

Not accepted. Must use current qualified personnel. We are assigning work schedules to move the most aircraft over the 24-hour period.

- . Provide additional personnel coverage on night shifts to accommodate night flights such as cargo.

Not accepted. We are assigning work schedules to move the most aircraft over the 24-hour period. Some midnight accommodation of cargo flights not requiring additional personnel has been made.

- . Designate frequencies for altitude blocks across country. Let pilots maintain own separation.

Not accepted. Changing rules not acceptable.

- . Altitudes above FL 370 should be utilized.

Accepted. Will use all altitudes. Plan will be specific.

- . Direct/RNAV routes should be used whenever possible rather than rigid routes to spread traffic out.

Not accepted. Does not allow for balanced flow in centers.

- . Establish an altitude floor for IFR flight.

Not accepted. No rule changes.

- . Establish VFR climb and descent corridors.

Not accepted. No rule changes.

- . Identify specific international routes.

Accepted. Being added to plan.

- . Allow VFR flight in/through TCAs.

Not accepted. Regulated workload at terminals is necessary. One of first restrictions lifted--when long-term capacity can be established.

- . Eliminate TRSA/TCA during strike.

Not accepted. No rule changes.

- . Allow and encourage air carriers to fly VFR.

Not accepted. No rule changes.

- . Raise the floor of PCA to FL 240.

Not accepted. No rule changes.

6

- . Cancel control zones where ATCSs take weather observations unless weather observations can be provided.

Not accepted. Handle way we do now.

- . Cancel control zones where tower is closed.

Not accepted. Handle way we do now.

RESPONSE TO COMMENTS RECEIVED PERTAINING TO THE PROPOSED
NATIONAL AIR TRAFFIC CONTROL CONTINGENCY PLAN
FOR POTENTIAL STRIKES AND OTHER JOB ACTION BY AIR TRAFFIC CONTROLLERS

The Federal Aviation Administration (FAA) published a Draft National Air Traffic Control Contingency Plan for Potential Strikes and Other Job Action by Air Traffic Controllers in the Federal Register, Volume 45, No. 221, Thursday, November 13, 1980.

A number of comments were received during the official comment period. A significant number of comments were also received after December 13. In order to obtain maximum benefit from system user input, the final review of the comments was delayed until January 26, 1981. All comments received on or before January 26 were, therefore, considered before the current plan was finalized for issuance.

A number of additional comments have been received since January 26. Many of the comments received before the final review appeared to have merit but required either a significant amount of research or major changes to the proposed plan. The incorporation of these comments could not be accomplished within the available time for publication of the document. A number of comments were accepted in part or in total and were incorporated in the published plan.

The contract between the Professional Air Traffic Controllers Organization (PATCO) and the Federal Aviation Administration (FAA) expires on March 15, 1981. Negotiations are presently underway and the FAA anticipates that the air traffic controllers will continue to operate under the existing contract until a new contract can be completed and implemented. It is, however, imperative that the contingency plan be completed and disseminated several weeks before March 15 in case the FAA assumption is incorrect and a major job action is initiated by the air traffic controllers.

The National Air Traffic Control Contingency Plan including the Priority 2 and Priority 3 flight schedule has, therefore, been published. Further study will be conducted of the comments received, inputs from within the FAA and inputs from other agencies, and the plan will be updated whenever major improvements can be developed.

DISCUSSION OF COMMENTS

In response to the draft contingency plan proposal, the FAA received 47 written comments from individuals, pilots and owners of aircraft, aircraft operators, State government agencies, and aviation trade and industry associations. The FAA appreciates the thoughtful and meaningful contributions and interest expressed by all those who took time to comment on the contingency plan.

One issue frequently mentioned was the assumption by many users and communities that there would be few or no flights below 500 miles contained in the Priority 2 and Priority 3 schedule. This is not the case. There are, in fact about twice as many flights below 500 miles in the schedule than there are flights of more than 500 miles.

In reviewing the comments submitted, the following categories emerged:

A. Priority of Flights.

In several comments, concern was expressed over the validity of individual Priority 1 medical and military flights and suggested some methodology for determining these priorities. The plan provides for high level military verification of military priority flights on an ongoing basis. We have been unable to define a timely method of verifying the urgency of medical flights and, therefore, plan to accept the user's assessment of critical need. Any apparent abuses will be promptly investigated of course.

The comments received concerning the scheduling of flights other than Priority 1 suggested several alternative methods of determining basic priority, criteria and carrier selection in scheduling. The following groups of specific comments are representative of the types of suggestions received.

1. Priority of other than Category I flights should be based on business needs rather than numbers of passengers.
2. General aviation should be provided equal priority with scheduled carriers.
3. Change priorities to serve the greatest number of aircraft.

These suggestions were not accepted as they are contrary to the basic premise of the plan. Additionally, the plan is already based on air traffic control system capacity and, therefore, any new priority scheme chosen would not significantly increase or decrease the number of instrument flight rule (IFR) flights which could be accommodated.

1. Treat all carriers and markets equally rather than apply mileage criteria.
2. Evenly divide capacity between category of flight, i.e., short, medium, and long range.
3. The predominant carrier should be given priority on scheduled flights.
4. Use numbers of passengers to establish priority rather than distance.

These alternatives are not feasible for the initial publication of the plan. The information necessary to accurately make these determinations is not readily available and time does not permit the collection of the data.

A number of comments were received indicating a need for more specific accommodation of cargo flights. The following comments are representative of those received:

1. Provision should be made to provide for scheduled cargo flights on the

2. Provide additional personnel coverage on night shifts to accommodate night flights such as cargo.

3. Provide for one-way multiple destination service for cargo aircraft.

While additional resources cannot be reassigned to the evening or midnight shifts without severely impacting the basic foundation of the plan, some changes have been incorporated to try to bring the impact to air cargo operations in line with the impact to other users. Air cargo flights included in the Priority 2 and Priority 3 schedules will be placed on the evening shift to the extent feasible. Additionally, Priority 4 flights will be permitted with some special restrictions for cargo aircraft between 0100 and 0700 local times. Multiple destination service determination for all cargo flights cannot be accommodated in the schedule within an acceptable time frame.

Finally, one commenter suggests the FAA eliminate the current priority scheme and simply inform carriers to reduce flights by the percentage of reduced capacity. This alternative was unacceptable as it does not provide for balancing the workload in the affected air traffic control facilities, especially in the air route traffic control centers, and would reduce the number of aircraft the system could handle by 50 percent or more.

B. Flight Scheduling.

Many commenters expressed concern over the actual scheduling and offered many suggestions as input to that process. The following comments are representative of those received:

1. Air carriers should be directed to low density airports to relieve major terminals.

2. Scheduling should be accomplished so slots are evenly divided between user categories.
3. Provision should be made to allow general aviation to fill unused Priority 2 slots.

The first suggestion above was not accepted. The FAA did not believe it appropriate to establish new or increased city pair service for any carrier.

In filling schedule slots in the plan, FAA is mixing carrier categories between long and short-range city pairs to the extent possible.

Provision is being added to the plan to allow Priority 4 aircraft to use Priority 2 unused schedule slots resulting from flight cancellations by the scheduled users.

After a review of all the comments concerning scheduling procedures, the FAA has made the following changes to the development of the schedule:

1. Where possible, the schedule will provide one round trip flight per market for each carrier serving the city pairs.
2. While the February 1980 Official Airline Guide (OAG) was used to establish long-range city pairs and to balance workload and the December 1980 OAG was used to establish short-range city pairs and to balance workload, the February 1, 1981, guide was used for inserting operators into the schedule.
3. Airport authorities have been requested to waive airport curfews for scheduled traffic.
4. Service to isolated areas has been accommodated in the schedule to the extent possible.

C. Operational/Procedural.

Several comments suggested the FAA use outside personnel, such as the military, as controllers and to move controllers from one facility to another to provide additional capacity. These options are not feasible as only qualified control personnel who are current in the facility can be used during the strike. The FAA has, however, established work schedules to accommodate the most system traffic over the 24-hour period.

Facility closure criteria were a concern of some commenters and reduction of operating hours and automatic control tower closures were proposed. These types of actions will be taken on an individual facility basis as the need dictates allowing service to be maintained to the extent possible. When facilities or services are not available, the appropriate actions/notifications will occur in the same manner as used under normal conditions.

Many specific comments on the procedural/operational portions of the plan were submitted. These comments include the following:

1. Altitudes above FL 370 should be utilized.
2. Allow visual flight rule (VFR) flight in or through terminal control areas.
3. Scheduled flights should not be canceled until 30 minutes late to allow for weather and air traffic control delays.
4. Expand the 8-hour flight plan filing time to 12 hours.
5. Forecasted capability should be provided by noon the preceding day to allow airlines to plan schedules to use additional capacity.
6. Direct/area navigation (RNAV) routes should be used whenever possible rather than rigid route structures.

All altitudes will be used in the plan. Altitude utilization will be specifically defined. When the plan is implemented, VFR flight into or through the terminal control area will be restricted to regulate workload at the approach control facility. The plan provides for extension of the 15-minute cancellation procedure when delays are incurred due to weather or air traffic control subject to flow control determinations. The FAA has modified the plan to allow filing of flight plans for the day shift up to 12 hours in advance. Forecasting capacity at noon for the following day cannot be accomplished as this capacity will initially be dependent on the actual number of personnel reporting for duty on each shift. The plan provides for increasing services as soon as additional capacity can be estimated with reasonable confidence.

The use of defined, rigid route structures was necessary to achieve a balanced traffic load throughout the system, and to provide a built-in separation along each route of flight wherever possible. The use of direct/area navigation routes would upset the current balance in the plan, require additional controller workload and make it impossible to predetermine and regulate individual air route traffic control center sector workload.

D. Rules Changes.

Several comments addressed the possibility of modifying current rules and/or procedures such as establishing VFR climb and descent corridors, altitude floor for IFR flight, using block altitudes and allowing pilots to provide their own separation and applying quadrant separation.

These proposals have not been accepted since they could adversely affect safety.

E. Safety Levels.

The following comments either expressed concern over safety or suggested changes to the plan which have safety considerations:

1. Provide highest priority to inflight emergencies.
2. The plan should not allow reduced separation due to weather conditions.
3. Priority 3 and Priority 4 flights should be approved on the first day to avoid excluding general aviation.

The plan is designed to provide as much service as possible without compromise to safety. As the current policy dictates, inflight emergencies will have the highest priority of service throughout the period the plan is in effect. The separation criteria established in the plan provide increased separation between aircraft to allow for balance of traffic. The reduced separation referred to in the plan allows for deviation of aircraft around weather but still exceeds the normal separation standards for affected flights. Priority 3 and Priority 4 flights have been specifically excluded from the first 24 hours of operation of the plan to allow an accurate assessment of additional sector or facility capacity.

F. Visual Flight Rules (VFR) Flights.

Some commenters expressed concern that the FAA has not given sufficient attention to VFR flights. Many apparently thought those IFR flights addressed in the plan are the only flights which will be permitted while the plan is in effect. There will be no changes to visual flight rules.

Flight plan services will be available. The only impact to VFR flights will be the elimination of VFR flight following service by centers and towers, the possible closing of some towers for specific time frames because of a lack of personnel, and suspension of VFR operations except for departures within terminal control areas (TCAs).

G. International Flights.

Comments received highlighted the fact that flow control procedures and specific international routes were not covered in the plan. These have been incorporated in the plan by FAA. One commenter requested provision be made to accommodate general aviation international flights. These flights will be accommodated in the plan within the flow control procedures.

OTHER CHANGES

A number of other changes have been incorporated in the plan as a result of comments received from user groups by phone, from FAA regions, and from FAA facilities. The primary change for system users is the elimination of the 500-mile maximum distance on Priority 4 flights. Priority 4 flights will not, however, be permitted to cross more than one air route traffic control center boundary.