

April 16, 2019

24498.0106

Chair Sheri Tonn
Board of Pilotage Commissioners
2091 Third Avenue, Suite 500
Seattle, WA 98121

Re: Your Letter of April 11, 2019

Dear Chair Tonn:

Thank you for the above letter in response to ours of March 29, 2019. The Puget Sound Pilots (“PSP”) intend to generally address questions from the Fatigue Management Committee (FMC) and the Board to the extent logistically possible in our initial written submission on May 6, 2019. While your letter alludes to questions “without parameters” (limitations), we can only answer questions that were either within the generalized scope of the assignment to NASA or within the peculiar knowledge of PSP. As you know, we have expressed concern both on the record at the regular BPC meeting in February and in letters and correspondence to Mr. Wang and the Commission about the lack of existing BPC procedural rules and procedural due process mechanisms fundamental to a full and fair development of agency records.

For example, when informal requests shift to quasi-judicial discovery, it is difficult to know how to respond in the absence of existing procedural ground rules and in recognizing that the consideration of pilot numbers is a legislative, not adjudicative proceeding. Your letter also described the ongoing development of procedures and guidelines for resolving the number of pilots, but is again not completely unequivocal in alluding to processes for gathering relevant and necessary information upon which the Board can make its decision. The latter will apparently be documented by some “structural” mechanism which is yet to be identified. Where you indicate that there will be “questions regarding data and presentations...limited to Board members,” we continue to understand that to be the questions and answer sessions that would be put to the proponents at the May meeting after the May 6 submissions and to the respondents at the June meeting after written responses are submitted and understand that all sides could be subject to questions about their positions at the final July 18, 2019 hearing.

We look forward to working further with the Board as it develops its processes leading to a final determination but remain concerned about the evolving and potentially duplicative opportunities for oral or written questions that would be in addition to the agreed-upon revised schedule.

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Thank you again for your response and for acknowledgment of the outline of the scope of work upon which NASA has been operating and we look forward to a final outcome as originally initiated by the Board's August 10, 2018 and January 18, 2019 letters to the parties.

Yours truly,

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