

MFR 04016816

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MEMORANDUM FOR THE RECORD

Event: Federal Aviation Administration (FAA) New York Air Route Center (ZNY)

Type of event: Interview with David LaCates, ZNY Deputy Operations Manager

Date: October 2, 2003

Special Access Issues: None

Prepared by: Geoffrey Brown

Team Number: 8

Location: FAA New York Air Route Center, Rokonkomo, New York

Participants - Non-Commission: Alfred R. Johnson, Jr., FAA Deputy Regional Consul,
Eastern Region

Participants - Commission: John Azzarello, Miles Kara, Geoffrey Brown

NOTE: Please refer to the recorded interview file for a complete account.

Background:

LaCates was hired in 1983 as an air traffic controller (ATC) in the Michigan area. Prior to joining the FAA LaCates served a direct posting as an air traffic controller for the United States military for two and a half of three years in service at Hill Air Force Base (AFB), Utah. He was transferred to New York TRACON (N90) in 1984. At N90, LaCates served as an ATC for approximately "eight or nine" years, and then as a training specialist for approximately eighteen months. He transferred from N90 to Islip Tower as a manager. At Islip Tower he spent some time in Resources, but then transferred back to N90 as an Operational Manager. From that point he worked at the Traffic Management Unit (TMU), then as the TMU assistant manager. He left N90 for a detail at New York Center (ZNY), and spent four years at ZNY as a deputy. His deputy now is Assistant Air Traffic Manager Slag.

LaCates' official work day is from 0800 to 1630. He noted that he arrives at ZNY at 0730 for the Eastern Region Teleconference that is started by Ray Holland. LaCates further noted that during the course of the day he is not usually on the controller floor but instead is working from his office.

September 11, 2001 (9/11): AA 11

On the morning of 9/11, LaCates was in Traffic Management Officer Charley Balley's office. LaCates wears both a portable phone and a pager, and received a call from Mike McCormack, the facility's air traffic manager, asking LaCates to report to the operations floor immediately. When LaCates arrived, McCormack told him there was a confirmed airborne hijack in progress. He continued his recollection by relating to Commission staff that he received a page from Ron Rugerri of the Regional Air Traffic Management office that confirmed the hijack. Both LaCates and McCormack went to Area B (which was handling the hijacked aircraft, AA 11) to monitor the progress of the flight. Shortly thereafter LaCates recalls receiving reports from ZNY personnel of "smoke coming from Manhattan", and of a fire at the World Trade Center (WTC). After these initial reports LaCates was directed by McCormack to watch the CNN coverage of the event, and LaCates did so from the ZNY cafeteria. LaCates could only see smoke and black areas on the CNN coverage, and could not be positive the aircraft that struck the north tower was AA 11. He informed McCormack of this, and returned to Area B to check for the missing primary. David Bottiglia, R42, the air traffic controller who monitored AA 11's travel through ZNY airspace into

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N90 airspace, told LaCates that UAL 175 reported a suspicion transmission from AA 11.

LaCates commented to Commission staff that he discovered later that day that the initial confirmation of a hijack he received from Ruggeri at the Regional Air Traffic Management office was actually information that had been passed from Boston Center (ZBW). While he looked at the air traffic radar scopes at Area B on 9/11 LaCates believed that AA 11 was still fairly close to Manhattan. He commented that the search for the correct altitude on AA 11 was ongoing when LaCates arrived in Area B. He further commented that his experience of the search for AA 11 only began two or three minutes before its primary was lost. LaCates informed Commission staff that based on his experience working at N90 altitude readings on primary targets can be fairly "easy to loose track of". He continued to comment that the range of possible explanations for AA 11's disappearance from radar was varied before it was confirmed to have struck the tower. LaCates does not immediately assume a crash when a flight loses its primary, and the notion that the plane would be used as a weapon had not occurred to him. He believed AA 11 might have landed somewhere.

Kevin Delaney, a Quality Assurance officer at ZNY, was also asked to monitor the CNN broadcast. LaCates notes that when he heard of the CNN report we immediately assumed it was hijacked flight AA 11. He acknowledged that he did hear rumors that the aircraft that struck the WTC was in fact a small airplane from Poughkeepsie. LaCates reiterated that he did not continue to monitor CNN for long, and instead returned to the operations floor to search for AA 11. LaCates clarified that he believes he did see a target on Dave Bottiglia's radar screen that was AA 11. LaCates believes the order of the factors that led to his situational awareness regarding AA 11 was reports of 1) smoke, and 2) a WTC fire.

September 11, 2001 (9/11): UAL 175

When the transponder code of UAL 175 changed, LaCates immediately reported the information to McCormack. UAL 175 made a slight turn and climbed altitude to avoid air traffic. LaCates continued to monitor the flight, and then it descended below the area's radar coverage (below 2200 feet). At this change LaCates updated McCormack. LaCates noted to Commission staff that he was mainly in Area B during the events of the morning of 9/11, and walked to the watch desk at times to pass new information to McCormack. LaCates described the leadership of ZNY on 9/11 as a division of labor between McCormack and himself. McCormack was coordinating the center's response and reports to the FAA through conference calls. LaCates was feeding McCormack information from Area B.

Bottiglia told McCormack that the pilot of UAL 175 waited to get on the ZNY radio frequency before reporting that he overheard strange transmission from AA 11 while in ZBW airspace. LaCates does not remember where Paul Thumser was at this time, but does remember that McCormack and Bruce Barrett were at the watch desk. LaCates believed at this point that the information on UAL 175 led to the conclusion that it was experiencing a form of equipment malfunction or failure. He did not think at this point that UAL 175 was an ongoing hijack, but did know that "something was dreadfully wrong". LaCates noted to Commission staff that he never experienced a hijack in his career with the FAA prior to 9/11.

LaCates noted to Commission staff that he had "no doubt" that the aircraft with the transponder coded 3321 was in fact UAL 175, and that he had some situational awareness that led to this conclusion because of AA 11. LaCates also noted that by the time UAL 175 took a northeastern turn he told McCormack that the flight was most likely headed towards Manhattan.

Situational Awareness on September 11, 2001 (9/11)

LaCates noted to Commission staff that after the two impacts of the WTC towers he was fully aware that "something was amiss" with air traffic. It was at this point that McCormack ordered ZNY airspace closed.

LaCates noted that he only heard rumors of a threatening flight from Poughkeepsie, and that he had no awareness of questions involving Delta flight 1989. Further, LaCates noted to Commission staff that on 9/11 he was not aware of any events from Cleveland Center or from Indianapolis Center until "well

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after" the second strike on the WTC. LaCates noted that Bob Ocon, a support specialist, informed him of the events in Indianapolis and Cleveland Centers. LaCates told Commission staff he has no knowledge of reports of AA 11 being still airborne after 0846 (the time of impact).

LaCates believes the rumor of a small twin engine aircraft from Poughkeepsie heading towards Washington, DC got translated to be the first aircraft to hit the WTC, and also believes this rumor persisted for over an hour. LaCates notes that McCormack was aware of this rumor; but he has no knowledge of how it began.

LaCates believes that the Pentagon was monitoring the operational floor at ZNY and McCormack was on a Teleconference in his conference room. LaCates noted to Commission staff that he had no knowledge or idea of the identity of the aircraft that struck the Pentagon after he first heard of the strike. He also had no knowledge of any controller, including David Bottiglia, R42, who might have thought AA 11 struck the Pentagon.

Area B Conference post attacks:

LaCates informed Commission staff that McCormack had asked a tape be made of the Area B personnel so there was certainty that all statements were recorded. McCormack also noted that gathering information after an air traffic event was routine. He noted that the usual procedure would be to watch the SATORI (a computerized recreation of the air traffic radar picture during an event compiled by the radar files) while listening to an audio tape of the air traffic controller position, and then compile a written statement. Since this was an unusual situation LaCates believes McCormack wanted an immediate and accurate record of what had happened. LaCates believed Bob Ott gathered this information. LaCates himself submitted a written statement but not a verbal one. LaCates further explained to Commission staff his understanding that Kevin Delaney, the Quality Assurance officer in charge of the ZNY record of UAL 175 on 9/11, destroyed the tape. This information came to LaCates information after Kevin Delaney's interview with Commission staff. Delaney had spoken to McCormack and McCormack told LaCates. LaCates explained to Commission staff that an official FAA tape needs to be designated so on the actual recording. It is his understanding that this Area B tape did not have this official designation, and thus was not an official FAA tape. But LaCates also noted that it is his understanding that the tape still existed, until his conversation with McCormack noted above.

LaCates noted that it is the official FAA policy that in the case of an accident written statements are produced by the personnel involved. LaCates postulated that McCormack may have been worried that they employees would not return to ZNY, and then there would be no record from the ZNY employees for review until they returned. He further stated that a further purpose of the recording was probably to have an accurate portrayal to be used by the controllers to compile complete written statements. Furthermore, LaCates noted that it is within Delaney's authority, as a Quality Assurance manager, to make the decision on what to retain and what not to retain as a record of an air traffic event.

LaCates informed Commission staff that he believes personnel at ZNY attempted to locate the tape in preparation for their interviews with Commission staff. LaCates did not himself attempt to locate the tape, but he believes "someone" asked George Leonard to look for them, since Leonard was responsible for compiling the document package in response to the Commission document discovery request. LaCates himself was not part of this process.

FAA/Military:

LaCates offered Commission staff the opinion that there are no relationship difficulties between the FAA and the military over the use of airspace. He noted that occasionally the military does not want to allow civilian use of airspace they control, but the procedures for the FAA to mitigate such a situation are "adequate".

LaCates was not aware of any further steps to be taken by the center beyond contacting the military that the FAA is responsible for regarding a fighter scramble. LaCates further commented that at his level of

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authority he has no ability to contact specific military air defense assets. He believes that the OMIC (Operations Manager in Charge) has the responsibility and operational knowledge to contact the military.

LaCates commented that ATCs from McGuire AFB were at ZNY during the time period in which ZNY assumed their airspace. He noted that McGuire AFB's air traffic capability is primarily approach control. It was not until after 9/11 that LaCates became aware that NEADS and Customs could ascertain altitude on a primary only aircraft.

Documents:

Commission staff presented LaCates with copies of FAA documents that pertain to "air piracy" incidents.

LaCates noted that after 9/11 he reviewed Chapter 7 of the FAA Crisis Management Handbook that details escort procedures in the case of a hijack. LaCates again reviewed them within "the last three to six months" in preparation for his interview with Commission staff.

LaCates was not familiar with Chapter 40 of the FAA Crisis Management Handbook. Chapter 40 addresses procedure for a National Air System shut down.

Recommendations:

LaCates noted to Commission staff that the FAA never operated an aircraft accident/crisis drill. He noted that on the contrary workplace evacuations that include drilling shutting down a center's airspace is drilled. He noted to Commission staff the importance of drilling for all types of possible scenarios.

LaCates noted his opinion that each FAA air traffic control area needs a dedicated military specialist. He further noted that these position is "on the books", but is often not filled. According to LaCates, ZNY has only three military specialists; two of which are traffic management coordinators with some military familiarization. LaCates does not believe this is sufficient to address the current air threat probabilities.

LaCates noted the importance of the DEN hotline and ZNY's dedicated CONAR line.

Other information:

LaCates noted to Commission staff that he was told three suspicious individuals "jumped off a plane at Kennedy" on 9/11.