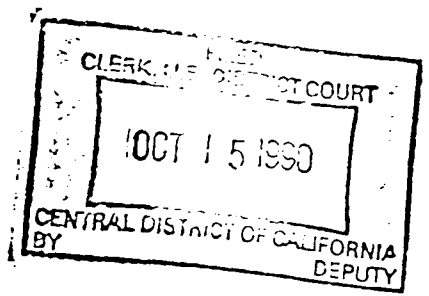


ORIGINAL



1 Karen H. Baker
2 Assistant General Counsel
3 Equal Employment Opportunity Commission
4 1801 L Street, N.W.
5 Washington, D.C. 20507
6 (202) 663-4770

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE
9 CENTRAL DISTRICT OF CALIFORNIA

9 EQUAL EMPLOYMENT OPPORTUNITY)
10 COMMISSION,)
11 Plaintiff,)
12 v.)
13 LOCKHEED CORPORATION,)
14 Defendant.)

C. No. 90-5253 TJH (Gx)
DECLARATION OF
FRANK H. AUSTIN, JR., M.D.
For hearing October 22, 1990
3:00 p.m.

15 1. I am Frank H. Austin, Jr. I am Crew Systems Manager for
16 the National Aeronautics and Space Administration (NASA) Space
17 Station Program. My address is 10701 Park Ridge Boulevard, Reston,
18 Virginia 22091. My office telephone is 703/487-7243.

19 2. I am a physician, and am licensed in Texas and
20 California. My specialty is Preventive Medicine and Aerospace
21 Medicine. I am a former naval aviator test pilot and flight
22 surgeon for the U.S. Navy, from which I retired in 1978.

23 3. I was the Federal Air Surgeon for the Federal Aviation
24 Administration from October 1, 1984 through February 2, 1987.

25 4. Attached to this declaration is a copy of a letter, with
26 two pages of attachments, that Stanley R. Mohler, M.D. sent to me
27 on November 19, 1984. On this letter are handwritten comments.
28 I wrote those comments on November 24, 1984.

1 5. Tthe first page of attachments to the letter is a piece
2 entitled "No Medical Basis for Age 60 Rule." The piece argues that
3 "with the new modern medical and flight technology [freedom from
4 impairing disease, ability to perform and motivation to fly] can
5 easily be determined in a given pilot." I wrote the handwritten
6 comments, that appear above and after the statement "There is no
7 medical basis for the age 60 rule, "True in 1984," and "True." The
8 same statement is repeated at the end of the piece, and my
9 handwritten comment, "True," follows it. At the end of the piece,
10 I wrote the following handwritten comments:

11 I believe this and Adm. Engen believes this. He wants to keep
12 the age 60 rule now. I will support the admiral in his
13 position. When it can be done - age 60 will be eliminated (I
14 think!) Its an ECONOMIC Issue! FA

15 6. I sent my handwritten comments to Dr. Mohler by returning
16 the original document to him. I understand that a copy of this
17 document was later submitted to the Federal Aviation Administration
18 in support of pilots' requests for medical exemptions from the "Age
19 60 Rule" that prevents pilots from flying airliners after they
20 reach that age.

21 I declare under penalty of perjury that the foregoing is true
22 and correct. Executed on October 10 1990.

23 
24 Frank H. Austin, M.D.
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27
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