



**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE
Washington, DC 20590

April 27, 2012

Catherine A. McMullen,
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Re: *OSC File No. DI-11-2238 and DI-11-2709*

Dear Ms. McMullen:

Please find enclosed a redacted version of the Department of Transportation's (DOT's) supplemental report, provided to the Office of Special Counsel (OSC) on April 4, 2012, in the above-referenced whistleblower referrals. Please post this version of the supplemental report on OSC's public file. I have also enclosed redacted copies of the additional transcript pages which OSC received from the Office of Inspector General (OIG) for posting on the public file.

As described in my letter of March 19, 2012, DOT considers witness names associated with OSC-directed investigations to be sensitive personally identifiable information which should not be publicly released. Accordingly, we have redacted the names of witnesses from the supplemental report, including from the attachments to the report. In addition, we have removed attachments 5 and 6 from the report because the attachments contain confidential and proprietary information to Delta Air Lines.

Please do not hesitate to contact Debra Rosen or me if you have any questions.

Sincerely,



Judith S. Kaleta
Assistant General Counsel for General Law

Enclosure



U.S. Department of
Transportation

Office of the Secretary
of Transportation

Office of Inspector General

Memorandum

Subject: **INFORMATION:** OIG Investigation #
I11A004SINV, Re: FAA Oversight of Delta
Airlines Fuel Tank Safety and Electrical Wiring
Interconnection System Maintenance Programs
(DI-11-2238, DI-11-2709)

Date: April 3, 2012

From: Ronald C. Engler *rc*
Director, Special Investigations, JI-3

Reply to
Attn. of: X6-4189

To: Judith S. Kaleta
Assistant General Counsel for General Law
Office of General Counsel

This memorandum is provided in response to a U.S. Office of Special Counsel (OSC) email dated March 1, 2012, requesting additional information related to the Office of Inspector General's (OIG) investigation of the Federal Aviation Administration's (FAA) Oversight of Delta Airlines Fuel Tank Safety (FTS) and Electrical Wiring Interconnection System (EWIS) maintenance programs. OSC requested supplemental information for 18 items. (**Attachment 1**) Below is the OIG's response to request items 1 through 5, and 14.

- **OSC Request Item 1:** Please provide a written justification for the omission of the names of federal employees from the report.

OIG Response: Subsequent to the receipt of OSC's supplemental request, the Office of the Secretary of Transportation provided the names of the federal employees to OSC on March 19, 2012.

- **OSC Request Item 2:** In the discussion of allegation No. 1, please clarify the reference to the previous FAA regional and headquarters review teams—were these reviews initiated by the OSC referral in 2009?

OIG Response: The FAA regional and headquarters reviews referenced in our report were not initiated in response to the OSC referral in 2009. Both reviews were initiated in response to concerns that one of the whistleblowers brought to the attention of the Certificate Management Office (CMO) management and the Director of Flight Standards in April and May 2011, respectively.

- **OSC Request Item 3:** Given the concerns with the EWIS program and the significant impact the faulty or corrosive wiring can have on the safety of flight, please provide additional explanation for why the errors and inaccuracies identified in the EWIS programs by the audits are considered administrative concerns and not safety of flight concerns, especially when the review found that 63% of the legacy Northwest task cards contained discrepancies.

OIG Response: According to the FAA technical experts referenced in OSC Request Item 4, although the task cards may not include a verbatim copy of the EWIS ICA maintenance and inspection tasks into the operator's maintenance procedures (and there is no a requirement that the tasks be copied word-for-word), this did not present a safety of flight concern as long as maintenance and inspection procedures are performed as intended. More importantly, as stated by one FAA review team member and technical expert, the EWIS program (of which these maintenance and inspection tasks are a part) is an "enhancement" to an already existing zonal inspection program and "none of the ... EWIS tasks are safety critical. Even though that they are important, they are not mandated...by an [airworthiness directive][.]" (**Attachment 2**)

- **OSC Request Item 4:** Who were the FAA technical experts who provided expert opinion discussed on p. 10? Did they provide an expert opinion that the errors and discrepancies in task cards did not involve safety of flight issues? Did they provide a written opinion? If so, please provide a copy of that opinion. If they provided the opinion in an interview, please provide a copy of the interview transcript.

OIG Response: The following four FAA officials – members of FAA's headquarters review team – provided expert testimony:

1. [REDACTED] Aviation Safety Inspector – Maintenance, Flight Standards Service – Aircraft Maintenance Division, Washington, DC. Responsible for the development of the FTS and EWIS operational rules. Also, developed FAA Advisory Circulars and inspector guidance for FTS and EWIS and aided in the preparation and review of related documents to support the rulemaking activities.
2. [REDACTED] Aviation Safety Inspector – Avionics, Flight Standards Service – Seattle Aircraft Evaluation Group (SEA–AEG), Renton, WA. SEA–AEG focal and compliance team member for Enhanced Airworthiness Program for Airplane Systems and Fuel Tank Safety (EAPAS/FTS). Aided in the preparation and review of related FTS and EWIS rulemaking documents, Advisory Circulars and FAA inspector handbook. Served on Maintenance Review Board working group with various airplane manufacturers and operators related to the development of SFAR-88 and EWIS maintenance and inspection requirements.
3. [REDACTED] Program Manager/Engineer, Enhanced Airworthiness Program for Airplane Systems (EAPAS), Transport Airplane Directorate, Transport

Standards Staff – Airplane & Flight Crew Interface Branch, Renton, WA. Aided in the preparation and review of related FTS and EWIS rulemaking documents.

4. ██████████ – Electrical Wiring Interconnection Systems Specialist, Transport Airplane Directorate, Transport Standards Staff – Airplane and Flight Crew Interface Branch, Renton, WA. Served on Industry Steering Committee for EWIS and aided in the preparation and review of related FTS and EWIS rulemaking documents. (Participated in planning meeting only and not the detailed review due to absence from the office.)

During their interviews, three of the four technical experts indicated that the administrative errors were “paperwork,” not safety, issues. (**Attachment 2**) The fourth technical expert, Mr. ██████████ was unable to comment on the administrative errors because he did not review the documents.

- **OSC Request Item 5:** Did SPAI ██████████ provide any further explanation for his determination that the discrepancies in the task cards were administrative? If so, please provide a copy of the interview transcript or his written explanation. If not, can he please provide an explanation of how he made this determination including the criteria for considering whether an issue represents a safety of flight concern.

OIG Response 5: In his interview, SPAI ██████████ indicated that the administrative issues brought to his attention (prior to signing the operations specification) related to the airline adding additional steps to (EWIS) zonal inspection cards. The position of one of the whistleblowers is that the cards were not compliant with the EWIS program because they did not copy the Boeing document as is. SPAI ██████████ did not agree that the airline was not in compliance because adding the additional steps did not eliminate the airline’s responsibility to complete the Boeing steps. (**Attachment 3**)

- **OSC Request Item 14:** Allegation No. 3, report at pp. 10-11. In the referral of July 22, 2011, the whistleblowers alleged that FAA failed to complete the implementation of the recommendations from the OIG’s report of December 7, 2009, and thus, the previously substantiated safety concerns remained outstanding. The report states that the allegation is not substantiated. However, the report goes on to state that the whistleblower’s contention that FAA’s actions were ineffective had merit and notes the discrepancies identified in the task card review for the FTS program. The report also states that FAA’s review of all airworthiness directives (ADs) with a priority on FTS ADs supports the whistleblowers’ contention that AD compliance issues remained unresolved despite the findings of the OIG’s 2009 report.

Please explain the agency’s finding that allegation 3 is not substantiated. What is the agency’s finding with respect to the whistleblowers’ allegations that concerns with non-compliance and related safety issues persist? Report at p. 11.

OIG Response: The OIG concluded that this allegation, as written in OSC's July 22, 2011 referral, was not substantiated. Specifically, the referral indicates that "FAA has failed to complete OIG recommendations 1-3 of the OIG report[.]" However, as documented in Attachment 3 of the agency's report to OSC, the recommendations were completed. Specifically, an independent team (outside of the CMO) conducted a review of legacy Northwest Airlines' AD program (recommendation 3), using Air Transportation Oversight System data collection tools, including a design assessment using the Safety Attribute Inspection (SAI) checklist for AD management (recommendation 2), and assessed the effectiveness of the SAI checklist (recommendation 1). These actions were completed by June 2010.

Nevertheless, as we documented on pages 10 and 11 of the report, the actions completed in response to the recommendations were not effective at resolving the issues identified in our 2009 report. Further, as stated on the top of page 11, we concluded that the "whistleblower's claim has merit;" and in the following paragraph we indicated that the whistleblower provided examples from other aircraft types "which demonstrates that the compliance issues exist in other Delta fleet types." Therefore, we substantiated the whistleblowers' allegations that FTS and AD non-compliance continued.

The 12 remaining OSC request items relate to the status of FAA corrective actions, milestones, and five enforcement investigation reports. Attachment 4 is a memorandum from the FAA's Office of Audit and Evaluation, dated March 28, 2012, addressing these request items (OSC request items 6 through 13, and 15 through 18).

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ATTACHMENT 1 - OSC's Supplemental Request

Request for Supplemental Information **Lund/Mirau, OSC File Nos. DI-11-2238 and DI-11-2709**

1. Please provide a written justification for the omission of the names of federal employees from the report.
2. In the discussion of allegation No. 1, please clarify the reference to the previous FAA regional and headquarters review teams—were these reviews initiated by the OSC referral in 2009?
3. On page 4, the report notes that investigations conducted after two airline accidents showed that corrosion and deteriorated wiring, among other things, were common EWIS conditions and one of the accidents was attributed to an in-flight wiring fire. In response, FAA determined that the EWIS ICAs lacked sufficient detail and required that additional information on inspection tasks, methods, etc., be included in the EWIS program. Given the concerns with the EWIS programs and the significant impact the faulty or corrosive wiring can have on the safety of flight, please provide additional explanation for why the errors and inaccuracies identified in the EWIS programs by the audits are considered administrative concerns and not safety of flight concerns, especially when the review found that 63% of the legacy Northwest task cards contained discrepancies. Report at pp. 8-9.
4. Who were the FAA technical experts who provided expert opinion discussed on p. 10? Did they provide an expert opinion that the errors and discrepancies in task cards did not involve safety of flight issues? Did they provide a written opinion? If so, please provide a copy of that opinion. If they provided the opinion in an interview, please provide a copy of the interview transcript.
5. Did SPAI [REDACTED] provide any further explanation for his determination that the discrepancies in the task cards were administrative? If so, please provide a copy of the interview transcript or his written explanation. If not, can he please provide an explanation of how he made this determination including the criteria for considering whether an issue represents a safety of flight concern.

Please provide updates on the milestones set forth in report on pages 7-8:

6. In the ongoing joint review of all ADs, the CMO and Delta review of FTS ADs is a priority. The report notes the review will ensure that all AD requirements are accurately transcribed in work documents, all initial and repetitive requirements are scheduled, and all maintenance properly recorded.

The report states that the projected completion date for this review was December 31, 2011. Please provide the status of this review and any corrective measures planned or taken in response to the review.

ATTACHMENT 1 - OSC's Supplemental Request

Page 2

7. The CMO began an audit of FTS and EWIS maintenance task cards for the B757 fleets in April 2011. The deficiencies uncovered warranted the initiation of an Enforcement Investigation Report. The CMO required Delta to evaluate FTS AD deficiencies that may result in a mechanic performing a task incorrectly against all fleet types to determine if the deficiencies are systemic. The report notes that Delta's projected completion date was December 31, 2011.

As of November 8, 2011, Delta had completed the review and finalized a corrective action plan in conjunction with the CMO. The corrective action plan for revising the task cards is documented in Delta Engineering Report 10-100511-20, dated 10/12/11.

What are the corrective measures proposed and what is the expected completion date of those corrective actions?

8. The CMO required Delta to address FTS and EWIS administrative errors across all fleet types and prepare a comprehensive corrective action plan. The report states that Delta's projected completion date was December 31, 2011.

As of November 8, 2011, the corrective action plan for revising the task cards was completed and documented in Delta Engineering Report 10-100511-20 and being coordinated with Delta CMO.

What are the corrective measures and what is the expected completion date? Does this mean that all task cards have been corrected?

9. The CMO inspectors will evaluate the effectiveness of the FTS and EWIS maintenance task cards beginning the first quarter of 2012.

What is the status of this review? Are there any additional findings or corrective actions proposed as a result of the review?

As of November 8, 2011, ATOS Constructed Dynamic Observation Report (CONDOR) inspections assigned to inspectors to evaluate the effectiveness of the FTS/EWIS maintenance and repair organizations in first quarter of 2012. CONDORs in Hong Kong, Peking, and Guadalajara.

What were the results of the CONDORs? Are additional inspections of this type planned?

10. Delta is conducting a comprehensive review of Enhanced Zonal Analysis procedures (Part of EWIS) and SFAR 88 tasks to ensure they are properly identified. The report states the projected completion date was December 31, 2011.

ATTACHMENT 1 - OSC's Supplemental Request

Page 3

As of November 8, 2011, corrections to the Enhanced Zonal Analysis procedures were to be incorporated into corrective action plan in Delta Engineering Report, 10-100511-20.

Have these corrections been incorporated into Delta's corrective action plan? If not, when will they be incorporated? If so, what is the expected completion date of the corrective actions planned?

11. FAA plans to revise data collection tool (Element Performance Inspection 1.3.1) for FTS and EWIS to address discrepancies determined to be administrative concerns.

As of November 8, 2011, the data collection tools for element 1.3.1 were to be revised once Advisory Circular 120-97 is revised and the accompanying inspector guidance (FAA Order 8900.1 FSIMS) is published by the AFS-300 Policy Division.

The anticipated publishing date for the revised data collection tools was September 2012. What is the present status and anticipated publishing date of the revised data collection tool?

12. FAA to revise FAA Advisory Circular 120-97 to ensure airlines clearly understand the program requirements, including reminding operators to identify AD-mandated ALI numbers in maintenance programs and that these procedures or references to other manufacturers procedures are FAA approved and cannot be changed without FAA approval. FAA will also revise related FTS inspector guidance.

According to the report, the completion date for this revision was March 2012. If the revision is complete, please provide a copy of the revised FAA Advisory Circular 120-97. If the revision is not complete, please provide the current status and expected completion date.

13. FAA will address three review team recommendations relating to procedures for inspector disclosures and reporting of safety concerns. FAA plans to reinforce these procedures as part of a new recurrent advanced compliance and enforcement training course under development.

Are the three recommendations referenced in this corrective action the recommendations noted by the IAC Team in Attachment 3, p. 2, in response to Allegation 2?

The report states that the projected release for course prototype is May 2012. Is this still the projected release date?

ATTACHMENT 1 - OSC's Supplemental Request

Page 4

14. Allegation No. 3, report at pp. 10-11. In the referral of July 22, 2011, the whistleblowers alleged that FAA failed to complete the implementation of the recommendations from the OIG's report of December 7, 2009, and thus, the previously substantiated safety concerns remained outstanding. The report states that the allegation is not substantiated. However, the report goes on to state that the whistleblower's contention that FAA's actions were ineffective had merit and notes the discrepancies identified in the task card review for the FTS program. The report also states that FAA's review of all ADs with a priority on FTS ADs supports the whistleblowers' contention that AD compliance issues remained unresolved despite the findings of the OIG's 2009 report.

Please explain the agency's finding that the allegation is not substantiated. What is the agency's finding with respect to the whistleblowers' allegations that concerns with non-compliance and related safety issues persist? Report at p. 11.

15. Allegation No. 5. The report states that Delta's failure to comply with FTS and EWIS maintenance program requirements demonstrates a failure of Delta's CASS system. Report at p. 12. However, the report does not include any information on an action planned or taken in response to this finding. In Attachment 4, in the FAA's Response to the OIG Investigation Report, FAA notes that this project will not be considered complete without necessary changes to Delta's CASS program to validate new or major maintenance program changes. Again, no information is provided as to corrective actions planned or taken to complete this task.

Please provide an update as to the status of corrective action on this issue.

Please provide the status of the following EIRs:

16. EIR 2009SO270159 issued in response to Delta's operation of legacy Northwest B757 fleet without complying with AD 2008-10-11.
17. EIRs 2011SO275337 and 2011SO275338, dated August 19, 2011 and issued as a result of deficiencies discovered in the audit of FTS and EWIS maintenance programs which constituted regulatory non-compliance but not safety of flight issues.
18. EIR 2010SO270173 against Delta A320 aircraft for failing to comply with FTS safety requirements and EIR 2011SO275199 against legacy Delta B757 for failing to comply with the FTS requirements of December 2008, were also identified by the whistleblowers as enforcement actions that had not been enforced by the agency. The report does not provide any updates as to the status of these actions. Please provide a response from the agency on these EIRs.

1 UNITED STATES DEPARTMENT OF TRANSPORTATION

2 OFFICE OF INSPECTOR GENERAL

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7 Sworn Interview of [REDACTED]

8 Case Number I11A004SINV

9 August 11, 2011

10 8:07 a.m.

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16 Interview Conducted by:

17 Liz Hanson, Senior Investigator

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193 Safety."

194 MS. HANSON: I think I saw that on one of the
195 Boeing documents.

196 MR. [REDACTED]: Correct, yes.

197 MS. HANSON: Okay. Just so I have it, you know,
198 that when you say that, I want to make sure that means the
199 same thing as EWIS.

200 MR. [REDACTED]: Yeah. EWIS, just for your
201 information, the reason they call it EWIS, and we use that
202 acronym, too, is because it's called Electrical Wiring
203 Interconnection Systems, and within that rule, the
204 EAPAS/FTS rule, is embedded EWIS, you know, a definition of
205 it, there's a big long discussion of it and everything like
206 that in the rule. So we just kind of say, okay, EWIS this,
207 EWIS that, rather than saying EAPAS/FTS, if you know what I
208 mean.

209 MS. HANSON: Right. Okay. I know in looking
210 throughout the report on all the allegations, you call
211 these administrative -- you concluded these are
212 administrative issues versus compliance issues. Can you
213 explain what that means or why you call them administrative
214 issues versus compliance issues?

215 MR. [REDACTED]: Well, if you -- first of all, if you
216 look at the -- whenever you're involved with an air carrier

217 that's got a Continuous Airworthiness Maintenance Program
218 that -- I mean, the size and scope of it is based on how
219 big the airline is, how big their operation and everything
220 like that, so it's very complex. So what we were talking
221 about is within the program, you have to explain to the FAA
222 how you're going to implement your program and what you're
223 going to do and how you're going to carry out your
224 maintenance, your operations, and everything like that.

225 The findings that we did come up with were what we call
226 administrative because there was a lot of paperwork issues
227 where there were certain things that were either missing
228 off pieces of paper, there were dates, certain dates, that
229 didn't -- we couldn't associate with other pieces of paper
230 that had been amended and things like that.

231 So these are administrative issues, is what we
232 call them. Okay? It's kind of like looking at the
233 paperwork and saying, well, there's a word missing here,
234 there's a comma missing there, or something like that. In
235 this case here, if it's something that's required to be in
236 the maintenance program and say pieces of it aren't there,
237 half a sentence is missing or the operator decided to leave
238 a word out or something like that, that's what I'm talking
239 about the administrative portion of it.

240 MS. HANSON: Okay. Would they still be

241 considered a compliance issue?

242 MR. [REDACTED]: Well, the --

243 MS. HANSON: I mean, could you open an EIR to
244 say, you know, this doesn't comply with, you know, FTS or -
245 -

246 MR. [REDACTED]: Well, first of all, the -- yeah, we
247 opened an EIR, enforcement action, against them because we
248 think they may be in noncompliance with a specific FAR.
249 Okay?

250 MS. HANSON: Uh-huh.

251 MR. [REDACTED]: And the FAA has to state in that EIR
252 package why they believe that they're in noncompliance with
253 the FARs, and they've got a chance to obviously refute that
254 during the litigation period, and which the CMO down there
255 does currently have open EIRs against the Delta Airlines,
256 specifically in reference to FTS and EWIS.

257 MS. HANSON: Right. So these type of things -- I
258 mean, you call them administrative versus immediate safety
259 concerns?

260 MR. [REDACTED]: Correct.

261 MS. HANSON: I think, because maybe that was part
262 of your initial mission, is to make sure there was nothing
263 --

264 MR. [REDACTED]: Right.

265 MS. HANSON: -- you know, immediately safe issues
266 that needed to be addressed, I guess, in reading the
267 report.

268 MR. [REDACTED]: Correct.

269 MS. HANSON: So I guess on some of these -- and I
270 just want to be clear that even though they called it
271 administrative issues, some of them probably could still be
272 considered compliance issues, and if the CMO wanted to,
273 they could address them through an EIR process.

274 MR. [REDACTED]: That's totally correct. Yes, they
275 could.

276 MS. HANSON: That's what I wanted to know.

277 MR. [REDACTED]: So if they've left something out of
278 their maintenance program that should be in there based on
279 the FARs or something like that, the CMO can open up an EIR
280 and say, you know, "We believe that you're maybe in
281 noncompliance with this FAR because." Okay? So that's
282 totally within their responsibility as a CMO and oversight
283 to do that.

284 MS. HANSON: Right. And I would think like some
285 of this would relate to the FARs 121.111 and 1.113, I guess
286 --

287 MR. [REDACTED]: Yes, that's correct.

288 MS. HANSON: -- that relate to FTS and EWIS.

289 MR. [REDACTED]: Correct. In fact, when we were down
290 there, the CMO had indicated to us that they still had open
291 EIRs with reference to the subject.

292 MS. HANSON: And I think there's like three,
293 three or four, that I'm aware of.

294 MR. [REDACTED]: I believe you're correct.

295 MS. HANSON: Okay. Do you agree with the -- and
296 based on reviewing all this documentation, you know, what I
297 was told basically, part of the reasons all these
298 discrepancies were identified is that when they implemented
299 these programs, especially as it relates to the CDCCLs and
300 ALIs -- it's hard to remember what they stand for, but --

301 MR. [REDACTED]: Airworthiness Limitation, that's an
302 AWL.

303 MS. HANSON: And the Critical Design
304 Configuration Control --

305 MR. [REDACTED]: Configuration Control Limitation.
306 That's a form of an Airworthiness Limitation that was
307 instituted during the development of the Fuel Tank Safety
308 rule.

309 MS. HANSON: Okay. And I guess the airlines
310 really should incorporate those tasks that were identified
311 in those Boeing maintenance manuals without change into
312 their task cards?

313 MR. [REDACTED]: And, yes, the Airworthiness
314 Limitations are mandatory, they're FAA approved. We have
315 two Ops rules that speak to Airworthiness Limitations,
316 specifically 4316 and 91403, which both speak to
317 Airworthiness Limitations and that the operator must comply
318 with them. So, yes, they would have to incorporate that
319 into their maintenance program.

320 MS. HANSON: And I know I had heard that part of
321 the way the allegation is written is that Boeing
322 incorporated this into their maintenance, but sometimes
323 they left out steps or they didn't use the exact words that
324 were included in the Boeing Aircraft maintenance manuals,
325 and that according to the rule, they really should do it
326 without change, and those steps should not even have a word
327 change, I guess.

328 MR. [REDACTED]: Well, the operating rule says that
329 the operator must incorporate into their maintenance
330 program these things. Okay? And if you've got an
331 Airworthiness Limitation, what's in the Airworthiness
332 Limitation, I mean, it's very important. And we believe
333 that all the steps within the Airworthiness Limitation need
334 to be complied with to assure to continue the airworthiness
335 of the airplane.

336 MS. HANSON: Okay. Did you all look at -- in the

337 OSC case they referenced a January 2011 Delta 757 in-flight
338 wire failure that burned the aircraft's fuel tank system
339 electrical wiring bundle?

340 MR. [REDACTED]: I did hear about it. I didn't get
341 into the details of it.

342 MS. HANSON: So as part of your review, you
343 didn't really look at that to see if that had any --

344 MR. [REDACTED]: No, no, I did not.

345 MS. HANSON: -- relationship to some of the
346 deficiencies you found?

347 MR. [REDACTED]: No. If something like that happens,
348 that would be handled by the CMO.

349 MS. HANSON: Okay. All right, my question was
350 whether or not it was related to the AD or --

351 MR. [REDACTED]: Now, that I can't tell you because
352 we didn't delve into that.

353 MS. HANSON: Okay. Well, you answered my
354 question, you really didn't evaluate that. I know [REDACTED]
355 [REDACTED] was kind of the subject of one of the allegations.

356 MR. [REDACTED]: Right.

357 MS. HANSON: To what extent did he participate on
358 the team?

359 MR. [REDACTED]: Well, he was there to support the
360 team from the Delta CMO, and he was there with us the

361 entire time, and, you know, we had the ability to ask him
362 questions about the program. Obviously, he knows the
363 program in depth, so if we needed to know something, we
364 could ask him, you know, the questions and give us the
365 answers. We did rely upon him quite a bit for him
366 providing the answers to us.

367 MS. HANSON: And did he participate in coming up
368 with your conclusions or --

369 MR. [REDACTED]: Yes, he was involved in the
370 conclusions.

371 MS. HANSON: In which way?

372 MR. [REDACTED]: Well, I mean, he was part of the --
373 from the standpoint of the CMO, he was part of the team.
374 Okay? So he was here in all the discussions and
375 deliberations that we were having amongst ourselves within
376 the team. Okay? And, you know, like I say, we were able
377 to ask him questions if -- you know, what are certain
378 things in their manual system, because obviously from our
379 standpoint, not being on the CMO, we don't know their
380 manual system, so we have to rely upon people like Mr.
381 [REDACTED], you know, to explain just how they control their
382 maintenance program and the documents they use and
383 everything like that.

384 MS. HANSON: Okay. Did you all look at any CASS

385 information?

386 MR. [REDACTED]: CASS?

387 MS. HANSON: Correct.

388 MR. [REDACTED]: Continuous Analysis and
389 Surveillance?

390 MS. HANSON: Yes.

391 MR. [REDACTED]: No.

392 MS. HANSON: Because one of the allegations in
393 the OSC complaint is that the CASS system was not effective
394 because it didn't identify these problems internally within
395 Delta?

396 MR. [REDACTED]: Well, that's one -- that is a
397 purpose of the CASS system within a 121 operation, and it
398 is required by the rule, that they have a CASS system that
399 continually monitors their maintenance program, and any
400 deficiencies are to be corrected, but we did not get
401 specifically into their CASS program.

402 MS. HANSON: Just as a technical expert, do you
403 think the CASS system would have identified these
404 deficiencies that you identified?

405 MR. [REDACTED]: Well, I would think the CASS system
406 would have identified them, but then again, that's for the
407 CMO. You know, if they've identified their CASS system,
408 and it's been identified, then Delta should have been

409 taking steps, and I would believe that the CMO would be
410 aware of that also.

411 MS. HANSON: I'm not real -- I know a little bit
412 about the CASS, but I'm not real technical on that.

413 MR. [REDACTED]: Right.

414 MS. HANSON: And if no one identified -- I know
415 they look at maintenance, you know, MELs, and look for
416 trends.

417 MR. [REDACTED]: Anything within their maintenance
418 program that -- you know, you're supposed to have
419 procedures, and we have got an AC, Advisory Circular, on
420 it. And we also have a training course out at Oklahoma
421 City for CASS for inspectors. It's a pretty comprehensive
422 program because it's attached directly to a requirement in
423 121.

424 MS. HANSON: When you were there, did Delta
425 mention that they were doing some kind of like 100 percent
426 review of all the ADs?

427 MR. [REDACTED]: I believe they did, or I don't know
428 whether it came from Delta or whether it came from the CMO.

429 MS. HANSON: Okay, but you didn't really get into
430 that or --

431 MR. [REDACTED]: No.

432 MS. HANSON: Okay. For allegation 1 -- do you

433 have a copy of the report there?

434 MR. [REDACTED]: Let me see, let me pull it up on my
435 screen here, and put my spectacles on. Okay, "The
436 inspector alleges Delta is in noncompliance."

437 MS. HANSON: Okay, so like on the bottom of page
438 2.

439 MR. [REDACTED]: Bottom, okay.

440 MS. HANSON: You have technical aviation safety
441 matters, and you said you did not substantiate this
442 allegation or any alleged noncompliance during the review
443 of the AD in 28AWL-01/10-year interval. And as far as the
444 10-year interval, can you explain that? Because I was
445 looking at the AD, and I think originally they have an
446 initial inspection, which may actually be earlier from --

447 MR. [REDACTED]: Yeah, it's the way their -- it's the
448 way the AD is written, and the 10-year -- it's -- the
449 Airworthiness Limitation inspection is at a 10-year
450 interval, applicable to all the airplanes.

451 MS. HANSON: But the first one may have been
452 earlier than that, right? Because it's based on the date
453 of the --

454 MR. [REDACTED]: Yes.

455 MS. HANSON: -- certificate, airworthiness, and I
456 guess a lot of the 757s are already like 20 years old or --

457 MR. [REDACTED]: Yeah, well, see, and that's the way
458 -- let me see if I've got the AD here.

459 MS. HANSON: And I'm just trying -- and then
460 after that, it's every 10 years they do it?

461 MR. [REDACTED]: Yeah. And the AD takes that kind of
462 situation into account when they write the AD and -- let me
463 see if I've got the AD in front of me.

464 MS. HANSON: So, now, on this they have a Table 1
465 like on page 7 that talks about initial inspections.

466 MR. [REDACTED]: Yeah, it says except that the
467 initial inspection specified must be done at the compliance
468 time specified in Table 1. So it says the threshold within
469 120 months since the date of issuance of the original
470 standard airworthiness certificate or the date of issuance
471 of the original export airworthiness certificate. And then
472 they have a grace period over there, it says within 72
473 months after the effective date of this AD.

474 MS. HANSON: So I'm assuming that means like if
475 the 757 original date was 1990 or something, then instead
476 of -- 10 years would already have passed --

477 MR. [REDACTED]: Right.

478 MS. HANSON: -- so they give you 6 years to --

479 MR. [REDACTED]: Yeah, and the ACO accounts for that
480 situation, obviously, since these airplanes have been in

481 service for such a long time. So for the airplanes that
482 have already exceeded any threshold, they have to have this
483 provision in the AD, and for one Airworthiness Limitation,
484 72 months after the effective date of this AD, another one
485 is I believe 24 months after the effective date of the AD.
486 So that provision is writing into the -- and then there is
487 one within 60 months after the effective date of the AD.
488 So that provision is written into the AD at the time the AD
489 is developed.

490 MS. HANSON: So this basically -- they don't have
491 to go out there the next day and do it, they've got --

492 MR. [REDACTED]: No, no. I mean, it --

493 MS. HANSON: Right. It wouldn't be exactly fair,
494 yeah.

495 MR. [REDACTED]: Correct.

496 MS. HANSON: Okay. And I was just wondering
497 because you reference a 10-year interval, and I wanted to
498 make sure that some of these inspections actually probably
499 already had occurred.

500 MR. [REDACTED]: That's -- yes.

501 MS. HANSON: More than likely, since that was --
502 especially like the 2-year, if that came out in 2008.

503 MR. [REDACTED]: The 24-month?

504 MS. HANSON: Uh-huh.

505 MR. [REDACTED]: Yes. We would have to assume that.

506 MS. HANSON: So in all these -- and in this one
507 you identified several administrative issues in the task
508 cards, I guess.

509 MR. [REDACTED]: Correct. That's where a lot of the
510 administrative issues tend to be because airlines change
511 their task cards quite frequently, depending on
512 requirements, and, you know, the chances for having these
513 administrative issues or paperwork issues, if you want to
514 call them that, that's likely where they're going to
515 happen.

516 MS. HANSON: So you considered it not -- still in
517 compliance because -- I guess I'm trying to understand
518 that, because there wasn't a significant safety issue or --

519 MR. [REDACTED]: Well, yeah, because it was not, it
520 was not a significant safety issue.

521 MS. HANSON: Or because you didn't maybe find any
522 aircraft where they didn't actually not do all the steps,
523 or was that not really part of your review?

524 MR. [REDACTED]: That was not part of our review nor
525 would we have had time to do that. What an inspector at
526 the CMO would ultimately do, they would look at the work
527 cards and then they would go out and bounce a work card off
528 an airplane that's having the inspection that's being

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UNITED STATES DEPARTMENT OF TRANSPORTATION

OFFICE OF INSPECTOR GENERAL

Sworn (Telephonic) Interview of [REDACTED]
Aviation Safety Inspector, Avionics
Seattle Aircraft Evaluation Group

OIG Case No. 111A004SINV

August 8, 2011

Time: 3:05 p.m., EST

Interview Conducted By:

Liz Hanson, Sr. Investigator
Department of Transportation, Office of Inspector General

Phone: [REDACTED]

E-Mail: [REDACTED]

201 was being in question and the supporting documents, and kind
202 of review those at the same time, learning their programs,
203 their TOPP manuals; so it was kind of a learning evolution --

204 Q Right.

205 A -- at the same time of trying learn the carrier's
206 program trying to understand how they implemented it, and
207 where -- whether or not . . . we focused primarily on the AD
208 for the 757 because that was the fleet that was in question.

209 Q Right.

210 A So we basically started from the airworthiness
211 directive to make sure that the requirements of the AD and how
212 they were spelled out versus how the carrier implemented
213 versus their documentation, and then we wanted to make sure
214 that if we found anything safety impact critical, those are
215 the areas that we wanted to look at first.

216 And what we found out is that a lot of the
217 administrative paperwork from the carrier was lacking, and so
218 we did agree with Mr. Lund that the documentation, as written,
219 needed to be improved, but we did not find anything that was
220 of a safety nature that would have required violating the
221 carrier as far as removing their certificate or downing any
222 airplanes. So, as far as we could tell, again just looking at
223 the paperwork, we did find a lot of errors in the --
224 administrative errors in the paperwork.

225 Q I guess that was another question I had was, you

226 know, how did you come up with being administrative errors
227 versus compliance issues?

228 A Because of the way the AD was written. The ADs
229 basically said that the carrier was supposed to implement
230 sections of the, umm, MPD Section 9 into their program, and
231 they had done that. They -- and they did the AD, the initial
232 inspections that were required, and they had shown us
233 documentation of where they had documented the required
234 inspections and when they were going to be due again. So
235 basically -- but when they wrote their instructions for
236 implementing the programs, they would have put it in their
237 TOPP manuals on how they -- they would have trained their
238 people how to do the paperwork, there were errors in the
239 documentation on how they would have actually explained the
240 program better.

241 So like, for example, the front matter from the
242 Section 9 of the MPD for the 757 included Sections E, F and G.

243 Q Mmm-hmm.

244 A And what the carrier had done is they, in their
245 program, they didn't copy word-for-word the guidance material
246 or the reference material that was in Section 9, even though
247 they had implemented all of Section 9. It's their program.
248 The instructions weren't carried over as well as they should
249 have been.

250 And the type of tasks -- so they -- they put the AWL

251 number in their program, and they were tracking the AWLs. But
252 when they put the type of task -- for example, if it was an
253 ALI, which was a time limited task items, for example --

254 Q Mmm-hmm.

255 A -- ten years versus a maintenance task, such as a
256 CDCCO, the ALIs they changed to the type of task it was from
257 an ALI to say a detailed inspection or a functional check or
258 something like that. So they kind of missed -- changed the
259 meaning of it in a sense even though the same number was
260 there.

261 So we saw a lot of administrative paperwork. And
262 then again, we had engineering with us. We had [REDACTED]
263 [REDACTED], who was one of the -- representing the EWIS Fuel Tank
264 Safety Program. He was one of the authors of EWIS, and so we
265 used his judgment to make sure that there was -- to his
266 evaluation of whether or not there was a risk involved.

267 Q Okay.

268 A But again, a lot of the paperwork, as we started
269 reading the documents, it led us to believe that there was a
270 systemic way in which different operators, different carriers
271 may have interpreted the -- the AD. And so -- in fact, there
272 were some revisions, and they are still proposing revisions to
273 that same 757 AD, as well as others to clarify how they are
274 supposed to implement the wording of the AD, and how they are
275 supposed to implement the MPD tests.

276 But, as far as the -- what we looked at; again, we
277 didn't look at all -- all of the tasks because there were so
278 many of them. We just stuck with the ones that were the
279 initial AD that were to be initially complied with and
280 recurring.

281 Now keep in mind that too we were there for EWIS,
282 Electric Wiring Interconnect System --

283 Q Right.

284 A -- but we spent a lot of time on SFAR-88 because the
285 AD to us was more critical than -- none of the 1820 or the
286 EWIS tasks are safety critical. Even though that they are
287 important, they are not mandated to do, mandated by AD as --
288 such as the SFAR-88 tasks were.

289 Q So EWIS tasks --

290 A Electric wiring Interconnect System. Yes.

291 Q Right. -- are not safety critical.

292 A Yeah. Right.

293 Q Okay.

294 A When I say they are not safety is they are not the -
295 - they were not delegated or designated as a -- to be
296 implemented as part of an AD or Section 9 of the MPDs. They
297 are basically --

298 Q They are a maintenance task, but they are not
299 correcting an unsafe condition?

300 A Right. They are just an enhanced zonal inspection.

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13

301 Some of the airplanes already have an existing zonal
302 inspection program, and what the enhanced zonal is just -- it
303 adds emphasis to wiring and inspecting of wiring. So . . .
304 but they are all in either systems and power plants section
305 1820 or the zonal task, but they are not -- again, they are
306 not to the level of an SFAR-88 task, which is a more critical
307 task because of the fuel safety ignition prevention.

308 Q Okay. So it's an -- it's an EWIS -- and EWI is
309 EWIS, I think, is how they refer to it -- is an enhancement to
310 an already existing inspection program?

311 A Right. So . . . and the way that it works is
312 basically, for the wiring inspection, a lot of time wiring was
313 neglected in the past, and even though --

314 Q Now this is like aging aircraft and . . .

315 A Yes.

316 Q Right.

317 A And so because of the people that are doing the
318 zonal inspection programs, we are focusing basically on the
319 zonal. They were -- because on a general zonal inspection you
320 look at everything. And so when the manufacturer was required
321 to develop an enhanced zonal, they started looking more
322 particular to wiring as a critical . . . well when I say
323 critical, it is the potential for affecting a fire in a zone
324 should there be combustible materials in the zone. And so
325 that's why the -- any wiring in a zone that was there already

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326 now has an EWIS flag with it or EZAP task flag with it, to
327 give it special emphasis.

328 Again, when the manufacturers of the enhanced zone
329 allowances -- they determine whether or not the zone has
330 wiring, and if the zone has wiring, they follow the next
331 question. And is there -- they ask whether or not there are
332 combustible materials in the zone; combustible materials being
333 dirt, dust, lint. It could be hydraulic fluid, flammable gel
334 vapors. When those questions are answered yes, then we go
335 deeper by saying, well first of all, can we eliminate or
336 reduce the likelihood of combustible materials? Generally if
337 it's combustible material that consists of dust, dirt, and
338 there is lint accumulation, there is always the, of course,
339 spotting cleaning tasks, which will require a cleaning task to
340 remove, vacuum the dirt or dust that can become combustible
341 material, such as on a wire if it was to ignite. So if you
342 remove that combustible material, then -- by a cleaning task,
343 that's one level. The other one would be to do an inspection
344 of any of the power feeders in the zone or wiring in the zone
345 that, if there was a defect in the wiring can cause a fire.
346 And so we may also have a detailed inspection of some wiring
347 or a general, a stand-alone general visual inspection of some
348 wiring in the zone. And this way the combination, depending
349 on the potential effects of the fire in the zone, you may end
350 up with either a standard -- the existing standard zone will

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15

351 always be inadequate for everything in a zone, and so the
352 standard zonal tag will be flagged as a GVI, or if the
353 standard zonal is not effective alone, then we'll have
354 additional tasks, such as either cleaning and/or a detailed
355 and/or stand-alone general visual inspection of some segment
356 of wiring in the zone. And that's part of the enhanced zonal
357 analysis would do.

358 So the operator would have had to implement all
359 those tasks that were generated in the source document and
360 approved by the ACO.

361 Q Okay. So -- so as far as being -- I'm trying to
362 understand, being administrative, or making sure I understand
363 what you are telling me, is basically, if you look at the AD
364 actually required . . .

365 A Now when we say AD, the AD only required for --
366 that's a different program.

367 Q Right.

368 A It's the -- SFAR-88 is the fuel system tank review.

369 Q Right.

370 A And so, in that sense, the manufacturer at the time
371 was required to look at the aircraft design for the potential
372 effect of ignition sources.

373 Q Right. And there were specific AWLs that they had
374 to . . .

375 A Yes, and those specific AWLs are -- they are with

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UNITED STATES DEPARTMENT OF TRANSPORTATION

OFFICE OF INSPECTOR GENERAL

Sworn (Telephonic) Interview of [REDACTED]

Aerospace Engineer, FAA

OIG Case No. I11A004SINV

August 15, 2011

Time: 2:40 p.m. EST

Interview Conducted By:

Liz Hanson, Sr. Investigator

Department of Transportation, Office of Inspector General

Phone: [REDACTED]

E-Mail: [REDACTED]

126 Headquarters IAC review?

127 A I was the technical specialist in the team.

128 Q Okay. And, in the report, they talk about various
129 administrative issues that you found.

130 A Yes.

131 Q Can you tell me what the basis of saying those are
132 administrative issues or . . .

133 A Administrative mainly meaning documentations. For
134 example, when you have maintenance tasks, the way you are
135 documenting them. For example, some of the tasks that they
136 were . . . you have procedures and the steps to be taken.

137 There could be some enhancements made to them. Administration
138 means paperwork. And we -- we use that term meaning it is
139 documentation and is not actual or something that caused us to
140 feel that that was a actual safety item, safety issue concern,
141 that physically an airplane is a possibility, something that
142 is . . . we call it a safety item.

143 Q Okay.

144 A But administrative is paperwork basically.

145 Q Okay. Do you think -- would you consider them
146 compliance issues with the rule or regulatory non-compliances
147 or . . .

148 A Uh . . . well, it depends if the rule is
149 specifically asked to do something. For example, in EAPAS
150 rule, we have requirement that the maintenance tasks

151 generated, by the EAPAS rule, they have to be traceable. How
152 do we trace them? There are some indications that shows,
153 okay, they are wiring related, so we use EWIS in the title or
154 in the number. So that is -- that is -- is documentation, is
155 the paperwork, but is required by the rule. So that is --
156 that is called important. Why? Because we don't want the
157 nature of the tasks to get changed. For anytime operators has
158 this kind of task incorporated into their maintenance program,
159 and if there is any change . . . and some changes are not bad.
160 They -- it's within reason. So they cannot not literally go
161 to make those changes. Just because there is indication this
162 is EWIS or wiring related --

163 Q Mmm-hmm.

164 A -- they have to go discuss it with a principal
165 inspector, and from there they have to send that change to the
166 FAA ACO and -- to get their review and approval. So that is
167 -- that is documentation, and yeah, that's a qualifying rule.
168 So important? Yeah, it is important.

169 Q Okay. So like if the maintenance task card did not
170 have EWIS requirement and they forgot to put EWIS on there,
171 that would be like a --

172 A It is important.

173 Q -- a compliance issue?

174 A It is a compliance issue, but it may not be a safety
175 of concern.

176 Q Right. But -- and then on -- on some of the
177 examples provided, to me anyway, in some cases they didn't
178 copy word-for-word from the Boeing task cards --

179 A Right.

180 Q -- into the maintenance task cards, or they may just
181 say refer to AMM 28-1110 --

182 A Right.

183 Q -- where then it may the procedures.

184 A Right.

185 Q Do you consider that a regulatory discrepancy or
186 . . .

187 A It is documentation. For example, if, on the task
188 card, it says well this task card is a result of an AD --

189 Q Uh-huh.

190 A -- and you put the AD on, having that AD is good
191 because sometimes, by our nature, we take it more serious.
192 But again, this is not a safety concept. It is documentation.
193 It is good. It is proper to have that one. It should be on
194 -- have that, I guess, indication of . . . that was AD item.
195 But, as far as the task to be something wrong, we don't --
196 they don't look at it to be something.

197 Q I guess it would be more significant if they didn't
198 do the task properly.

199 A That's right.

200 Q Or they changed the task and then they didn't do the

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

From: [REDACTED]
To: [Hanson, Mary \(Liz\)](#)
Cc: [REDACTED]
Subject: Re:
Date: Tuesday, September 13, 2011 1:38:41 PM

[REDACTED]

From:
<Mary.Hanson@[REDACTED]>

To: [REDACTED]

Date: 09/13/2011 10:16
AM

Subject:

Gentlemen,

I have technical questions for all of you regarding one of the statements made by the whistleblower in the OSC case I am investigating (the statement is the basis for some of his allegations). I have talked to [REDACTED] about this a little and would like to get a consensus from all of you. The whistleblower's statement is:

...airlines are required to incorporate language from the type certificate holder's developed ICA on the inspection and maintenance of the EWIS and FTS systems, without change, into their Technical Operations Policies and Procedures manual and job instruction task cards...any change must be approved by FAA... The whistleblower believes the language in the task cards, etc., cannot be changed, not even one word, without approval.

1. My understanding is that for FTS Airworthiness Directive requirements, the above is true. ADs address a specific "unsafe condition" therefore procedures cannot be changed without FAA (ACO) approval, especially FTS required ALI/CDCCLs.

You are correct the. If its required by the AD any changes to those requirements must be approved by an AMOC.

2. What about other FTS ICAs outside of the AD?

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

Those non AD mandated FTS ICAs are controlled by the ops rule. The operator must incorporate them into its maintenance program. Changes to these ICA must be IAW the procedure outlined in the AC paragraph 302.

3. For EWIS, my understanding is that the whistleblowers statement is not necessarily accurate. EWIS is not under as strict compliance as FTS is. There is no specific requirement that the EWIS tasks have to be incorporated without any word changes, as long as the task is completed as intended. This is because it is an "enhancement" of continuing airworthiness to an already existing inspection program, not to address a specific "unsafe condition." If a task is deleted or changed (e.g., interval time period) then FAA approval is required, but this would not include word changes.

Essentially you are correct Ms Hanson. I believe I articulated this at our last meeting. Both FTS and EWIS are regulations and therefore must be complied with by the operator.

Please comment on the accuracy of my 3 statements/question above as I want to accurately report on this issue. If there is someone in the ACO I should also coordinate with, please forward to them or let me know who I should contact.

Your input to is greatly appreciated,

Liz Hanson
Senior Investigator
USDOT- Office of Inspector General
[REDACTED]

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

From: [REDACTED]
To: [Hanson, Mary \(Liz\)](#)
Cc: [REDACTED]
Subject: Re: FW: technical quesiton
Date: Thursday, September 15, 2011 2:39:36 PM

Hi Ms. Hanson,

I concur with both [REDACTED] and [REDACTED] and have nothing further to add.

Best Regards,

[REDACTED]
Aviation Safety Inspector (Avionics)
Seattle Aircraft Evaluation Group
[REDACTED]

We value your feedback and seek to improve the services we provide. Please take a few moments to visit the website shown below to let us know how we did. Select Seattle Washington AEG (ANM-15) from the pull-down menu before writing your comments. Thank you. Click this link to send feedback.

From:
<Mary.Hanson@[REDACTED]>

To: [REDACTED]

Date: 09/15/2011 08:21 AM

Subject: FW: technical quesiton

Mr. [REDACTED]

I noticed that Mr. [REDACTED] cc'd you on this email, but I am not sure if that means all of you concurred with his response or not. I would appreciate it if you would respond individually so I know if you are all in agreement or not.

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

Liz Hanson
Senior Investigator
USDOT- Office of Inspector General
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, September 13, 2011 1:29 PM
To: Hanson, Mary (Liz)
Cc: [REDACTED]
Subject: Re:

[REDACTED] AFS-320
[REDACTED]

From: <Mary.Hanson@[REDACTED]>

To: [REDACTED]
[REDACTED]

Date: 09/13/2011 10:16 AM

Subject:

Gentlemen,

I have technical questions for all of you regarding one of the statements made by the whistleblower in the OSC case I am investigating (the statement is the basis for some of his allegations). I have talked to [REDACTED] about this a little and would like to get a consensus from all of you. The whistleblower's statement is:

...airlines are required to incorporate language from the type certificate holder's developed ICA on the inspection and maintenance of the EWIS and FTS systems, without change, into their Technical Operations Policies and Procedures manual and job instruction task cards....any change must be approved by FAA... The whistleblower believes the language in the task cards, etc., cannot be changed, not even one word, without approval.

1. My understanding is that for FTS Airworthiness Directive requirements, the above is true. ADs address a specific "unsafe condition" therefore procedures cannot be changed without FAA (ACO) approval, especially FTS required ALI/CDCCLs.

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

You are correct the. If its required by the AD any changes to those requirements must be approved by an AMOC.

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Those non AD mandated FTS ICAs are controlled by the ops rule. The operator must incorporate them into its maintenance program. Changes to these ICA must be IAW the procedure outlined in the AC paragraph 302.

3. For EWIS, my understanding is that the whistleblowers statement is not necessarily accurate. EWIS is not under as strict compliance as FTS is. There is no specific requirement that the EWIS tasks have to be incorporated without any word changes, as long as the task is completed as intended. This is because it is an "enhancement" of continuing airworthiness to an already existing inspection program, not to address a specific "unsafe condition." If a task is deleted or changed (e.g., interval time period) then FAA approval is required, but this would not include word changes.

Essentially you are correct Ms Hanson. I believe I articulated this at our last meeting. Both FTS and EWIS are regulations and therefore must be complied with by the operator.

Please comment on the accuracy of my 3 statements/question above as I want to accurately report on this issue. If there is someone in the ACO I should also coordinate with, please forward to them or let me know who I should contact.

Your input to is greatly appreciated,

Liz Hanson
Senior Investigator
USDOT- Office of Inspector General
[REDACTED]

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

From: [REDACTED]
To: [Hanson, Mary \(Liz\)](#)
Subject: RE: Technical question
Date: Tuesday, September 27, 2011 2:05:38 PM
Attachments: [MS Comments in Blue.doc](#)

I have copied the section of the e-mail containing my changes in blue in the attached file.

Regards;
[REDACTED]

(See attached file: MS Comments in Blue.doc)

From: <Mary.Hanson@[REDACTED]>
To: [REDACTED]
Date: 09/27/2011 10:24 AM
Subject: RE: Technical question

[REDACTED]

Your blue comments did not show up in the email. (-I have received emails in the past where the color did not make it through for some reason???.) Maybe you could bold them instead with black text.

And Thank You for your timely response!

Liz

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, September 27, 2011 12:33 PM
To: Hanson, Mary (Liz)
Subject: Re: Technical question

Hello Ms. Hanson,

Please see my comments below (in blue).

Regards;
[REDACTED]

From: <Mary.Hanson@[REDACTED]>

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

To: [REDACTED]

Date: 09/27/2011 05:34 AM

Subject: Technical question

Mr [REDACTED]

I realize you have been out of the office for a few weeks and probably have a lot of emails to go through. So I wanted to forward this to you again to get your input on my questions at the bottom of this email string (which also includes [REDACTED] comments). Please let me know if you agree with my statements (and those of your colleagues) and provide any additional information/comments. I am in the process of completing my investigation into this matter and your input is important.

Thank you,

Liz Hanson
Senior Investigator
USDOT- Office of Inspector General
[REDACTED]

From: [REDACTED]
Sent: Thursday, September 15, 2011 12:10 PM
To: Hanson, Mary (Liz)
Cc: [REDACTED]
Subject: Re: FW: technical question

Dear Ms. Hanson,

Please see my inputs following your questions:

1. My understanding is that for FTS Airworthiness Directive requirements, the above is true. ADs address a specific "unsafe condition" therefore procedures cannot be changed without FAA (ACO) approval, especially FTS required ALI/CDCLs.

I concur with [REDACTED] comment and have nothing to add.

2. What about other FTS ICAs outside of the AD?

I concur with [REDACTED] comment and have nothing to add.

3. For EWIS, my understanding is that the whistleblowers statement is not necessarily accurate. EWIS is not under as strict compliance as FTS is. There is no specific requirement that the EWIS tasks have to be incorporated without any word changes, as long as the task is completed as intended. This is because it is an "enhancement" of continuing

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

airworthiness to an already existing inspection program, not to address a specific "unsafe condition." If a task is deleted or changed (e.g., interval time period) then FAA approval is required, but this would not include word changes.

You are corrected in your understanding. In fact the operational rule applicable to part 121 operators (121.1111) does not require the operator to "incorporate language from the type certificate holder's developed ICA on the inspection and maintenance of the EWIS and FTS systems" (using the whistleblower's words). The rule requires that EWIS maintenance tasks be based on EWIS ICA that has been developed in accordance with the provisions of Appendix H of part 25. We purposefully worded the rule language this way to allow operators to develop their own EWIS maintenance tasks if they so choose. The rule does not require them to use the EWIS ICA developed by Boeing or any other manufacturer. It requires them to incorporate maintenance and inspection tasks that were developed using an EZAP in accordance with appendix H of part 25 and approved by FAA. It doesn't specify who must develop those tasks. However, in reality the operators choose to use the ICA developed by the manufacturers. In doing so they must incorporate the EWIS ICA into their maintenance programs without changes to the actual procedures. By that I mean if a particular task states to perform a Detailed Inspection (DET) of the No. 1 IDG Generator power feeder cables between STA Station XX and STA Station YY in zone 141, then we expect that is exactly what will be done. If part of the procedure states to use Acme 3-step ladder to gain access and the operator wants to use an Ace 4-step ladder instead, then from the AIR (Aircraft Certification Services) side of the FAA we would not consider that change in the procedure to be significant which will not have any impact on the end results. wouldn't care nor would we want to be involved in changing this part of the procedure. Bottom line is that we care about getting the No. 1 IDG Generator power feeder cables between STA Station XX and STA Station YY in zone 141 inspected using a DET in the manner (which includes how to perform a DET) and at the interval approved by the FAA Oversight Office (NOTE: Interval changes can be approved by the FAA Principal Inspector (PI)). Whether you use this tool or that tool to perform the job or you combine the inspection with another scheduled inspection is not a big concern.

Best Regards,

[REDACTED]
FAA, Transport Airplane Directorate
Airplane and Flightcrew Interface Branch, ANM-111
1601 Lind Ave SW
Renton, WA 98057 USA

[REDACTED]
----- wrote: -----

To: [REDACTED]
From: <Mary.Hanson@faa.gov> [REDACTED]
Date: 09/15/2011 08:21AM
Subject: FW: technical question
Mr. [REDACTED]

I noticed that Mr. [REDACTED] cc'd you on this email, but I am not sure if that means all of you concurred with his response or not. I would appreciate it if you would respond individually so I know if you are all

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

in agreement or not.

Liz Hanson
Senior Investigator
USDOT- Office of Inspector General
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, September 13, 2011 1:29 PM
To: Hanson, Mary (Liz)
Cc: [REDACTED]
Subject: Re:

[REDACTED], AFS-320
[REDACTED]
[REDACTED]

From: <Mary.Hanson@[REDACTED]>

To: [REDACTED]
[REDACTED]

Date: 09/13/2011 10:16 AM

Subject:

Gentlemen,

I have technical questions for all of you regarding one of the statements made by the whistleblower in the OSC case I am investigating (the statement

is the basis for some of his allegations). I have talked to [REDACTED] about this a little and would like to get a consensus from all of you.

The
whistleblower's statement is:

...airlines are required to incorporate language from the type certificate holder's developed ICA on the inspection and maintenance of the EWIS and FTS systems, without change, into their Technical Operations Policies and Procedures manual and job instruction task cards....any change must be approved by FAA... The whistleblower believes the language in the task cards, etc., cannot be changed, not even one word, without approval.

1. My understanding is that for FTS Airworthiness Directive

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

requirements, the above is true. ADs address a specific "unsafe condition" therefore procedures cannot be changed without FAA (ACO) approval, especially FTS required ALI/CDCCLs.

█ You are correct the. If its required by the AD any changes to those requirements must be approved by an AMOC.

2. What about other FTS ICAs outside of the AD?

█ Those non AD mandated FTS ICAs are controlled by the ops rule. The operator must incorporate them into its maintenance program. Changes to these ICA must be IAW the procedure outlined in the AC paragraph 302.

3. For EWIS, my understanding is that the whistleblowers statement is not necessarily accurate. EWIS is not under as strict compliance as FTS is. There is no specific requirement that the EWIS tasks have to be incorporated without any word changes, as long as the task is completed as intended. This is because it is an "enhancement" of continuing airworthiness to an already existing inspection program, not to address a specific "unsafe condition." If a task is deleted or changed (e.g., interval time period) then FAA approval is required, but this would not include word changes.

█ Essentially you are correct Ms Hanson. I believe I articulated this at our last meeting. Both FTS and EWIS are regulations and therefore must be complied with by the operator.

Please comment on the accuracy of my 3 statements/question above as I want to accurately report on this issue. If there is someone in the ACO I should also coordinate with, please forward to them or let me know who I should contact.

Your input to is greatly appreciated,

Liz Hanson
Senior Investigator
USDOT- Office of Inspector General
█

ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

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I concur with [REDACTED] comment and have nothing to add.

2. What about other FTS ICAs outside of the AD?

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ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

From: [REDACTED]
To: [Hanson, Mary \(Liz\)](#)
Cc: [REDACTED]
Subject: Re: FW: technical question
Date: Thursday, September 15, 2011 12:15:29 PM

Dear Ms. Hanson,

Please see my inputs following your questions:

1. My understanding is that for FTS Airworthiness Directive requirements, the above is true. ADs address a specific "unsafe condition" therefore procedures cannot be changed without FAA (ACO) approval, especially FTS required ALI/CDCLs.

I concur with [REDACTED] comment and have nothing to add.

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[REDACTED]
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Airplane and Flightcrew Interface Branch, ANM-111
1601 Lind Ave SW
Renton, WA 98057 USA

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From: <Mary.Hanson@faa.gov>
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Liz Hanson
Senior Investigator
[REDACTED] of Inspector General

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subj: [REDACTED]

From: <Mary.Hanson@faa.gov>
To: [REDACTED]
Date: 09/13/2011 10:16 AM
Subject:

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ATTACHMENT 2 - Technical Expert Interview Transcripts/Statements

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Please comment on the accuracy of my 3 statements/question above as I want to accurately report on this issue. If there is someone in the ACO I should also coordinate with, please forward to them or let me know who I should contact.

Your input to is greatly appreciated,

Liz Hanson
Senior Investigator
[REDACTED] of Inspector General

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1 UNITED STATES DEPARTMENT OF TRANSPORTATION

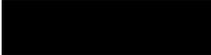
2 OFFICE OF INSPECTOR GENERAL

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7 Sworn Interview of 

8 Case Number I11A004SINV

9 August 16, 2011

10 12:20 p.m.

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16 Interview Conducted by:

17 Liz Hanson, Senior Investigator

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25 P R O C E E D I N G S

26 MS. HANSON: The recorder is on. Mr. [REDACTED],
27 could you please acknowledge that you're aware we are
28 recording this interview?

29 MR. [REDACTED]: Yes, I'm aware.

30 MS. HANSON: Thank you. Today's date is August
31 16th. The approximate time is 12:20 Eastern Daylight
32 Savings Time. My name is Liz Hanson, Senior Investigator
33 with the U.S. Department of Transportation, Office of
34 Inspector General. I'm conducting an interview with --

35 MR. [REDACTED].

36 MS. HANSON: We are located at 107 Charles W.
37 Grant Parkway, Atlanta, Georgia. This is an official DOT
38 OIG Administrative Investigation, and we're looking into
39 allegations related to FAA's oversight of Delta Airlines'
40 implementation of the Fuel Tank Safety, FTS, and Electric
41 Wiring Interconnection System, E-W-I-S, or EWIS,
42 requirements.

43 If you would, please raise your right hand.

44 MR. [REDACTED]: Okay.

45 MS. HANSON: Do you swear that the information
46 you are about to provide is true to the best of your
47 knowledge and belief?

48 MR. [REDACTED]: Yes.

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3

49 MS. HANSON: Thank you. Could you please state
50 your full name and job title?

51 MR. [REDACTED]: My name is [REDACTED]. I am
52 currently the Principal Avionics Inspector for Delta
53 [REDACTED] Airlines. I'm in a temporary assignment. Mr. [REDACTED]
54 [REDACTED], who was the PAI, is currently on detail to
55 Washington. I believe he is working out of AFS-300.

56 MS. HANSON: Okay. And it's also like the
57 Supervisory PAI, right? SPAI?

58 MR. [REDACTED]: It's a Supervisory P -- yes.

59 MS. HANSON: And your telephone number?

60 MR. [REDACTED]: It's [REDACTED].

61 MS. HANSON: And your direct supervisor?

62 MR. [REDACTED]: Yes.

63 MS. HANSON: No, who is your direct supervisor?

64 MR. [REDACTED]: Oh, my direct supervisor is [REDACTED]
65 [REDACTED]

66 MS. HANSON: That's [REDACTED]?

67 MR. [REDACTED]: Yes.

68 MS. HANSON: And can you give us a little
69 background on your aviation employment history?

70 MR. [REDACTED]: Well, I served in the Air Force,
71 active duty, and then I went to work as the air reserve
72 technician, I was the avionics supervisor, as an air

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4

73 reserve technician there in Minneapolis for about 5 years
74 or so. Then I had an opportunity to join the FAA. I got
75 selected to work the Northwest certificate.

76 MS. HANSON: What year was that?

77 MR. [REDACTED]: Let's see, I think it was 1988? I
78 think it was '88. And then 1997, I was selected to be the
79 Partial Program -- pardon, pardon -- Principal Avionics
80 Inspector for the Northwest Airlines certificate. And I
81 served in that capacity up until I was reassigned and
82 detailed to the Joint Transition Team, let's see, I think
83 it was about June or July of 2008.

84 MS. HANSON: And that was to -- for combining
85 Northwest and --

86 MR. [REDACTED]: That's combining Northwest Airlines
87 and Delta Airlines, and they completed -- that single
88 operating certificate was completed December 31st of 2009.
89 And then I continued in that detailed capacity until --
90 let's see, it was around June -- June or July of 2010.
91 Incidentally, the complete integration hasn't happened yet,
92 it's still ongoing.

93 Then I was assigned the task as the Supervisory
94 PAI after Mr. [REDACTED] went to Washington to do that detail.

95 MS. HANSON: Was that -- do you remember when
96 that was?

97 MR. [REDACTED]: I believe it was June or -- I
98 believe July of 2010, is when I was detailed to this
99 position.

100 MS. HANSON: Okay. So pretty much after you left
101 the Transition Team, then you --

102 MR. [REDACTED]: Yes. Right after that time, Mr.
103 [REDACTED] went to -- on a detail to AFS-300.

104 MS. HANSON: I'll get into the specifics now.
105 Were you provided a copy of the reports, the Southern
106 Regional review report and the Headquarters IAC report?

107 MR. [REDACTED]: I got the -- I've had the Southern
108 Regional report. I just got the official IAC report here
109 about 2 weeks ago.

110 MS. HANSON: And did you agree with the results
111 on those?

112 MR. [REDACTED]: Yes.

113 MS. HANSON: And how long ago did you get the
114 Southern Regional review? Did you get the same report with
115 all the attachments?

116 MR. [REDACTED]: No. What I got was the memorandum
117 document, which is addressed to [REDACTED]. This is the
118 document that I got.

119 MS. HANSON: And did you get that -- were you at
120 the briefing --

121 MR. [REDACTED]: No, ma'am.

122 MS. HANSON: -- when they provided that to the --

123 MR. [REDACTED]: No, no, I wasn't. I wasn't at the
124 briefing.

125 MS. HANSON: Do you remember about when you
126 received a report?

127 MR. [REDACTED]: This report?

128 MS. HANSON: Yes, sir.

129 MR. [REDACTED]: Just the memorandum. I didn't get
130 the whole document.

131 MS. HANSON: Yeah, just the memorandum.

132 MR. [REDACTED]: I would say it's probably around
133 the same time that this memorandum is dated, May 26 of
134 2011. I believe I received it about the same time.

135 MS. HANSON: Okay. Now I kind of want to go
136 through a timeline of what happened with [REDACTED] when he
137 brought the concerns up to you. I think we were provided a
138 copy of this PTRS, and I think some of the correspondence
139 is copied into the PTRS that he sent you like e-mails, so I
140 thought this would be a good document to kind of work off
141 of. And maybe you can just kind of talk about what -- when
142 Mr. [REDACTED] originally started bringing concerns to you or
143 discrepancies about Delta's EWIS program.

144 MR. [REDACTED]: Okay. Let me back up a little bit.

145 MS. HANSON: Okay.

146 MR. [REDACTED]: In -- I think it was right around
147 November 1st of 2010, I assigned the nine partial program
148 managers assigned to the Delta certificate to do a 90-day
149 review of the EWIS audit -- or audit the EWIS program at
150 Delta. Delta provided a SharePoint site with points of
151 contact for each fleet type, and they would load the
152 SharePoint site with all the documents relating to the EWIS
153 program for our review.

154 MS. HANSON: So the 90-day reviews, meaning that
155 the program -- partial program managers, otherwise known as
156 PPMs, were required to do a review of the EWIS programs --

157 MR. [REDACTED]: Right.

158 MS. HANSON: -- for their fleet and be completed
159 by the end of January?

160 MR. [REDACTED]: January the 30th was the deadline,
161 and the reason for the January 30th deadline, because the
162 program approval was expected to be done on March the 11th;
163 that would give the company about 40 days to correct any
164 discrepancies that we'd had with the program. Out of the
165 nine PPMs, Mr. [REDACTED] is the only one that did not complete
166 his task on January 30th.

167 Now, after that time, Mr. [REDACTED] had some verbals,
168 some e-mails, he had made statements that the company

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8

169 wasn't cooperating with him, that they were missing
170 documents on the site, the point of contact wouldn't
171 provide him any information. I called the company, I
172 talked to Mr. [REDACTED], who is the manager of their
173 liaison group there at Delta Airlines.

174 MS. HANSON: How do you spell that? [REDACTED] --

175 MR. [REDACTED]: [REDACTED]

176 MS. HANSON: Okay.

177 MR. [REDACTED]: Mr. [REDACTED] stated that all the
178 current documents were currently on that SharePoint site
179 for Mr. [REDACTED]'s use. If there were any missing documents,
180 he was to contact the point of contact for that fleet type,
181 and they would provide him that information, whatever was
182 missing. A short time -- I informed Mr. [REDACTED] of that. A
183 short time after that I got a call from Mr. [REDACTED], said
184 that due to the fact that Mr. [REDACTED] had unprofessional
185 behavior, argumentative with many of his managers in the
186 organization, many of the managers who were dealing with
187 this EWIS program refused to talk to Mr. [REDACTED]. I told him
188 that the company had to require -- I required the company
189 to provide whatever data was necessary for this EWIS, and
190 he said, "Have Mr. [REDACTED] contact me or contact a Mr. [REDACTED]
191 [REDACTED], in Minneapolis." [REDACTED], is his last name.

192 MS. HANSON: [REDACTED].

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9

193 MR. [REDACTED]: I asked Mr. [REDACTED] at that time if
194 he was going to file a formal complaint about Mr. [REDACTED]'s
195 unprofessional behavior. He said no. He said, "We will
196 provide any documentation Mr. [REDACTED] requires, but he needs
197 to contact either Mr. [REDACTED] or myself." I let Mr. [REDACTED] know
198 that.

199 And after that time, like I said, the closure of
200 the EWIS audit was on January the 30th of 2011. Mr. [REDACTED]
201 had not closed out his PTRS, given me a full description of
202 the discrepancies in the program that he identified with
203 the 757 fleet, Legacy Delta -- I mean, Legacy Northwest.

204 At that time, I told him to provide me whatever
205 he had, and he did. He had a Mr. [REDACTED], who is the
206 partial program manager for the Legacy 757 fleet for Delta
207 to collect all the discrepancies for the EWIS program, and
208 it was put into a letter that was sent to the company I
209 believe February 3rd --

210 MS. HANSON: Fourth.

211 MR. [REDACTED]: -- 4th, 3rd or 4th.

212 MS. HANSON: I think there is a letter in there.

213 MR. [REDACTED]: The company responded back -- let
214 me back up a little bit. I assigned for the EWIS project
215 two individuals to oversee the project, meet with the
216 company, coordinate any discrepancies or any issues with

217 the company to reach resolution, and one was [REDACTED],
218 who is the Delta MD-88/MD-90 PPM for Avionics. The other
219 one was [REDACTED], who is the A330 PPM Avionics. And I
220 also directed Mr. [REDACTED] with any of his issues or concerns
221 to bring these two individuals aware of those issues or
222 concerns since they had direct contact with the company and
223 they could resolve those issues.

224 Now, with that said, we put that letter together,
225 sent it to the company. [REDACTED] and [REDACTED]
226 coordinated and worked with the company to resolve any
227 discrepancies in that that we discovered. The only area
228 that we had concerns with that the company -- well, let me
229 back up a little bit.

230 We had -- the portion that Mr. [REDACTED] provided, the
231 757 Legacy Northwest portion, what he had provided for
232 findings was very vague. The company complained about that
233 in the document, in their response document.

234 MS. HANSON: That's from the -- from the letter
235 itself.

236 MR. [REDACTED]: From, yes. I asked the company, I
237 says, "Do whatever you can to answer those issues, whatever
238 you think would be within the realm of that area of concern
239 by Mr. [REDACTED], and if you need to, talk to Mr. [REDACTED]." As far
240 as I know, I don't think they talked to Mr. [REDACTED]

241 Sometime around I believe it was March the 1st, I
242 had a meeting with the company along with Ms. [REDACTED] and Mr.
243 [REDACTED] to go over the letter and identify what the company
244 has done for the corrective actions for the EWIS
245 discrepancies. We had a long discussion, the company
246 provided all the corrective actions. I was satisfied with
247 everything that they provided with only -- I think the only
248 things that were left was for the company to publish their
249 manuals describing the program.

250 MS. HANSON: And that's the top?

251 MR. [REDACTED]: That was the top, "Tech Operational
252 -- let's see, "Technical Operations Programs and Policies."
253 I told the company that -- they were coming back with
254 excuses about publication draw problems and such, and I
255 says before I would approve this program on March the 11th,
256 you have to publish those manuals, and they said they would
257 do whatever they can, and I says, well, if it's not
258 (Laughing.) by March the 11th, you're not going to get your
259 program.

260 So, anyway, long story short, by March 10th, in
261 fact in the evening of March 10th, I got a call from Mr.
262 [REDACTED], he said the company has published all those manuals.

263 MS. HANSON: Can I just go back just to make sure
264 about -- okay.

265 MR. [REDACTED]: So, now, I can give you an update
266 on the issues with Mr. [REDACTED]. Of course, like I said
267 earlier, he had not completed his review on January 30th,
268 he did not complete his PTRS and close that document with
269 an adequate description of his findings, other than an oral
270 and some e-mails and discussions that he had directly with
271 Ms. [REDACTED] or Mr. [REDACTED].

272 On March the 8th -- I believe it was the 8th --
273 this is three days before the OpSpecs was to be signed, and
274 this was after the discussion I had with the company, which
275 they satisfactorily completed all the action items for the
276 approval of the program, Mr. [REDACTED] came up with a whole new
277 set of issues. I discussed it with him. The first thing I
278 said, "Why didn't you come up with this information back
279 over 30 days ago?" He didn't give me a satisfactory
280 answer.

281 I took what he provided and gave it to Ms. [REDACTED]
282 and Mr. [REDACTED]. They reviewed it. I asked them to come
283 back to me as quickly as possible. The response I got was,
284 first, these issues were already addressed with the
285 company. Second, the issues that he brought up were
286 inconsequential and very minor, and they didn't see any
287 reason why we couldn't move forward with the approval.

288 With that said, like I said earlier, the only

289 piece that I saw left due was the manual publications, and
290 I was informed by Mr. [REDACTED] by phone that the publications
291 had been done on the 10th. And then I attempted to do the
292 approval of the OpSpecs on the 11th. Unfortunately, I was
293 having some problems with the website. I knew the program
294 had to be approved on the 11th. I contacted Mr. [REDACTED]
295 [REDACTED], who is the PMI, asked him to do the approval for me
296 because I was having problems with the program, so he went
297 ahead and did the approval for me under my direction.

298 Now, I knew that Mr. [REDACTED] had not completed his
299 EWIS inspections satisfactory, he didn't close out his PTRS
300 on the 30th, as he was required. Also, prior to that, he
301 was asked by Mr. [REDACTED] through a ConDOR to do a 5-month
302 audit of the Fuel Tank Safety program. Every one of the
303 PPMs was tasked to do that job, they all got it done. Mr.
304 [REDACTED]'s output from that activity was that he couldn't
305 complete it, that further investigation was necessary of
306 the program; in other words, he didn't complete the
307 process.

308 Based on the fact that he didn't complete the FTS
309 audit, he didn't complete the EWIS audit, on April the
310 14th, I had a midterm PMS with Mr. [REDACTED]. After talking
311 with the human resource center in the Southern Region, I
312 created a document addressing Mr. [REDACTED]'s failure to do a

313 complete audit of the FTS and the EWIS program, and that I
314 would ask him, together with an assistant inspector, to
315 complete that audit, assuming that he's already done a
316 bunch of it already, he's already completed the bulk of it
317 already, that they finish both the EWIS and the FTS in 30
318 days, from April the 14th -- it was April 14th.

319 MS. HANSON: So who was that assistant?

320 MR. [REDACTED]: Mr. [REDACTED].

321 MS. HANSON: Okay.

322 MR. [REDACTED]: I also informed Mr. [REDACTED] at that
323 time that if he wasn't able to complete it in 30 days, I
324 needed to be informed, let me know, and we'll work
325 something out. Mr. [REDACTED] was mad, he refused to sign the
326 document of assignment, refused to continue with the PMS,
327 and left my office.

328 MS. HANSON: Okay, the performance management --
329 PMS.

330 MR. [REDACTED]: Performance management -- I don't
331 remember what it stands for. (Laughter.) I'm sorry.

332 MS. HANSON: I think I've seen it before. I
333 always thought that was weird, PMS, for --

334 MR. [REDACTED]: Yeah.

335 MS. HANSON: So [REDACTED] --

336 MR. [REDACTED]: I think it's Performance Management

337 System, I think is what PMS stands for.

338 MS. HANSON: Okay. But that was your -- the
339 midterm, right?

340 MR. [REDACTED]: Yeah. We have an initial --

341 MS. HANSON: Like the 6-month --

342 MR. [REDACTED]: You have -- it's done quarterly.

343 There's an initial and then there's a feedback, then
344 there's a midterm after 6 months, and then there's another
345 feedback, and there's a closeout towards the end of the
346 year.

347 MS. HANSON: Okay. And that was the midterm,
348 right?

349 MR. [REDACTED]: This was a midterm. Okay? There
350 was a PTRS made out for both those gentlemen to do the
351 work. Mr. [REDACTED] did not do even a little bit of it, not a
352 bit. Okay?

353 MS. HANSON: So [REDACTED] did it all?

354 MR. [REDACTED]: Mr. [REDACTED] did not do it all. He
355 informed me that he couldn't do it on his own, that Mr.
356 [REDACTED] had access to all the former Northwest documentation
357 and so forth, that he couldn't do it on his own. So he had
358 a good excuse. The primary person assigned this work was
359 Mr. [REDACTED].

360 MS. HANSON: He didn't do any of it?

361 MR. [REDACTED]: Not for that 30 days, no. He did
362 not close the PTRS out, he did not inform me of any
363 findings, he didn't do anything, absolutely nothing.

364 Now, the result of that activity, because Mr.
365 [REDACTED] had never completed the EWIS or the FTS, in my mind, I
366 assigned Mr. [REDACTED], with three other inspectors, to do
367 the assessment of the -- originally it was for the
368 Northwest, Legacy Northwest, 757 fleet. Mr. [REDACTED] asked
369 if he could review the Delta 757 as well. I said fine. I
370 assigned him and three other inspectors to do that
371 activity.

372 MS. HANSON: So that was -- who was that?

373 MR. [REDACTED]: The other three? A gentleman by
374 the name of [REDACTED] --

375 MS. HANSON: [REDACTED] ?

376 MR. [REDACTED]: Right. And [REDACTED] --
377 [REDACTED] And a gentleman called [REDACTED]
378 [REDACTED].

379 MS. HANSON: And that was to do the 7 -- what
380 were they again? 757?

381 MR. [REDACTED]: The Legacy 757 Northwest, since Mr.
382 [REDACTED] hadn't done the Fuel Tank Safety or the EWIS to my
383 satisfaction. And Mr. [REDACTED] asked if he could do the
384 Legacy Delta as well. So he did that as well. That is

385 almost complete. There are some little pieces left to be
386 done that were supposed to be completed yesterday. And
387 just for your information, I sat down with Mr. [REDACTED]
388 today to give me a briefing of his findings on that
389 program. He's got enough evidence for us to do an
390 enforcement investigation against Delta Airlines. I told
391 him to get the documentation together and we would initiate
392 an enforcement action against the company, one for the Fuel
393 Tank Safety and one for the EWIS program. He's got enough
394 evidence to support the violation.

395 Also, I had a phone call to Mr. [REDACTED], and we're
396 going to have a meeting tomorrow morning to discuss the
397 company's failures in this area. I suspect, although we
398 haven't confirmed it yet, it appears that the company may
399 have been changing or making changes to the program without
400 our knowledge on the last fuel tank --

401 MS. HANSON: Like the Fuel Tank Safety, I know
402 one of the examples in here --

403 MR. [REDACTED]: Yes.

404 MS. HANSON: -- related to --

405 MR. [REDACTED]: It apparently looks as though
406 they've been making changes since the program was approved,
407 and that's against regulations. That's a new wrinkle on
408 this project, but it's something we have to take action on.

409 MS. HANSON: Are there any plans to look at any
410 of the other fleets?

411 MR. [REDACTED]: We tend to bring it to the table.
412 That's the reason for our meeting tomorrow. We've got
413 evidence to support a violation against the company for the
414 Fuel Tank Safety and the EWIS program for the Legacy
415 Northwest and the Legacy Delta fleet. And we're going to
416 speak to the company about addressing the rest of the
417 fleets to assure they're still in compliance. I don't have
418 any evidence at the time that we did the approvals, at
419 least on the EWIS program, I wasn't involved in the FTS
420 approval, but that the company was in compliance at that
421 time. I suspect they've been making changes to their
422 program we're not aware of, and that's something we're
423 going to address with the company.

424 MS. HANSON: And that's for both?

425 MR. [REDACTED]: Both.

426 MS. HANSON: EWIS, too? So since March they were
427 making changes to --

428 MR. [REDACTED]: We believe they have. We're going
429 to take a little closer look at that.

430 MS. HANSON: Because I know one of these was an
431 example -- let's see which one it is. I think this is an
432 example. Here's one that was specific to an AD.

433 MR. [REDACTED]: Uh-huh.

434 MS. HANSON: So this is Fuel Tank Safety.

435 MR. [REDACTED]: Uh-huh.

436 MS. HANSON: So this is what I'm assuming FAA
437 originally saw.

438 MR. [REDACTED]: Uh-huh.

439 MS. HANSON: And this was after, so they took all
440 the references off from the AD.

441 MR. [REDACTED]: From my perspective, they may have
442 taken that AD two letter -- it has no effect. The mechanic
443 is driven to do the --

444 MS. HANSON: This is the part that's the key.

445 MR. [REDACTED]: Yeah. He is obligated to do these
446 tasks, and it doesn't really have any effect, in my mind,
447 whether it has an AD attached to the number or not.

448 MS. HANSON: And I guess having the AD is just --
449 should be a control within the company so they know they
450 can't change it.

451 MR. [REDACTED]: It could be a tracking tool.

452 MS. HANSON: Right.

453 MR. [REDACTED]: Right, for changing purposes,
454 you're right.

455 MS. HANSON: Because if they put SFAR-88, I mean,
456 it still has it down here --

457 MR. [REDACTED]: Right, right.

458 MS. HANSON: -- but that should be like a control
459 within the company, or someone, whoever is doing this,
460 should know.

461 MR. [REDACTED]: They cannot change that without our
462 approval.

463 MS. HANSON: They cannot change it because they
464 have --

465 MR. [REDACTED]: Right.

466 MS. HANSON: -- either the AD -- I mean, because
467 it could be an AD, it doesn't have to be SFAR-88, it could
468 be any AD --

469 MR. [REDACTED]: Right.

470 MS. HANSON: -- you can't change.

471 MR. [REDACTED]: The key element is that the
472 taskings, the instructions, for continuous airworthiness
473 were not changed, and that's --

474 MS. HANSON: Right. They threw in the steps or
475 the inspections --

476 MR. [REDACTED]: Right.

477 MS. HANSON: -- or AWLs --

478 MR. [REDACTED]: Yes.

479 MS. HANSON: -- or CDCCLs.

480 MR. [REDACTED]: And what we found during this last

481 audit that was done by those four inspectors, we found some
482 missing information, we found some misleading information.
483 So that constitutes a violation of the regulation, so we're
484 going to initiate a violation against the company. We
485 would like to get the company to initiate a full fleet
486 plan, we'll see, we'll have our discussion with them about
487 that tomorrow on the basis of the findings that we had on
488 the 757 fleet.

489 Just for your information, we also have what's
490 called a systems analysis team, it's part of ATOS, that's
491 looking into the airworthiness directives, which the Fuel
492 Tank Safety system is driven by airworthiness directives,
493 and one of the taskings -- this is a company program with
494 the cooperation of the FAA -- the company will be tasked to
495 look at the Legacy Delta Fuel Tank Safety program as part
496 of this review, systems analysis team, which includes --

497 MS. HANSON: That's the SAT, known as the SAT
498 teams, right?

499 MR. [REDACTED]: The SAT team, right. Our office
500 participates, and our company has a team working this
501 project right now. Their effort will be to look at all ADS
502 pre-merger Delta Airlines. The Fuel Tank Safety program
503 was approved in December 2008, so it falls into that.
504 Since the approval of SOC, the approval of the merged

505 carriers under one certificate was in December 31st 2009,
506 so it falls under their purview to do that review.

507 They haven't done that to date because I asked --
508 I've got Ms. [REDACTED] is also assigned the task to work that
509 program, and I talked to her last week, and they haven't
510 reached a point of doing that audit at this time. After
511 our discussion with Mr. [REDACTED] tomorrow, they may escalate
512 that, we'll see.

513 MS. HANSON: And do you have any kind of -- is
514 there an SAT plan or --

515 MR. [REDACTED]: For this?

516 MS. HANSON: For this AD, some kind of
517 documentation you can provide me that shows that this is
518 something that they're going to do?

519 MR. [REDACTED]: Other than the document that we
520 have that we've agreed to and that was approved by
521 Washington to conduct a SAT, I can provide you that, but
522 they haven't started this particular review as yet.

523 MS. HANSON: If you could give me a --

524 MR. [REDACTED]: They're taking -- there's over
525 2,000 ADs they're looking at, so they're taking a slice of
526 the ADs, I'm not sure how many at a time, and they're
527 reviewing them for compliance with the original
528 Airworthiness Directive, looking at the engineering order

529 that directs the work, they're looking at the job
530 instruction cards, like we looked at here, to make sure
531 it's compliant with the directives, with the Airworthiness
532 Directive, and making sure that they're in compliance, the
533 company is compliant, with that AD at that time.

534 We've already reached an agreement with them, of
535 course, that if anytime they discover a discrepancy that's
536 safety related, a plane's part, the work's done, under that
537 program there is an VDRP option, if the company, because
538 we've reached an agreement that the company is doing this
539 as a joint effort with the FAA, it can self-disclose some
540 of those issues, but those can be determined when the
541 issues come up and we'll discover them, or they discover
542 them.

543 MS. HANSON: So you won't violate them for it,
544 but that doesn't mean they can't continue to operate. They
545 still have to -- if they find a --

546 MR. [REDACTED]: If they find a safety-related
547 failure, a plane's part, it needs to be fixed no matter
548 what it is.

549 MS. HANSON: Okay.

550 MR. [REDACTED]: The VDRP piece is part of the
551 agreement for the company to participate in the system
552 analysis team. It's supposed to be a joint effort between

553 the two to address discrepancies in that area. At this
554 point in time, we haven't had anything other than minor
555 administrative things, nothing that affects safety.
556 However, once they reach the point where they do that Fuel
557 Tank Safety program on the Legacy Delta planes, of course,
558 we'll be involved in that process. That hasn't happened
559 yet, but it's due to happen.

560 MS. HANSON: There was someone else mentioned the
561 AD thing, and I think it's important to get any kind of
562 documentation because part of the complaint, you know, says
563 that the AD -- for the reason, he says, that they did not
564 complete OIG recommendations 1 through 3 is because he
565 identified some AD issues, and we can talk about it later,
566 but the engineering mandatory for the 757 AD, there was
567 some information missing.

568 MR. [REDACTED]: Okay.

569 MS. HANSON: So part of our recommendations was
570 to do a complete -- ensure that all the Legacy Northwest --
571 because when we did our review, was the AD program there,
572 not -- it was before the merger. So --

573 MR. [REDACTED]: Well, the ACEP team back in -- I
574 think it was 2009, I believe? -- did the Legacy Northwest
575 ADs.

576 MS. HANSON: Right. And basically he's saying it

577 wasn't effective because he's finding more problems.

578 MR. [REDACTED]: So he's saying the ACEP wasn't
579 effective?

580 MS. HANSON: Right. Because he did -- and I
581 think this one was -- well, we can talk about it now since
582 we're talking about it. It's easier to go here to find out
583 which -- if I find it, I think this is the one actually.
584 Let's see. Maybe it was this one. It specifically talked
585 about this one, engineering mandatory, at least that's what
586 they call them from Northwest.

587 MR. [REDACTED]: Yeah, that's for -- uh-huh.

588 MS. HANSON: I'll have to check the number.
589 Where is that? It's this one. I thought it was the -- oh,
590 I'm looking at the same thing, no wonder I couldn't find
591 it. Okay, this is the Headquarters. So did you get a
592 draft copy of the Headquarters IAC review or just briefed
593 on it or --

594 MR. [REDACTED]: Yeah, I got the draft, but I didn't
595 get the final until a couple of weeks ago.

596 MS. HANSON: It's this one right here.

597 MR. [REDACTED]: Let's see here.

598 MS. HANSON: These were the discrepancies he
599 identified. But they looked -- when they reviewed it, they
600 reviewed a new version, June 7, 2011, but the one he was

601 looking at was dated June 5th, and I can show you a copy of
602 that.

603 MR. [REDACTED]: Okay.

604 MS. HANSON: So he was saying -- I think the
605 reason he didn't believe that that ACEP was effective was
606 because this EM was defective as it relates to that AD.

607 MR. [REDACTED]: (Reading.) Well, like a lot of Mr.
608 [REDACTED] work, there is no specific statement here. Here
609 you've got a document that's, what, 50 pages long? What is
610 this?

611 MS. HANSON: So really I think what he's saying -
612 -

613 MR. [REDACTED]: It's not telling me anything that's
614 --

615 MS. HANSON: So it says, paragraph G, when he
616 reviewed it.

617 MR. [REDACTED]: Paragraph G.

618 MS. HANSON: EM whatever.

619 MR. [REDACTED]: Paragraph G. Well, I don't --

620 MS. HANSON: It's in here, too.

621 MR. [REDACTED]: Okay, what's paragraph G? It says
622 that revision to the AWLS section by incorporating
623 information in the TR before December 16, 2008. So the
624 question is, what does that -- what does that tell me?

625 MS. HANSON: So I think the allegation was --

626 MR. [REDACTED]: The IAC team didn't substantiate
627 it.

628 MS. HANSON: That's because they looked -- it was
629 revised.

630 MR. [REDACTED]: It was revised. What was the
631 change? Was the change to this document?

632 MS. HANSON: This is the old document.

633 MR. [REDACTED]: Okay. Was there a change to this
634 section?

635 MS. HANSON: So it said, "Paragraph G originally
636 did not incorporate temporary revision TR09 as required in
637 paragraph A of its list of publications effective."

638 MR. [REDACTED]: But it does. There's 908 there.
639 This is the old document, it does stress it.

640 MS. HANSON: I guess. Was there a change in that
641 0908, a more up-to-date version?

642 MR. [REDACTED]: If there was an up-to-date change,
643 that would have been reflected in the number.

644 MS. HANSON: But they did identify these
645 administrative concerns. Okay?

646 MR. [REDACTED]: That was in a task card.

647 MS. HANSON: That's the task card.

648 MR. [REDACTED]: Engineering Mandatory is the

649 engineering order that directs the work and plan to
650 accomplish the AD from the engineering's perspective. I
651 don't see anything from this document.

652 MS. HANSON: Okay. I'm trying to remember all
653 this stuff.

654 MR. [REDACTED]: The team didn't find anything, and
655 his remark was they're using an old revision?

656 MS. HANSON: Actually, I think -- did you see
657 this 67-page document? I think the specific -- maybe you
658 can explain it.

659 MR. [REDACTED]: I've read parts of that, and it's
660 as vague as the rest of Mr. [REDACTED] issues. I don't see
661 anything that supports that.

662 MS. HANSON: Let's look at this, and then you can
663 respond for me, now that I remember where I looked at it.

664 MR. [REDACTED]: Is he implying that somehow the
665 company is trying to -- trying not to comply with the AD?

666 MS. HANSON: Well, I think he's saying that I --
667 or the ACEP review did a review of the AD process as a
668 result of our recommendations previously.

669 MR. [REDACTED]: Right.

670 MS. HANSON: But since he found these problems,
671 then obviously the review wasn't effective.

672 MR. [REDACTED]: Then we've got a problem. We've

673 got a problem with Mr. [REDACTED] mind. (Laughing.)

674 MS. HANSON: Let's see. So here it is, talking
675 about fails to document all FAA-issued FTS for that AD. So
676 we're looking at page 9 of the 67-page document.

677 MR. [REDACTED]: Right.

678 MS. HANSON: So it says, "FAA refutes to finding
679 the EM was not intent (ph) to document" -- or Delta, excuse
680 me -- "various manual changes." So the AD clearly states
681 the AD requires revision to certain operator maintenance
682 documents, requires compliance to temporary revision 09A as
683 published in this Boeing document, right?

684 MR. [REDACTED]: That's what the stay (ph)
685 surveillance says, GR09-008. This is in this document that
686 you just showed me. Isn't that -- isn't that what it says
687 right there?

688 MS. HANSON: Yeah.

689 MR. [REDACTED]: "As published, TR09-009, Section 9
690 of Boeing maintenance planning document," exact statement
691 there.

692 MS. HANSON: So that's paragraph G. Let's see,
693 let's go back here to this statement, "No Delta CAMP TOPP
694 manual for Fuel Tank Safety maintenance programs are
695 accounted for." So are they supposed to list under here
696 the manuals for the TOPP procedures, under paragraph 8?

697 Let's see, what page is that?

698 MR. [REDACTED]: "No manual for the Fuel Tank Safety
699 maintenance program accounted for." (Reading.)

700 MS. HANSON: So we're looking at the Engineering
701 wiring (ph) Mandatory 01075.

702 MR. [REDACTED]: The manual describes the aircraft
703 maintenance manual chapters for the wiring manual
704 compliance, and its program documents changes associated
705 current (ph) change, verified changes to the maintenance
706 program that incorporated (ph) requirements. So he's
707 saying that the TOPP manual didn't change?

708 MS. HANSON: That it's not referenced, it's not
709 accounted for in any of these publications.

710 MR. [REDACTED]: Okay. I don't understand why
711 there's a requirement to have TOPP manual changes in this
712 document.

713 MS. HANSON: So there's not a specific
714 requirement to do that.

715 MR. [REDACTED]: The TOPP manual is an accepted
716 document.

717 MS. HANSON: It's not an approved document.

718 MR. [REDACTED]: Unless -- if portions are approved.

719 MS. HANSON: Okay.

720 MR. [REDACTED]: In fact, the fuel tank maintenance

721 program portion is an approved document, although it's not
722 referenced in here, it is in their program. I can't
723 remember the actual reference off the top of my head, but
724 that doesn't constitute a violation of regulations because
725 they didn't put it in the EM.

726 MS. HANSON: Okay.

727 MR. [REDACTED]: It may be something he likes, but
728 it didn't happen.

729 MS. HANSON: "No TOPP manual procedures accounted
730 for even though they are requirements of the AD, paragraph
731 G, as stated."

732 MR. [REDACTED]: What paragraphs in the AD? He said
733 paragraph G, as stated? I don't know what the AD actually
734 says.

735 Now, this is a 757, so let me ask you a question.
736 This is the Fuel Tank Safety program.

737 MS. HANSON: Right.

738 MR. [REDACTED]: He spent 5 months looking at this,
739 this was (microphone bounces). This was never brought to
740 my attention. When did he write this?

741 MS. HANSON: I think this was in the 67-page
742 document that was provided to the IAC team.

743 MR. [REDACTED]: Was that some time after April
744 14th?

745 MS. HANSON: I'm not sure.

746 MR. [REDACTED]: Please tell me why this wasn't
747 brought to my attention back in -- at the end of October of
748 2010 when he was given 5 months to review this program?
749 And do you have a copy of the ConDOR that he closed out for
750 that Fuel Tank Safety program?

751 MS. HANSON: I think it is -- I do. Let me --

752 MR. [REDACTED]: Do you understand what I'm trying
753 to say?

754 MS. HANSON: What's the number of that? That's a
755 question I can ask.

756 MR. [REDACTED]: Okay, the date of this document is
757 April 19, 2011. This was 5 days after my discussion with
758 Mr. [REDACTED]. It wasn't in October 2010, when he -- when he
759 was supposed to have completed his Fuel Tank Safety audit
760 after 5 months.

761 MS. HANSON: That was on April 14th, right?

762 MR. [REDACTED]: I believe so. I'd have to go back
763 and pull the document up. It's in my office up north. I'm
764 pretty sure it was mid-April when we had our discussion. I
765 think you're starting to realize the motive here?

766 (Laughing.)

767 MS. HANSON: Well, that really are? The only
768 thing I have to respond is whether that is a valid

769 allegation or not.

770 MR. [REDACTED]: Yeah, I understand, I understand.

771 MS. HANSON: Okay. So since we're talking about
772 that, I think you had kind of gone through the sequence of
773 events, so.

774 MR. [REDACTED]: Well, I can bring that issue to the
775 attention of Mr. [REDACTED]. Like I said, they have --
776 they've been doing the audit of the Legacy Northwest 757
777 and Legacy Delta 757.

778 MS. HANSON: This is what you were asking about,
779 and I want to finish that before -- this is -- I think you
780 mentioned -- I had a copy of the --

781 MR. [REDACTED]: Yeah.

782 MS. HANSON: Yeah, so this was -- how do you tell
783 the date of this?

784 MR. [REDACTED]: This was printed April the 27th.

785 MS. HANSON: So how would you know --

786 MR. [REDACTED]: The end date was the 27th, 2010.

787 So we must have addressed this in the letter to the
788 company, it had to have been included in that. But I think
789 you understand, this is -- this is all he came up with in
790 the last statement.

791 MS. HANSON: So this has been before --

792 MR. [REDACTED]: "This FAA review is incomplete in

793 ensuring full FTS compliance with the Delta Airlines and
794 will require further evaluation." He did not complete this
795 activity.

796 MS. HANSON: So this, though --

797 MR. [REDACTED]: He also makes a statement here,
798 access to open and closed work instructions were not
799 provided by Delta as requested by FAA. Again, like I
800 mentioned to you earlier, because of his unprofessional
801 behavior, argumentative attitude, the company refused to
802 work with him anymore, and Mr. [REDACTED] restricted his access.
803 I informed Mr. [REDACTED] that Mr. [REDACTED] would be his point of
804 contact. He did not talk to Mr. [REDACTED] -- Mr. [REDACTED], I'm
805 sorry.

806 MS. HANSON: Okay.

807 MR. [REDACTED]: So he did not even complete his
808 work.

809 MS. HANSON: So the other Delta employees refused
810 to talk to him, and Mr. [REDACTED] said, "Okay, if you want to
811 talk to anybody, you go through me --

812 MR. [REDACTED]: Yes.

813 MS. HANSON: -- and I'll get you whatever you
814 need."

815 MR. [REDACTED]: In fact, one of the managers, I've
816 been told, filed a complaint with the IG office in

817 Washington. Maybe you guys can get a copy of that.

818 MS. HANSON: Yeah.

819 MR. [REDACTED]: I don't know whether you're aware
820 of that or not. I was told he did. The company, like I
821 said, refused to file any official complaints about his
822 behavior. Now, let me tell you this --

823 MS. HANSON: Why did they --

824 MR. [REDACTED]: Why?

825 MS. HANSON: Why didn't they do an official --

826 MR. [REDACTED]: Mr. [REDACTED] has been complained about
827 before in the past during an experience (ph) on the
828 Northwest certificate. It was done formally. At that
829 time, Mr. [REDACTED] pulled another whistleblower activity at the
830 same time that the company was complaining about his
831 behavior. In fact, at that time they requested from us his
832 Northwest Airlines badge that allows him free access to the
833 property. They wanted that badge back. We surrendered the
834 badge back because the explanation from their senior
835 management was you have the right to enter our property,
836 inspect our documents, and interview our people, but at no
837 time do we have to allow you free access without being
838 escorted. Mr. [REDACTED] refused to go back to the property
839 after that because he refused to be escorted while doing
840 his job.

841 The company filed a formal complaint with five
842 allegations that went to Washington, and it was turned down
843 based on Mr. [REDACTED] whistleblower activities right after he
844 -- and he follows the same pattern, and this is another
845 example.

846 Now, based on this, I would assume -- and I'll
847 have to go back and look -- that that statement may have
848 been part of the letter that went to the company describing
849 the discrepancies of the Fuel Tank Safety program.

850 MS. HANSON: Okay.

851 MR. [REDACTED]: I'm not sure. I'll have to --

852 MS. HANSON: Let me get this -- I would like to
853 follow up on that, but let me -- but this was before your
854 more recent requirement for him to look at it.

855 MR. [REDACTED]: That was the EWIS program, and this
856 contributed to it.

857 MS. HANSON: I think --

858 MR. [REDACTED]: Incidentally, the EWIS PTRS that
859 was supposed to have been completed on January 30th, I was
860 informed by the ASO team that came in to do the
861 investigation that he did close that PTRS, and I said,
862 well, that surprised me. And they showed it to me, and it
863 was closed on March 10th --

864 MS. HANSON: Yeah.

865 MR. [REDACTED]: -- the date of the approval.

866 MS. HANSON: I thought you were saying -- okay.

867 I was trying to look at my notes. I thought you were
868 saying that he was also assigned to complete -- or that
869 this -- were you talking about 2010 or were you talking
870 about something in 2011 to do a 5-month review?

871 MR. [REDACTED]: This was a 5-month review. It
872 started on May 18, 2010, by Mr. [REDACTED], who was the
873 PAI. He assigned these tasks. The reason he assigned
874 these tasks is because there was some question of the
875 approval of the FTS program in December of 2008.

876 MS. HANSON: Right. That was part of our last
877 review.

878 MR. [REDACTED]: Right. And, of course, the
879 companies merged in 2009, the end of 2009, so Mr. [REDACTED]
880 decided that he wanted to go out and look at the program at
881 all fleet types, as a combined group between the two
882 carriers, beginning on May the 18th, and then about 2
883 months later I took over Mr. [REDACTED] position, and I
884 asked the participating PPMs to finish this job by the end
885 of October. I gave them more than sufficient amount of
886 time to do a thorough review of that program.

887 At that time, we took -- do you have a copy of
888 it? I believe you have a copy of that letter.

889 MS. HANSON: Of?

890 MR. [REDACTED]: The letter that we produced from
891 this --

892 MS. HANSON: I don't think so. That's what I was
893 going to -- maybe I can get a copy of that.

894 MR. [REDACTED]: Okay, yeah. I'm pretty sure we
895 have a copy of that letter for you. In the letter, we
896 described all the findings as a result of that -- of that
897 activity. And Mr. [REDACTED] EM issue here was most likely in
898 that document. I can't say for sure. But I think you
899 understand the concerns with this statement, his closing
900 statement, that he had not completed this audit.

901 MS. HANSON: So it was based -- he didn't
902 complete that, and then he didn't complete the EWIS.

903 MR. [REDACTED]: Didn't complete the EWIS.

904 MS. HANSON: That was part of the discussion on
905 April 14th.

906 MR. [REDACTED]: Yes, ma'am.

907 MS. HANSON: Okay. I'm just trying to get all my
908 -- there are so many dates and stuff in here.

909 MR. [REDACTED]: I know. I understand, I
910 understand. But I think you see the pattern of his
911 activities. He seems to launch into these whistleblower
912 activities when he's critiqued for failing to do his work

913 as an inspector.

914 MS. HANSON: Okay.

915 MR. [REDACTED]: Now, we can find that letter. I'm
916 sure they've got a copy here.

917 MS. HANSON: I'm marking things that I want to
918 get copies of, and when we finish the interview, I'll make
919 a list for you.

920 MR. [REDACTED]: Okay, okay.

921 MS. HANSON: Okay. So let's get into some of the
922 specific questions that I have. I'm going to use this. I
923 think there's a -- I didn't put the attachment number in
924 here.

925 MR. [REDACTED]: I'm not sure -- the documents that
926 I sent to Ms. [REDACTED] and Mr. [REDACTED].

927 MS. HANSON: Okay. Here's your February 4th
928 letter.

929 MR. [REDACTED]: Okay, that's EWIS.

930 MS. HANSON: Again, so we're talking about EWIS
931 now.

932 MR. [REDACTED]: Okay.

933 MS. HANSON: So I think there's a copy of this e-
934 mail in there, too, but he pretty much looked like he copy
935 and pasted the whole e-mail into the PTRS document.

936 MR. [REDACTED]: Yeah.

937 MS. HANSON: And this has all his issues. So
938 what I was trying to do is kind of walk through what you
939 included in here, and that's what my notes are. So we're
940 looking at the PTRS attachment and the first date on here
941 is January 18th, and these are like his review results.
942 Then on January 31st, he writes a note that, "Supervisory
943 Principal Avionics Inspector" -- which is you, right? --

944 MR. [REDACTED]: Uh-huh.

945 MS. HANSON: -- "requests completion of EWIS.
946 The following discrepancies were provided by memo to FAA" -
947 - to you, the SPAI.

948 MR. [REDACTED]: Yep.

949 MS. HANSON: So the first one, I didn't really
950 mark it, but basically he was just saying, "My evaluation
951 is incomplete due to late submission of EWIS task cards, a
952 complete PMDB report, revisions to TOPPs, and training."

953 MR. [REDACTED]: That's referenced back to the fact
954 that he was so unprofessional with the company that they
955 refused to work with him anymore. And like I mentioned
956 earlier, Mr. [REDACTED] was going to be his point of contact,
957 and he was told that, and Mr. [REDACTED] said he never called
958 him.

959 MS. HANSON: Okay.

960 MR. [REDACTED]: So, again, it reflects on Mr.

961 [REDACTED] failure to do the work according to his
962 responsibilities as a safety inspector.

963 MS. HANSON: So the first one here, "Delta has
964 not submitted their open and closed panel task card for
965 evaluation. The Boeing ICAs for installation panels
966 contain a caution prior to installing panels." I'm not
967 exactly sure. Is he saying that there's not a caution
968 there? So this one addresses that, right?

969 MR. [REDACTED]: Uh-huh.

970 MS. HANSON: So I'm correct. And this is one,
971 this is one. And then they responded on March 1st. Now,
972 let me ask you this, are these [REDACTED] issues? So this
973 is the Delta Legacy --

974 MR. [REDACTED]: Yeah, because we broke them out.
975 This is Legacy Delta, and these are Legacy Northwest.

976 MS. HANSON: Okay. So that's what I was assuming
977 when I looked at it.

978 MR. [REDACTED]: Okay?

979 MS. HANSON: Okay.

980 MR. [REDACTED]: Because I asked -- the information
981 that he had provided in an e-mail, I still to this day
982 haven't figured out why he didn't put it in his PTRS, but
983 he didn't. Also, I took that information and provided it
984 to Ms. [REDACTED] and Mr. [REDACTED] to identify the legitimacy of

985 it, because he often gives me stuff that's not legitimate.

986 They reviewed it, like I mentioned earlier --

987 MS. HANSON: And that was from the March 8th

988 meeting or --

989 MR. [REDACTED]: No.

990 MS. HANSON: -- or was that something different?

991 MR. [REDACTED]: That was a follow-up. This was

992 before this letter was produced. That was another

993 incident. Later on, on March 8th, we had the same

994 circumstance, like I mentioned earlier, and I gave it to

995 those two individuals, they came back with the same

996 statement about some of it had already been addressed, some

997 of it was inconsequential and had no relationship to the

998 program.

999 MS. HANSON: Okay, so --

1000 MR. [REDACTED]: But anyway.

1001 MS. HANSON: So let's just go through this just

1002 to make sure that I did this accurately.

1003 MR. [REDACTED]: Okay.

1004 MS. HANSON: So the second one talks about the

1005 cleaner. I guess, from reading it, it sounded like they

1006 used to have a cleaner position, and that's all they did.

1007 MR. [REDACTED]: Right.

1008 MS. HANSON: I'm not -- maybe now the mechanic

1009 does it or something.

1010 MR. [REDACTED]: As I recall, that issue was
1011 resolved.

1012 MS. HANSON: So on page 2 -- I mean, page 4, I'm
1013 not sure if this is what was supposed to be related to
1014 that.

1015 MR. [REDACTED]: (Reading.) Yes. Yeah.

1016 MS. HANSON: So here it's saying the current TOPP
1017 sections -- so that's addressed as number 2.

1018 MR. [REDACTED]: Uh-huh.

1019 MS. HANSON: Okay, now, for 3, I didn't see any
1020 of this, and maybe it's in there, but this relates to
1021 training, cleaning tasks, and then --

1022 MR. [REDACTED]: Cleaning tasks are required by us.
1023 Yes, they provided the training, but that was cleaned up.
1024 That was probably done before the letter went out. It's
1025 not in here.

1026 MS. HANSON: Huh-uh.

1027 MR. [REDACTED]: It's not in there?

1028 MS. HANSON: No, I didn't notice it.

1029 MR. [REDACTED]: Then it must have already been
1030 addressed.

1031 MS. HANSON: It might not be because it talks
1032 about EWIS training. But these seem to be more like

1033 statements of milestone.

1034 MR. [REDACTED]: Right. This was during our
1035 discussions with the company to assure the training was
1036 accomplished and their commitments, and this would identify
1037 what the commitments were in our agreement so that they
1038 were aware of the discrepancies and the programs that we
1039 expected them to comply with.

1040 MS. HANSON: So this says, "The Delta training
1041 presents protect and clean as a philosophy and not as a
1042 task requirement." Is that a valid --

1043 MR. [REDACTED]: I don't -- I'm not sure about that.
1044 That may be Mr. [REDACTED] opinion. I can't speak to that.

1045 MS. HANSON: Okay. I was just trying to
1046 determine whether 3 and 4 was something already completed,
1047 or is it something that you just didn't agree --

1048 MR. [REDACTED]: It could have been. I can't say
1049 off the top of my head.

1050 MS. HANSON: Is there a way to find out?

1051 MR. [REDACTED]: I suppose we could go back and
1052 rehash it again.

1053 MS. HANSON: So these were either accomplished
1054 prior to --

1055 MR. [REDACTED]: Uh-huh.

1056 MS. HANSON: -- or considered -- what's the word?

1057 Not valid or not --

1058 MR. [REDACTED]: Not really -- I can't say for sure
1059 about the piece about the training requirement, protect and
1060 clean philosophy. That may be his own philosophy, I don't
1061 know. It's nothing I can -- I'd have to go back and look
1062 at that.

1063 MS. HANSON: Okay. If you could follow up on
1064 that. Okay. And then this one looked like it was
1065 addressed. It talked about Zone 543.

1066 MR. [REDACTED]: Uh-huh.

1067 MS. HANSON: Right? And then this one looked
1068 like it was addressed in the 2/4 letter also --

1069 MR. [REDACTED]: Uh-huh.

1070 MS. HANSON: -- related to MRB 20-051 through 20-
1071 62.

1072 MR. [REDACTED]: Uh-huh.

1073 MS. HANSON: And number 6.

1074 MR. [REDACTED]: Yeah, that's done.

1075 MS. HANSON: And then that would have been number
1076 7.

1077 MR. [REDACTED]: Uh-huh.

1078 MS. HANSON: And number 8 would have been related
1079 to this, PMD Task Number 70938.

1080 MR. [REDACTED]: Uh-huh, yes.

1081 MS. HANSON: Right?

1082 MR. [REDACTED]: Uh-huh.

1083 MS. HANSON: Okay, so 9 and 10, this one said the
1084 work cards were not found on the SharePoint for number 9.

1085 MR. [REDACTED]: Okay. I don't know whether that
1086 program -- it may have been already there or --

1087 MS. HANSON: And then number 10 relates to the
1088 "zone inspection program task in which our systems which
1089 are steps which our system are standalone tasks." So I
1090 didn't really see number 10 addressed.

1091 MR. [REDACTED]: This doesn't even make any sense.

1092 MS. HANSON: And I think later on -- I'm not sure
1093 if that's related to the same thing. They're still saying
1094 these general visual inspections, GVI, DET, which I guess
1095 is the detailed zone (ph) inspection requirements, that the
1096 training for that is still not acceptable.

1097 MR. [REDACTED]: Mr. [REDACTED] finds no training
1098 acceptable on all levels in everything. So the training
1099 was reviewed by Mr. [REDACTED] and Ms. [REDACTED] and other
1100 inspectors, and found acceptable.

1101 MS. HANSON: Okay. Because I didn't see that in
1102 there, so I'm assuming maybe you didn't consider that to be
1103 a significant issue to include it in the --

1104 MR. [REDACTED]: I guess not. I may have been --

1105 like I said, I used my inspectors as tools to assign work,
1106 and if any issues, I expected them to bring to the table to
1107 the company, because they met with the company regularly, I
1108 didn't. I only met with the company maybe three times
1109 during the EWIS process, but they met almost every week.
1110 So any issues or concerns that were brought up were brought
1111 to their attention, they brought it to the company's
1112 attention, and most of the time the issues were worked out
1113 right there, the company either took it away or they
1114 offered to fix right there at the table. And I'm not sure
1115 if every case that Mr. [REDACTED] brought up was brought back to
1116 him, and may be the reason why it lists this stuff in here.

1117 MS. HANSON: Okay.

1118 MR. [REDACTED]: A lot of this may be also because
1119 of his unprofessional behavior with the company, they
1120 wouldn't deal with him, so when he brought these issues up
1121 with them, they just -- they wouldn't have anything to do
1122 with him, and he wouldn't take the path that I recommended.
1123 So he would go this other route. And I'd have to take it
1124 to the two individuals working the program to go back to
1125 the company and try to resolve it. In most cases, that's
1126 the reason why not every one of those issues in there ended
1127 up in the letter, because they were either resolved or
1128 found to be already spoken to or not really relating to the

1129 program.

1130 MS. HANSON: Resolved or -- what did you say?

1131 MR. [REDACTED]: Or not -- doesn't really affect the
1132 program in any way, very minor, Mr. [REDACTED] opinion,
1133 regulatory support, whatever.

1134 MS. HANSON: Okay. So I guess that might be like
1135 number 12? I guess he had some issues with the training.

1136 MR. [REDACTED]: (Reading.) Again, everything does
1137 not look good for him in the training, it never is and it
1138 never will be.

1139 MS. HANSON: It says, "The example given the
1140 training for zonal inspection actually detailed inspection
1141 for a system MRB task."

1142 MR. [REDACTED]: If I recall, we did address the
1143 zonal inspection piece, and the company went back and added
1144 a slide to their training program identifying the
1145 requirement of the zonal inspections to answer that
1146 particular issue, as I recall. I'm doing this off the top
1147 of my head. (Laughing.) There's a lot going on in this
1148 program.

1149 MS. HANSON: I guess [REDACTED] is going to be here
1150 next week, [REDACTED]?

1151 MR. [REDACTED]: [REDACTED] is in training, and she's
1152 going to be gone for the next couple of weeks.

1153 MS. HANSON: Oh, okay, because someone mentioned
1154 she was going to be here next week.

1155 MR. [REDACTED]: Well, she would have except that
1156 she had training down in Oklahoma that she's in right now.

1157 MS. HANSON: Oh, okay.

1158 MR. [REDACTED]: So she won't be able to
1159 participate. It's a 2-week SMS training, so she won't be
1160 able to participate.

1161 MS. HANSON: Oh, okay. So I won't be able to
1162 interview her for a couple weeks then.

1163 MR. [REDACTED]: Yeah, she won't be back until the
1164 week after next. She'll be back in Minneapolis, I think.
1165 I'll have to double-check her schedule, but I think she's
1166 due back in Minneapolis.

1167 MS. HANSON: So that would address number 13,
1168 too, do you think? It talks about the zonal inspection
1169 programs. Or is that something --

1170 MR. [REDACTED]: (Reading.) We've addressed this
1171 over and over again. He's made this argument that they
1172 didn't understand, yet that was spoken to in the training
1173 and in the actual -- in the documents. I'll have to make a
1174 copy for you. I think that's in their actual ICA
1175 documents, it speaks to zonal inspections and such, but
1176 I'll have to go back and look at that.

1177 MS. HANSON: Okay.

1178 MR. [REDACTED]: That was already spoken to.

1179 Incidentally, the audit team has discovered zonal
1180 issues, that there were some missing portions to the 757
1181 program for zonal inspections, and we're going to do the
1182 violation based on what's missing in the documents.

1183 MS. HANSON: Is it related to this or is
1184 something --

1185 MR. [REDACTED]: No, not really. This is a -- he's
1186 more saying that the mechanics aren't given the training
1187 requirement to conduct a zonal inspection, and it's part of
1188 the training program. That's --

1189 MS. HANSON: So that would have been one that was
1190 already addressed, so you didn't include it in the February
1191 --

1192 MR. [REDACTED]: No.

1193 MS. HANSON: And this is another training, "Does
1194 not present AMDS task cards."

1195 MR. [REDACTED]: Those are Northwest training --
1196 Northwest task cards, Legacy Northwest task cards.

1197 MS. HANSON: And that's been addressed?

1198 MR. [REDACTED]: I -- I would assume so. If it
1199 wasn't addressed in the letter, it's been addressed.

1200 MS. HANSON: Okay. And then this one, it looked

1201 like this TOPP manual might have been addressed? But I
1202 wasn't sure about the other one. If you look here --

1203 MR. [REDACTED]: We --

1204 MS. HANSON: I think -- which one is that? 20-
1205 70.

1206 MR. [REDACTED]: 30-20-70, yeah.

1207 MS. HANSON: So right here it looks like training
1208 is not addressed in this TOPP.

1209 MR. [REDACTED]: Yeah. They made that change.

1210 MS. HANSON: So, and the other two TOPP manuals -
1211 -

1212 MR. [REDACTED]: 40-10-10 --

1213 MS. HANSON: The only thing about 40-10-10 really
1214 related to training.

1215 MR. [REDACTED]: I have 40-10-10 here.

1216 MS. HANSON: So that's not really training.
1217 That's --

1218 MR. [REDACTED]: It's a detailed inspection process,
1219 and he's identified that in here. Those were addressed in
1220 the letter.

1221 MS. HANSON: But that's a training document
1222 there, section --

1223 MR. [REDACTED]: No, it's an inspection document,
1224 inspection standards document, and we addressed it there.

1225 MS. HANSON: But this says the Delta training
1226 does not provide for the inspection standards. So I wasn't
1227 sure that that really addressed it because it's not
1228 addressing training.

1229 MR. [REDACTED]: Well, I don't know, unless we
1230 didn't -- that may not have gotten into the document, I
1231 guess. I'll have to go back and look at it. I'm not sure
1232 that this TOPP needs to speak to that. The TOPP that
1233 controls the program is 30-20-70 because it has all the
1234 training program requirements. I'm not sure about this
1235 40-10-10. I haven't got a clue.

1236 MS. HANSON: Okay.

1237 MR. [REDACTED]: I may have to go back and revisit
1238 it. That may have been, like I said, another issue where
1239 we went back and looked and said, no, the training is
1240 really spoken to in this TOPP and not in that TOPP.

1241 MS. HANSON: June 14th, 15th. So maybe other
1242 TOPPs did not need to address, 30-20-70. Okay.

1243 Then in February, he sends you another e-mail, I
1244 think, or the following e-mail was sent to the SPAI. So he
1245 brings up the TOPP 40-10-10 does not comply with -- it did
1246 not provide the TOPP document to SharePoint site for FAA
1247 review. So what did they do? They just limited his access
1248 on what he could look at on the SharePoint or --

1249 MR. [REDACTED]: No. They didn't limit anybody's
1250 access. He could look at whatever he wanted to.

1251 MS. HANSON: Because he said he couldn't, but I
1252 guess Inspector [REDACTED] has a copy, and he said it did not
1253 comply.

1254 MR. [REDACTED]: Obviously, Inspector [REDACTED] didn't
1255 agree with that.

1256 MS. HANSON: But it looked like they addressed
1257 the TOPP 40 here because it sounded like this was the same
1258 thing, it doesn't include language to identify, and he's
1259 saying, "which contains inspection standards and
1260 terminology does not comply with the (inaudible) program."
1261 I'll have to -- I guess I'll talk to her, but I know --

1262 MR. [REDACTED]: You'll have to talk to her. Like I
1263 said earlier, I would forward these issues to team members
1264 who worked the program, and if it was valid, they took it
1265 forward. If they've already addressed it or it's not
1266 valid, that was it. I rely on the integrity of those
1267 people to do their job.

1268 MS. HANSON: One of the ones that I think you
1269 were talking about, that they still had to revise those
1270 procedures, and I guess you were saying they had to have it
1271 done by March 10th or 11th, or you weren't going to sign
1272 the --

1273 MR. [REDACTED]: Right.

1274 MS. HANSON: Okay.

1275 MR. [REDACTED]: Like I said earlier, Mr. [REDACTED]
1276 confirmed all of the items that had dates approaching the
1277 10th in their response letter, I can't recall which ones
1278 exactly where they were, and I think they were all related
1279 to publications because they had committed to all the other
1280 actions. I told him I had to -- at first, I think he said
1281 that they would be sometime after the 10th. I says, no,
1282 they had to be published before the 10th. He said he
1283 didn't think he could meet that deadline. If I don't get
1284 notice from you that it's been accomplished, it won't get
1285 approved. So he called me on the 10th, almost midnight and
1286 said that it's been published effective today. So based on
1287 that statement, that he had published all his manuals, I
1288 approved it on the 11th.

1289 MS. HANSON: Okay. So on this one, I guess there
1290 were deficiencies with the CAMP related to the MM-90. So I
1291 guess I should ask Ms. [REDACTED] about that.

1292 MR. [REDACTED]: Yeah. You can probably talk to Mr.
1293 [REDACTED]. Have you talked to Mr. [REDACTED]?

1294 MS. HANSON: I did talk to him yesterday.

1295 MR. [REDACTED]: Did he --

1296 MS. HANSON: You know, I really didn't go through

1297 this document with him.

1298 MR. [REDACTED] He most likely was informed of
1299 that, he was part of the discussion.

1300 MS. HANSON: Oh, because he's the MD-88, right?

1301 MR. [REDACTED]: He's assigned to MD-88 and maybe
1302 even --

1303 MS. HANSON: I can always call up to him.

1304 And this is back to the EWIS training was not
1305 acceptable as it relates to general -- I think we just
1306 talked about that.

1307 MR. [REDACTED]: The training was reviewed by all
1308 pertinent parties. Mr. [REDACTED] doesn't like training, I don't
1309 care what it is, and any program I've ever experienced with
1310 him, he's never accepted any training. It was reviewed by
1311 all people working the process, and they all accepted it.
1312 There were some minor changes, they were incorporated
1313 because of his suggestions, like I told you, the zonal
1314 piece, he still didn't like that, but we moved forward.

1315 MS. HANSON: And this one relates to -- well,
1316 he's criticizing your February 4th letter because you
1317 referenced the MPD instead of the MRB.

1318 MR. [REDACTED]: Okay.

1319 MS. HANSON: And I know you did change the
1320 compliance plan to reference the MRB.

1321 MR. [REDACTED]: Unfortunately, somebody -- I won't
1322 mention the name -- but somebody from the ACO AEG group in
1323 Seattle talked to Mr. [REDACTED] implying that the document being
1324 used by Delta to develop the EWIS plan was wrong.

1325 MS. HANSON: [REDACTED]?

1326 MR. [REDACTED]: Yes. I had a conversation with
1327 him. The document that we were provided as the guidance
1328 tool from Washington, and confirmed by Washington, spoke to
1329 the document that was quoted in that --

1330 MS. HANSON: The MPD.

1331 MR. [REDACTED]: -- that Delta Airlines used. And I
1332 talked to Mr. [REDACTED], and I says, first off, we're
1333 approaching the approval for this program, and if you're
1334 changing the -- was that it?

1335 MS. HANSON: The e-mail.

1336 MR. [REDACTED]: Was that the e-mail I sent? I was
1337 very upset about the AEG and the ACO arguing about the
1338 approval document when the entire industry is converting
1339 over to this process in a few days, and here they're
1340 telling us it's the wrong tool to use. And I talked to Mr.
1341 [REDACTED], and I talked to Mr. [REDACTED], and I talked to him on
1342 the phone --

1343 MS. HANSON: Now, who is Mr. [REDACTED]? Is he in the
1344 same office as --

1345 MR. [REDACTED]: Mr. [REDACTED] yeah.

1346 MS. HANSON: -- [REDACTED]? He's the AEG or is
1347 he --

1348 MR. [REDACTED]: He's the ACO person. He approved
1349 the document. I directed my attention to him and says, "Do
1350 you approve this document as the tool for this EWIS
1351 program?" and he said, "Absolutely. It's an approved
1352 document. That's the document to use." Mr. [REDACTED] says
1353 no. I said, "I need to talk to your supervisor. Did I
1354 mention his supervisor in here? I got a letter from his
1355 supervisor. Did you get a copy of that?"

1356 MS. HANSON: This was the Attachment 2. I don't
1357 know if they included it in there?

1358 MR. [REDACTED]: Right.

1359 MS. HANSON: Unless it's this one back here.

1360 MR. [REDACTED]: I talked to Mr. [REDACTED] supervisor,
1361 and I said, "Sir --

1362 MS. HANSON: It wasn't him, was it?"

1363 MR. [REDACTED]: Yes.

1364 MS. HANSON: Okay.

1365 MR. [REDACTED]: "Are you telling me that this
1366 document signed by Mr. [REDACTED] is the (emphasis) document for
1367 compliance in EWIS and the company is supposed to use that
1368 document for the approval process?" and he said,

1369 "Absolutely." I said, "Thank you." Mr. [REDACTED] said to me,
1370 well, yeah, the instructions for continuing airworthiness,
1371 which is what we based our program, the company is expected
1372 to incorporate it into their program, are the same on
1373 either document. So essentially you could use either one
1374 and still get the same result. I told Mr. [REDACTED], "I will
1375 use the document that I've been directed by this gentleman,
1376 by his supervisor, who says it's approved, Washington said
1377 it's approved. That's the document to use. You guys can
1378 argue all you want." Mr. [REDACTED] obviously ran with that and
1379 tried to use it as a derogatory issue, but it isn't,
1380 believe me, and if you can -- I don't know, did you talk to
1381 Mr. [REDACTED]?

1382 MS. HANSON: Yes.

1383 MR. [REDACTED]: Did you bring that up with him?

1384 MS. HANSON: I think we might have discussed it.

1385 MR. [REDACTED]: We had the discussion about the
1386 same issue with Mr. [REDACTED], and I told Mr. [REDACTED] that I
1387 was going to comply with the guidance document that directs
1388 me to do this, and he said fine.

1389 MS. HANSON: Because I know the MRB -- and maybe
1390 you need -- I guess -- and I don't know if this is the same
1391 issue, it's kind of confusing to me, but I know like the
1392 compliance plan referenced the MPD, and it got changed to

1393 reference the MRB, but those two documents are essentially
1394 the same. There's really no --

1395 MR. [REDACTED]: The instructions for continuing
1396 airworthiness were essentially the same.

1397 MS. HANSON: The only difference would be is
1398 maybe Boeing could change the MPD without approval from the
1399 ACO, where they can't change the MRB.

1400 MR. [REDACTED]: Right.

1401 MS. HANSON: So I'm assuming that's why the
1402 compliance plan was changed to reference the MRB.

1403 MR. [REDACTED]: Could be.

1404 MS. HANSON: But as far as your inspectors doing
1405 all your work, and comparing those documents, there was
1406 nothing that would have been any different that would have
1407 resulted in anything different in that process.

1408 MR. [REDACTED]: The instructions for continuing
1409 airworthiness were the same for both areas, but the
1410 argument between those two groups I wasn't going to get
1411 involved in, and I wasn't going to deviate from what the
1412 original plan was, it was approved, and the policymakers
1413 said it was okay, then I'm moving forward with it. I
1414 wasn't going to argue with them about who had oversight
1415 over what and what was the best way to go around it.

1416 MS. HANSON: Okay.

1417 MR. [REDACTED]: And the biggest problem -- and this
1418 is an FAA issue -- is this should never have gotten to this
1419 point, it should never have been brought to that position
1420 that we're questioning what document we're using for a
1421 final approval --

1422 MS. HANSON: Right, the guidance should have been
1423 clear.

1424 MR. [REDACTED]: -- when you're within a week or so
1425 of approving a program, which they have spent 5 years
1426 developing. It's just -- it was just mind-boggling when I
1427 first got -- got aware of that issue, that we even -- why
1428 now?

1429 MS. HANSON: Was it the guidance for the OpSpecs
1430 that referenced the wrong document? That happened in
1431 another review I looked at, they referenced the wrong
1432 document in the guidance to the --

1433 MR. [REDACTED]: That could be. I don't recall.

1434 MS. HANSON: -- OpSpecs, where it gives you the
1435 examples of what to put in your OpSpecs and --

1436 MR. [REDACTED]: The guidance tool that was provided
1437 as the tool to use for EWIS quoted -- described this plan
1438 as the tool to use to build the program for. And it was
1439 only late in the process when it was -- this is February,
1440 mid-February, within a couple weeks of the approval. Now

1441 they've tried to change the plan.

1442 MS. HANSON: Okay. And this number 4 talks about
1443 the same stuff, but what about this 6-digit versus 12-digit
1444 AMM reference? This is number -- on the PTRS, page 10, my
1445 circle number 5.

1446 MR. [REDACTED]: (Reading.) I don't know. I don't
1447 recall this one. I don't recall.

1448 MS. HANSON: I can follow up with [REDACTED] or [REDACTED]

1449 MR. [REDACTED]: Uh-huh.

1450 MS. HANSON: Let's see, that's all I had for
1451 that. Okay.

1452 Let me get this report out. I think you answered
1453 this already, but I want to ask you specifically from here
1454 just to make sure. When you talked to the IAC team -- it's
1455 on page 4 of this report, I think this is referencing the
1456 March 8th meeting, and they say the ASI reported some more
1457 discrepancies on March 8th, and I'm assuming that's [REDACTED]
1458 [REDACTED].

1459 MR. [REDACTED]: Uh-huh.

1460 MS. HANSON: And he noted the ASI's concerns,
1461 brought them to the attention of the avionics PPMS. Now,
1462 when they say that that's [REDACTED] and [REDACTED].

1463 MR. [REDACTED]: Yes.

1464 MS. HANSON: Okay. I just wanted to make sure.

1465 MR. [REDACTED]: [REDACTED] is in the south and [REDACTED] is
1466 in the north.

1467 MS. HANSON: And then the PPMs, which is really
1468 [REDACTED], right?

1469 MR. [REDACTED]: Uh-huh.

1470 MS. HANSON: -- advised you that the ASI's
1471 concerns were unfounded or addressed previously.

1472 MR. [REDACTED]: Uh-huh.

1473 MS. HANSON: So that was [REDACTED] and --

1474 MR. [REDACTED]: [REDACTED].

1475 MS. HANSON: -- [REDACTED]

1476 MR. [REDACTED]: Yep.

1477 MS. HANSON: When [REDACTED] came in, was he by himself
1478 or was he with other people?

1479 MR. [REDACTED]: He was by himself.

1480 MS. HANSON: Okay.

1481 MR. [REDACTED]: Does he say he was with somebody?

1482 MS. HANSON: Well, did [REDACTED] bring you
1483 some issues also prior to this?

1484 MR. [REDACTED]: [REDACTED] had been in communication with
1485 [REDACTED], and he didn't provide anything of substantial
1486 findings other than he was talking to [REDACTED], and [REDACTED] was
1487 saying this and that. And he hadn't done any research to
1488 support any of that.

1489 MS. HANSON: [REDACTED] or [REDACTED]?

1490 MR. [REDACTED]: [REDACTED]. Just that he was in -- [REDACTED]
1491 was calling him up and trying to tell him all his concerns.
1492 Up until that point in time, as far as I know, [REDACTED] didn't
1493 have anything other than what he had already provided, the
1494 findings.

1495 MS. HANSON: That was in the February 4th letter.

1496 MR. [REDACTED]: Yes, uh-huh.

1497 MS. HANSON: So he didn't bring any concerns
1498 during the March timeframe, [REDACTED].

1499 MR. [REDACTED]: Other than reflecting what he heard
1500 from [REDACTED]. And like I said, I took those issues to Mr.
1501 [REDACTED] and Ms. [REDACTED]e for review.

1502 MS. HANSON: Were those documented in an e-mail
1503 or something you said?

1504 MR. [REDACTED]: He, Mr. [REDACTED], had walked over there
1505 and given Ms. [REDACTED] a document and explained to her the
1506 issues before I even got an opportunity to talk to her. So
1507 she just took what she got, as I recall, yeah. As I
1508 recall, she had already gotten it from Mr. [REDACTED]. So I
1509 asked her to run it down and give me a response, and she --
1510 I asked her to contact [REDACTED] to make sure that they were
1511 both in agreement.

1512 MS. [REDACTED]: Is there a document that I could

1513 look at that shows what those were?

1514 MR. [REDACTED]: I can't -- I don't -- I don't think
1515 he brought a document in my office, I think he just brought
1516 a pile of paperwork.

1517 MS. HANSON: I mean, that [REDACTED] had, or --

1518 MR. [REDACTED]: That he had, that [REDACTED] had,
1519 and was explaining it to me. There was no piece of paper
1520 with a laundry list of items, no.

1521 MS. HANSON: Okay.

1522 MR. [REDACTED]: It was just a stack of paperwork
1523 that he was showing me, and I think he did -- he may have
1524 done the same thing with [REDACTED] I can't say for sure,
1525 because [REDACTED], when I talked to her right after, was
1526 already aware of it, so I'm assuming that he had already
1527 talked to her about it. And I asked her to get with [REDACTED]
1528 and find out whether any of that was substantiated. So.
1529 But he would bring me --

1530 MS. HANSON: What I was looking for is which ones
1531 did you consider, okay, these are unfounded, or these are
1532 minor, we can address later?

1533 MR. [REDACTED]: I don't recall.

1534 MS. HANSON: Do you think --

1535 MR. [REDACTED]: I didn't get a -- I didn't get a
1536 document with a list of findings, he just had a stack of

1537 paperwork and he was just going through each piece of
1538 paperwork and explaining the problem he had with this or
1539 the problem he had with that. There was no document, no
1540 list of findings, nothing.

1541 MS. HANSON: And my question was going to be, for
1542 those that maybe were administrative, you know, did you go
1543 back later to make sure that those were corrected?

1544 MR. [REDACTED]: Did he?

1545 MS. HANSON: Or somebody.

1546 MR. [REDACTED]: As I recall, the items that he
1547 brought to our attention, like I said, were already fixed
1548 or they were not pertinent to the issue. Like it says
1549 here, unfounded or addressed previously.

1550 MS. HANSON: Okay. And I guess the reason --
1551 maybe in this one. (Reading.) Okay. For some reason, I
1552 was thinking that there was -- oh, maybe it was here. It
1553 says, "The SPAI acknowledged" -- this is the IAC report on
1554 page 4 -- "the IAC team determined this allegation was not
1555 immediate safety of flight issue. While the SPAI" --
1556 that's you -- "acknowledged the reporting ASI had some
1557 valid administrative concerns with the implementation of
1558 EWIS requirements, he was under the opinion those concerns
1559 (ph) were not significant enough to impact the safety," et
1560 cetera, "and would be addressed through subsequent

1561 management of the program. So that's what I was really --
1562 I was wondering what were these issues and were they
1563 addressed?

1564 MR. [REDACTED]: He had a concern, and it took me a
1565 while to finally figure out what it was because he never
1566 brought it to my attention specifically with a copy of the
1567 document, it actually came out after discussing with [REDACTED]
1568 [REDACTED]. What the company had done in the zonal inspection
1569 cards, they copied the Boeing document, which they were
1570 required to do, and they added steps to the document,
1571 "While you're there, look at this; while you're there, look
1572 at this."

1573 MS. HANSON: Right. Since you have it open, go
1574 ahead and do these other steps.

1575 MR. [REDACTED]: Exactly, but they put it on the
1576 same card. Mr. [REDACTED] position was that that's not
1577 compliant, the program says you have to copy the Boeing
1578 document as it is. I said they did, they just -- the
1579 Boeing document just says, "Perform a general" -- one
1580 sentence. Below those sentence, they added these other
1581 statements. And Mr. [REDACTED] position was this was a human
1582 factors thing and that whoever the mechanic is would not
1583 perform the general visual, that he would just perform
1584 these other tasks and -- (Laughing.) -- I didn't agree with

1585 that. I said the task is there, it's identified, and the
1586 other tasks under it are additions to. It's hard for me to
1587 go to the company and say you can do -- you can't do any
1588 less, but you can't do more either.

1589 MS. HANSON: Right.

1590 MR. [REDACTED]: I had a discussion with the IAC
1591 about this. The only thing that I would recommend -- and
1592 we haven't approached the company about it yet -- would be
1593 just to identify those tasks as an addition to the zonal,
1594 to add a sentence to that effect. But personally, the
1595 mechanic is obligated by his responsibilities as a mechanic
1596 using a certificate to do all the tasks assigned to him,
1597 including the GVI and any other tasks the company wants for
1598 him to do. There was no human resource documentation or
1599 support to that kind of issue. Nobody, including Mr. [REDACTED],
1600 did an inspection where this task was being performed where
1601 he observed that the mechanic did not do a GVI inspection.
1602 So it's difficult for me to step up to the company and say
1603 you can't do more.

1604 MS. HANSON: So you met with the company.

1605 MR. [REDACTED]: No, I did not meet with the
1606 company.

1607 MS. HANSON: You did not meet with the company?

1608 MR. [REDACTED]: No, I did not.

1609 MS. HANSON: Oh, that was just your --

1610 MR. [REDACTED]: Let me explain to you --

1611 MS. HANSON: That was an idea, maybe you could
1612 meet with them --

1613 MR. [REDACTED]: We could meet with them tomorrow
1614 and bring it up as far as a discussion item. I want to
1615 make it clear that I wasn't going to take any immediate
1616 action unless it was FAR related --

1617 MS. HANSON: Right.

1618 MR. [REDACTED]: -- until all these activities were
1619 completed.

1620 MS. HANSON: Okay. Well, I just want to -- I'm
1621 trying to write my notes --

1622 MR. [REDACTED]: All these inspections, your
1623 inspection, I wasn't going to take it -- there was no
1624 reason for me to send a whole series of letters to the
1625 company following every one of these activities. I wanted
1626 to complete the process all at one time. Now, we did part
1627 of that today. I told you earlier we had a discussion with
1628 Mr. [REDACTED], the results of his audit, along with the other
1629 inspectors. And the result has been that we're going to do
1630 EIR against the company to address those problems that
1631 we've identified.

1632 MS. HANSON: Okay. So basically you were just

1633 saying you could go to the company and say, "Hey, add a
1634 statement to make sure."

1635 MR. [REDACTED]: Yes, I could.

1636 MS. HANSON: In addition to that, that's what you
1637 were saying.

1638 MR. [REDACTED]: I could.

1639 MS. HANSON: Okay.

1640 MR. [REDACTED]: I'm not saying I will or will not,
1641 I don't see any value in that.

1642 MS. HANSON: And I'm not suggesting one way or
1643 another, I was just trying to address those --

1644 MR. [REDACTED]: I'm just telling you that was what
1645 I was -- that's what I understand was the intent of this
1646 statement.

1647 MS. HANSON: Okay.

1648 MR. [REDACTED]: And as you can see, they didn't --

1649 MS. HANSON: And that's what I wanted to find
1650 out.

1651 MR. [REDACTED]: -- the IAC couldn't substantiate
1652 any allegation as it is.

1653 MS. HANSON: Because as it was written, it made
1654 it sound to me like there was other administrative issues,
1655 like they documented in here that was never addressed or --
1656 but, okay, but now I understand.

1657 MR. [REDACTED]: Like I said earlier, I didn't
1658 address anything unless it was FAR related, and I
1659 instructed everybody that's been doing it, the audit, for
1660 example, that's been going on for the last 60 days, at any
1661 time if they found or discovered an issue that was FAR
1662 related, we would do immediate action against the company
1663 for that issue. And until today, I didn't learn any of
1664 that until today, and then after discussion with [REDACTED],
1665 and he showed me his findings, we're going to take the EIR
1666 route for those issues.

1667 MS. HANSON: Okay. The last thing -- and
1668 actually, I asked [REDACTED] for this, and he may have
1669 mentioned it to you, I don't know -- but did you ever go
1670 back through -- and they mention it here -- let's see, I
1671 don't think it was here, sorry. They mention it in the
1672 Southern Regional review on page 4, that there were seven
1673 items left open. This was when you said they called you on
1674 March 10th and said, okay, we completed all these TOPP
1675 documents. Did you ever go back and verify that those
1676 seven things were actually done?

1677 MR. [REDACTED]: Yeah, but I didn't record it, I
1678 didn't make a record of it, no.

1679 MS. HANSON: Was that done by you or [REDACTED] or --

1680 MR. [REDACTED]: I think [REDACTED] did that.

1681 MS. HANSON: Okay.

1682 MR. [REDACTED]: Yeah, we confirmed that it was all
1683 done. I didn't write it down. What's the code here?

1684 MS. HANSON: I can ask her about that.

1685 MR. [REDACTED]: Well, there is, as far as the Fuel
1686 Tank Safety program document is concerned, there's a
1687 portion that the company's response on the Legacy North --
1688 Legacy 757 Delta fleet that we had concerns with, and Mr.
1689 [REDACTED] has been working with the company on that as an
1690 addition to that process because, like I told you earlier,
1691 we did that audit, and he wanted to go back and do -- redo
1692 his audit on the Legacy Delta fleet to confirm his issues
1693 with the response that we got from the company for the
1694 first FTS document. I said fine, go ahead --

1695 MS. HANSON: That's from the ConDOR. So he redid
1696 that portion?

1697 MR. [REDACTED]: Yeah, he redid his inspection and
1698 confirmed the problem he had. So I told him, okay, let's
1699 do the EIR, reference the letter, that they have not done
1700 the complete corrective actions as they spoke to in the
1701 original response that we got for the FTS, and we'll move
1702 forward with that. So as far as the Fuel Tank Safety
1703 response from the company, to the best of our knowledge,
1704 all the issues were resolved except for that one on the

Capital Reporting Company

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1705 Legacy 757 Delta fleet, which Mr. [REDACTED] has been working.

1706 MS. HANSON: Okay. So was that a letter of
1707 correction?

1708 MR. [REDACTED]: No --

1709 MS. HANSON: That letter that you sent that had
1710 all the --

1711 MR. [REDACTED]: No, I sent the FTS audit
1712 discrepancies to the company. The company responded back -
1713 -

1714 MS. HANSON: So that wasn't an enforcement action
1715 at that point.

1716 MR. [REDACTED]: No, it was an enforcement.

1717 MS. HANSON: Okay.

1718 MR. [REDACTED]: It was just a general letter
1719 notifying of the deficiencies we discovered in the program.
1720 We didn't have -- at that time, we didn't have anything
1721 that would constitute a letter of investigation or
1722 enforcement action. As a result, their response of the
1723 Legacy 757 Delta fleet wasn't adequate enough. I told Mr.
1724 [REDACTED] at that time to pursue it further. When we got
1725 into this audit business like I mentioned earlier, he
1726 wanted to redo his audit again. I said fine, and that
1727 would confirm his concerns from the response from the
1728 company for the original FTS. So he did that, and we had

1729 that discussion today, like I said earlier, and we're
1730 taking enforcement action on that issue.

1731 MS. HANSON: Okay.

1732 MR. [REDACTED]: And we'll reference back the
1733 response from the original FTS. And that's the only
1734 portion of the response that the company provided that we
1735 took that we had a problem with, was that one piece.

1736 MS. HANSON: Okay. Now, one of the things, one
1737 of the allegations -- and this is really my last thing for
1738 you --

1739 MR. [REDACTED]: Okay.

1740 (Laughter.)

1741 MS. HANSON: I found this --

1742 MR. [REDACTED]: You know, I'm trying to do all this
1743 off the top of my head, I'm trying to remember.

1744 MS. HANSON: I know, but anything you have that
1745 you can help me that supports anything, send me, I can add
1746 to my document.

1747 MR. [REDACTED]: Okay.

1748 MS. HANSON: But the last -- one of the
1749 allegations is that the CASS system, because of all these
1750 deficiencies identified in the EWIS and the FTS, that the
1751 air carriers' CASS system, Continuous Analysis and
1752 Surveillance System --

1753 MR. [REDACTED]: Surveillance? Uh-huh.

1754 MS. HANSON: -- is not effective because of the
1755 compliance issues that they found in these two programs.

1756 MR. [REDACTED]: Well, judging on what we found
1757 today in our discussion, I'd have to agree with that, and
1758 that's going to be the discussion issue tomorrow morning.
1759 Mr. [REDACTED] is coming over at 9:00 tomorrow morning, and one
1760 of the issues we need to speak to, I'll bring that up as
1761 far as the discussion. Obviously, they didn't do due
1762 diligence to assure the program would stay as approved.
1763 Apparently, from my perspective, I think they changed the
1764 program. After we initially approved it, there had been
1765 changes incorporated, and that's what we have the meeting
1766 to address. That shouldn't be happening.

1767 MS. HANSON: Right.

1768 MR. [REDACTED]: So hopefully we'll get that squared
1769 away tomorrow after we have our discussion with Mr. [REDACTED].

1770 MS. HANSON: And I know that the office is coming
1771 up with an action plan to address the Headquarters report?

1772 MR. [REDACTED]: Uh-huh.

1773 MS. HANSON: The recommendations? And I think I
1774 might have mentioned this when I was talking to Mr. [REDACTED]
1775 yesterday, that it would be good to -- because whatever you
1776 come up with that action plan, I'll incorporate it into my

1777 report, and that way I can say FAA is, or whatever, they're
1778 addressing these issues. And if there is something you're
1779 going to do to address that, it would be good if that's
1780 incorporated into the action plan.

1781 MR. [REDACTED]: Let me put it in -- it may -- I'll
1782 have to discuss it with Mr. [REDACTED] because he's going to
1783 be the one that's going to run the EIRs against the company
1784 for the Fuel Tank Safety and EWIS, and we can include it as
1785 part of our findings, that the CASS process should have
1786 prevented these issues from occurring.

1787 MS. HANSON: Right.

1788 MR. [REDACTED]: And we could work that into the
1789 violation.

1790 MS. HANSON: And then I could say, you know,
1791 given these other things that were identified, not
1792 necessarily -- for whatever reason, they were identified,
1793 you know, that -- you know, and it's something you already
1794 have initiated.

1795 MR. [REDACTED]: We haven't done anything, like I
1796 said, until -- I wanted to make sure everything was done
1797 before I addressed anything to the company, and the audit
1798 piece, like I mentioned earlier, for the 757 was because
1799 Mr. [REDACTED] didn't do the job adequately, both for the Fuel
1800 Tank or the EWIS. So I had to make sure that that was

1801 complete and in enough detail so we could assess whether
1802 that fleet was well done or not, and obviously it wasn't.

1803 MS. HANSON: Right.

1804 MR. [REDACTED]: So we're moving forward with
1805 violations against that.

1806 MS. HANSON: And based on that, too --

1807 MR. [REDACTED]: At the same time, we're going to
1808 address the company, try to force the company to do a
1809 review of all their fleets, and we'll see where it goes.

1810 I will say this, if we're forced to do so, I'll
1811 have to commit a lot of resources to do it, but I don't
1812 think I should be put in a position to have to revisit that
1813 program all over again. I think it's the company's
1814 responsibility to take it and run with it and make sure
1815 that they're in compliance, and that's going to be the
1816 direction I'm going to take with the company on this issue.

1817 MS. HANSON: Okay.

1818 MR. [REDACTED]: And we'll mention the CASS.
1819 Obviously CASS didn't work well.

1820 MS. HANSON: At this point, I think, to me, as
1821 long as it's all addressed, you know, given that you found
1822 all these problems with the 757, it's more than likely
1823 occurring on other fleets.

1824 MR. [REDACTED]: Could be, but we don't know, we

1825 don't know for a fact. One of the problems is that --

1826 MS. HANSON: But the company has a responsibility
1827 to prove to you yes or no.

1828 MR. [REDACTED]: Yes, yes, they do, and --

1829 MS. HANSON: And as long as you provide the
1830 oversight to ensure that they do that, to me, that's still
1831 the appropriate action.

1832 MR. [REDACTED]: Yes, yes. And the reason why I'm
1833 saying it may or may not be a problem across all fleet
1834 types, each fleet has their own tech writers, their own
1835 program writer, program people, that manage that fleet
1836 type, and though one fleet may have made a lot of errors in
1837 their process, it doesn't necessarily mean another fleet
1838 did the same. There may be degrees of problems. But we'll
1839 have to look into that. But I'm going to try to get the
1840 company to pursue a review of all the fleets and report
1841 back to us of the condition. That may be a big battle, but
1842 we'll see where it goes.

1843 MS. HANSON: Eventually this report gets
1844 published, you know, publicly, it will be a while. OSC
1845 gave us a real short deadline, so I had to drop everything
1846 else I was doing to try to address this and see if I can
1847 have my report done, including something from FAA, by
1848 September 22nd, unless OSC will give us an extension, but

1849 we'll see. But I don't know if that gives you any --

1850 MR. [REDACTED]: But I want to make it clear that we
1851 will do everything in our power to correct any of the
1852 issues and make sure the company is compliant with the
1853 program. This -- we've never shook that responsibility
1854 ever.

1855 MS. HANSON: Right, all right.

1856 MR. [REDACTED]: Okay? And that, like I mentioned
1857 earlier, I think a lot of this was driven by Mr. [REDACTED]
1858 failures and not by our office failures.

1859 MS. HANSON: Okay. At this point, let's go ahead
1860 and turn off the recorder. And it's 2:10.

1861 (Whereupon, at 2:10 p.m., the sworn interview of [REDACTED]
1862 [REDACTED] was concluded.)

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CERTIFICATE OF TRANSCRIBER

1874

1875 I, DEBORAH JEAN ARBOGAST, do hereby certify that this
1876 transcript was prepared from audio to the best of my
1877 ability.

1878

1879 I am neither counsel for, nor party to, this action,
1880 nor am I interested in the outcome of this action.

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Federal Aviation Administration

Memorandum

Date: APR 03 2012

To: Ronald Engler, Director, Special Investigations, JI-3 

From: Clay Foushee, Director of Audit and Evaluation, AAE-1

Subject: The Office of Inspector General (OIG) Supplemental Report:
U.S. Office of Special Counsel (OSC) Request Dated March 1, 2012
(File Nos. DI-11-2238 and DI-11-2709)

The Flight Standards Service (AFS) prepared the attached memorandum in support of the OSC request for supplemental information to the Department's November 30, 2011 response in the above matter. This supplemental information has been reviewed by AFS management, to include those from the affected regional division and headquarters policy divisions. In this regard, AFS will provide regular updates to the Office of Audit and Evaluation until all corrective actions are completed.

Attachment



Federal Aviation Administration

Memorandum

Date: APR 03 2012

To: Michael F. McCafferty, Manager, AFS-10

From:  Thomas A. Winston, Division Manager, Flight Standards, ASO-200

Prepared by: Don Dodge, Aviation Safety Inspector, Technical Branch, ASO-230

Subject: OSC Investigation DI-11-2238 & DI-11-2709 OSC Requesting Additional Information for 18 Questions

Attached is the Report of Investigation (ROI) for OSC investigation DI-11-2238 & DI-11-2709 Requesting Additional Information for 18 questions. Of the 18 questions AFS-10 staff personnel advised Southern Region that questions 1 through 5 and question 14 were answered by the Office of the Inspector General and no effort was made by Southern Region Inspectors to answer them. Additionally, questions 11, 12 and 13 were deferred to AFS-300, AFS-500 and AFS-900 as appropriate for answering. Southern Region collected their responses and incorporated their answers in this report.

Please note, the Southern Region Technical Branch (ASO-240), in coordination with the Delta Certificate Management Office (CMO), are tracking the progress of Delta's corrective actions. In this regard, we will be providing Flight Standards Service (AFS), Deputy Director (AFS-2F), routine updates of our progress until all Delta CMO actions and milestones are complete.

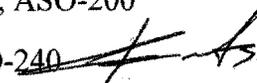
The information answering the remaining questions (6 through 10 and 15 through 18) are detailed in this report. If you have any questions please contact Danny Moon at 404-305-6028.

Attachment



Federal Aviation Administration

Memorandum

Date:
To: ^{APR 03 2012} Thomas A. Winston, Manager, Southern Region Division, ASO-200
From: Jose E. Gueits, Acting Manager, Air Carrier Branch, ASO-240 
Prepared by: Daniel J. Moon, Aviation Safety Inspector, Air Carrier Branch, ASO-240
Subject: Re: Request for Supplemental Information Lund/Mirau, OSC File
Numbers DI-11-2238 and DI-11-2709

This memorandum provides the FAA's responses to 18 questions asked of us by the U.S. Office of Special Counsel (OSC) through the U.S. Department of Transportation Office of Inspector General (OIG). These questions concern the FAA's oversight of Delta Air Lines Fuel Tank Safety and Electrical Wiring Interconnection System Maintenance Programs.

Question 1. Please provide a written justification for the omission of the names of federal employees from the report.

Response The OIG has prepared the response for this question.

Question 2. In the discussion of allegation No. 1, please clarify the reference to the previous FAA regional and headquarters review teams—were these reviews initiated by the OSC referral in 2009?

Response The OIG has prepared the response for this question.

Question 3. On page 4, the report notes that investigations conducted after two airline accidents showed that corrosion and deteriorated wiring, among other things, were common EWIS conditions and one of the accidents was attributed to an in-flight wiring fire. In response, FAA determined that the EWIS ICAs lacked sufficient detail and required that additional information on inspection tasks, methods, etc., be included in the EWIS program. Given the concerns with the EWIS programs and the significant impact the faulty or corrosive wiring can have on the safety of flight, please provide additional explanation for why the errors and inaccuracies identified in the EWIS programs by the audits are considered administrative concerns and not safety of flight concerns, especially when the review found that 63% of the legacy Northwest task cards contained discrepancies. Report at pp. 8-9.

ATTACHMENT 4 - FAA Response

Response The OIG has prepared the response for this question.

Question 4. Who were the FAA technical experts who provided expert opinion discussed on p. 10? Did they provide an expert opinion that the errors and discrepancies in task cards did not involve safety of flight issues? Did they provide a written opinion? If so, please provide a copy of that opinion. If they provided the opinion in an interview, please provide a copy of the interview transcript.

Response The OIG has prepared the response for this question.

Question 5. Did SPAI [REDACTED] provide any further explanation for his determination that the discrepancies in the task cards were administrative? If so, please provide a copy of the interview transcript or his written explanation. If not, can he please provide an explanation of how he made this determination including the criteria for considering whether an issue represents a safety of flight concern?

Response: The OIG has prepared the response for this question.

Question 6. In the ongoing joint review of all ADs, the CMO and Delta review of FTS ADs is a priority. The report notes the review will ensure that all AD requirements are accurately transcribed in work documents, all initial and repetitive requirements are scheduled, and all maintenance properly recorded.

The report states that the projected completion date for this review was December 31, 2011. Please provide the status of this review and any corrective measures planned or taken in response to the review.

Response Delta has completed their review of the FTS AD's by December 31, 2011 and reported to the Delta CMO on January 6, 2012. Delta identified 52 findings, of which 1 resulted in a Voluntary Disclosure. The remaining 51 findings were administrative in nature. Corrective actions varied from initiating corrections to Delta's TOPP Manual to reporting discrepancies to aircraft manufacturers for correction. The single Voluntary Disclosure was handled through the FAA Voluntary Disclosure Reporting Program (VDRP) process and was administrative in nature when Delta failed to document repair actions properly, not a safety of flight issue.

Question 7. The CMO began an audit of FTS and EWIS maintenance task cards for the B757 fleets in April 2011. The deficiencies uncovered warranted the initiation of an Enforcement Investigation Report. The CMO required Delta to evaluate FTS AD deficiencies that may result in a mechanic performing a task incorrectly against all fleet types to determine if the deficiencies are systemic. The report notes that Delta's projected completion date was December 31, 2011.

ATTACHMENT 4 - FAA Response

As of November 8, 2011, Delta had completed the review and finalized a corrective action plan in conjunction with the CMO. The corrective action plan for revising the task cards is documented in Delta Engineering Report 10-100511-20, dated 10/12/11.

What are the corrective measures proposed and what is the expected completion date of those corrective actions?

Response The Delta Engineering Report #10-100511-20 is the agreed upon corrective action plan and includes the script to audit the Legacy NWA & Legacy Delta B-757 fleets. The purpose of the Delta Engineering Report is to document the FAA findings / concerns with the FAA accepted Corrective Action Plan Compliance Checklist to address those specific and systemic findings. This Corrective Action Plan (CAP) addressed the systemic findings identified in the Compliance Checklist per the script contained in this Engineering Report from Delta.

The audit was completed, using this script, on the Pre-Merger North West fleets (PMNW) by December 31, 2011 and will be fully applied to the remaining Pre-Merger Delta Fleets (PMDL) by May 31, 2012. Delta has submitted corrected PMNW FTS and EWIS Maintenance Task Cards for FAA review (a 100% card review). The DC-9, B-747-400, A319 / A320, A-330 and the Legacy NWA – B757 fleet FTS/EWIS/Zonal reviews are complete.

Question 8. The CMO required Delta to address FTS and EWIS administrative errors across all fleet types and prepare a comprehensive corrective action plan. The report states that Delta's projected completion date was December 31, 2011.

As of November 8, 2011, the corrective action plan for revising the task cards was completed and documented in Delta Engineering Report 10-100511-20 and being coordinated with Delta CMO.

What are the corrective measures and what is the expected completion date? Does this mean that all task cards have been corrected?

Response Delta is accomplishing 2 corrective measures. First, they are converting their existing PMDL Maintenance Task Cards from the current computer based program called "EARTH" to the Pre-Merger NWA maintenance program identified as "AMDS". Second, they are applying an Audit Script to the Pre-Merger Delta (PMDL) fleets' Maintenance Task Cards. The Delta CMO Partial Program Managers will conduct a 100 % review for compliance. The expected completion date is May 31, 2012.

Question 9. The CMO inspectors will evaluate the effectiveness of the FTS and EWIS maintenance task cards beginning the first quarter of 2012.

What is the status of this review? Are there any additional findings or corrective actions proposed as a result of the review?

ATTACHMENT 4 - FAA Response

As of November 8, 2011, ATOS Constructed Dynamic Observation Report (CONDOR) inspections assigned to inspectors to evaluate the effectiveness of the FTS/EWIS maintenance and repair organizations in first quarter of 2012. CONDORS in Hong Kong, Peking, and Guadalajara.

What were the results of the CONDORS? Are additional inspections of this type planned?

Response The DALA CMO has assigned numerous FTS/EWIS – CONDOR inspections directly after the Ops Spec approval of the EWIS program on March 10, 2011. Surveillance assignments have been conducted in the above locations to include domestic stations in San Antonio, TX, Dothan, AL and Atlanta, GA. 18 CondORS were assigned which resulted in 4 findings and one Enforcement Investigative Report. The four findings involved technician correction on the spot and did not result in any program changes. The Enforcement Investigative Report (#2011SO275213) was when a technician failed to follow the Aircraft Maintenance Manual procedures prior to accomplishing the EZAP tasks. The Delta CMO plans 11 additional FTS / EWIS – CONDORS for the Third Quarter of 2012.

Question 10. Delta is conducting a comprehensive review of Enhanced Zonal Analysis procedures (Part of EWIS) and SFAR 88 tasks to ensure they are properly identified. The report states the projected completion date was December 31, 2011.

As of November 8, 2011, corrections to the Enhanced Zonal Analysis procedures were to be incorporated into corrective action plan in Delta Engineering Report, 10-100511-20.

Have these corrections been incorporated into Delta's corrective action plan? If not, when will they be incorporated? If so, what is the expected completion date of the corrective actions planned?

Response Yes. The corrective action plan, mentioned in earlier answers, incorporated the requirements of EZAP. All of these Zonal task items, as stated in the Report #10-100511-20 are applied to the maintenance task cards by Delta Air Lines Inc. (DALA) and are being reviewed for accuracy by the DALA CMO PPM(s). The current status of this review is described in response to item #7. The review is due to be completed by May 31, 2012.

Question 11. FAA plans to revise data collection tool (Element Performance Inspection 1.3.1) for FTS and EWIS to address discrepancies determined to be administrative concerns.

As of November 8, 2011, the data collection tools for element 1.3.1 were to be revised once Advisory Circular 120-97 is revised and the accompanying inspector guidance (FAA Order 8900.1 FSIMS) is published by the AFS-300 Policy Division.

The anticipated publishing date for the revised data collection tools was September 2012. What is the present status and anticipated publishing date of the revised data collection tool?

ATTACHMENT 4 - FAA Response

Response The Continual Improvement Program Office in AFS-900 reported that the revised Element Performance Inspection 1.3.1 for FTS and EWIS is still targeted to be released during September, 2012, or at quarterly release prior to September, 2012 once AFS-300 revised policy is published. The drafts have been developed in a coordinated effort with AFS-300 revision of the 8900.1.

Question 12. FAA to revise FAA Advisory Circular 120-97 to ensure airlines clearly understand the program requirements, including reminding operators to identify AD-mandated ALI numbers in maintenance programs and that these procedures or references to other manufacturers procedures are FAA approved and cannot be changed without FAA approval. FAA will also revise related FTS inspector guidance.

According to the report, the completion date for this revision was March 2012. If the revision is complete, please provide a copy of the revised FAA Advisory Circular 120-97. If the revision is not complete, please provide the current status and expected completion date.

Response The Air Carrier Maintenance Branch, AFS-330 anticipates a June, 2012 publishing time frame for FAA Advisory Circular 120-97A. The revision is presently in the AFS-140 Branch for dispositioning of comments. AFS-140 gathers and groups all the comments, then routes it back to AFS-320 for dispositioning of the comments and then AFS-330 routes it back to AFS-140 for final write and publishing. In addition, AFS-330 received a concurrence from the Office of Inspector General on January 26, 2012 that the issue in FAA Advisory Circular 120-97 has been adequately addressed by the revision.

Question 13. FAA will address three review team recommendations relating to procedures for inspector disclosures and reporting of safety concerns. FAA plans to reinforce these procedures as part of a new recurrent advanced compliance and enforcement training course under development.

a. Are the three recommendations referenced in this corrective action the recommendations noted by the IAC Team in Attachment 3, p. 2, in response to Allegation 2?

b. The report states that the projected release for course prototype is May 2012. Is this still the projected release date?

Response to a. Yes. The IAC Team reported the recommendations referenced in the corrective action are the recommendations noted by the IAC Team.

Response to b. AFS-500 reports the prototype of the course has been delayed until August, 2012. The plan is to incorporate the issues raised as IAC Team Recommendations for Allegation 2 into the new Recurrent Compliance and Enforcement training course currently under development. When the development workgroup did the walk-through of the course material at the end of November 2011, the course mentor and the workgroup discussed the material and identified additional changes that needed to be made to the course. The changes were significant

ATTACHMENT 4 - FAA Response

enough to require additional development work and a second walk-through before prototyping the course.

Question 14. Allegation No. 3, report at pp. 10-11. In the referral of July 22, 2011, the whistleblowers alleged that FAA failed to complete the implementation of the recommendations from the OIG's report of December 7, 2009, and thus, the previously substantiated safety concerns remained outstanding. The report states that the allegation is not substantiated. However, the report goes on to state that the whistleblower's contention that FAA's actions were ineffective had merit and notes the discrepancies identified in the task card review for the FTS program. The report also states that FAA's review of all ADs with a priority on FTS ADs supports the whistleblowers' contention that AD compliance issues remained unresolved despite the findings of the OIG's 2009 report.

Please explain the agency's finding that the allegation is not substantiated. What is the agency's finding with respect to the whistleblowers' allegations that concerns with non-compliance and related safety issues persist? Report at p. 11.

Response The OIG has prepared the response for this question.

Question 15. Allegation No. 5. The report states that Delta's failure to comply with FTS and EWIS maintenance program requirements demonstrates a failure of Delta's CASS system. Report at p. 12. However, the report does not include any information on an action planned or taken in response to this finding. In Attachment 4, in the FAA's Response to the OIG Investigation Report, FAA notes that this project will not be considered complete without necessary changes to Delta's CASS program to validate new or major maintenance program changes. Again, no information is provided as to corrective actions planned or taken to complete this task.

Please provide an update as to the status of corrective action on this issue.

Response Delta is currently revising their Safety Risk Management (SRM) process to define the thresholds for major program changes to ensure the SRM process is invoked. Additionally, the CASS Program is under review to ensure resources are allocated to validate new or major changes to maintenance programs and once in place, ensure they achieve the desired results. These two enhancements are in addition to their existing technical coordination process, defined in TOPP 50-20-10 which ensures all affected departments concur with proposed program changes. This corrective action is part of Delta's final close out plan to be completed by May 31, 2012.

Question 16. EIR 2009SO270159 issued in response to Delta's operation of legacy Northwest B757 fleet without complying with AD 2008-10-11.

Response The matter is currently being reviewed by the Southern Region, Regional Counsel, and that office anticipates completing its review during the week of April 9, 2012.

ATTACHMENT 4 - FAA Response

Question 17. EIRs 2011SO275337 and 2011SO275338, dated August 19, 2011 and issued as a result of deficiencies discovered in the audit of FTS and EWIS maintenance programs which constituted regulatory non-compliance but not safety of flight issues.

Response While both investigations are currently ongoing, both are expected to be finalized with recommendation action(s) by June 30, 2012.

Question 18. EIR 2010SO270173 against Delta A320 aircraft for failing to comply with FTS safety requirements and EIR 2011SO275199 against legacy Delta B757 for failing to comply with the FTS requirements of December 2008, were also identified by the whistleblowers as enforcement actions that had not been enforced by the agency. The report does not provide any updates as to the status of these actions. Please provide a response from the agency on these EIRs.

Response EIR 2010SO270173: The Office of Regional Counsel for Southern Region issued a Civil Penalty Letter on November 22, 2011. Delta Air Lines has requested an informal conference during May, 2012.

EIR 2011SO275199: EIR 2011SO275199 is presently under initial review by The Office of Regional Counsel for Southern Region. They expect to complete their review the week of April 9, 2012.

If you have any questions or concerns, please contact Danny Moon at (404) 305-6028, or Jose Gueits at (404) 305-6012.