February 16, 2010

To: President Barack H. Obama, United States of America

The Honorable James L. Oberstar, Representative from Minnesota
Chairman, U.S. Congressional Committee on Transportation and Infrastructure

Secretary Ray LaHood, U.S. Department of Transportation

Administrator J. Randolph Babbitt, U.S. Federal Aviation Administration

From: Mark S. Lund, Aviation Safety Inspector, Minnesota
U.S. Federal Aviation Administration Delta Air Lines CMO

Subject: My Response to: The United States Office of Special Counsel File No. DI-08-2971, U.S. Department of Transportation Office of Inspector General's Report on, "FAA Oversight of Airworthiness Directive Compliance at Northwest Airlines"

Dear President Obama:

As I understand from the U.S. Office of Special Counsel (OSC), this written response will accompany their Report when it is forwarded to your office. I have signed my consent so that my response will be made available to the American citizens with the public release of the OSC Report, File No. DI-08-2971. I respectfully offer this written response as a U.S. Government employee in service to the citizens of The United States of America in the performance of my duties to ensure and maintain their safety in the United States of America's air transportation system.

I swore, under oath, that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I have been employed, since September 1989, as a U. S. Federal Aviation Administration (FAA) Aviation Safety Inspector (ASI) discharging my duties to protect the citizens of America for some twenty (20) years now.

I am a United States Navy veteran having served, for five (5) years, my military duties for the citizens of America aboard multiple aircraft carrier ships. I am humbly committed to

service for The United States of America, its people, the Freedoms and Liberties for which this Great Country stands.

We both know there is much work to be done, on behalf of the American people, in these current difficult times. I humbly respect the difficult issues that you face daily in resolve for the American people and the management of the affairs of The United States of America.

I am committed to you, President Obama, Chairman Oberstar, Secretary LaHood, and Administrator Babbitt, to give my full effort to resolve the aviation safety concerns I have raised, the safety concerns raised in this response, and will continue to raise, in the performance of my duties to keep the American public safe in air transportation.

I understand that I am protected by the laws of the United States of America from retaliatory acts against me by FAA management for my whistleblower disclosure of FAA management's continued demonstration to disregard their oath of office to the American people by catering to the desires of the airline(s), instead of addressing the safety concern, and electing to retaliate against your employed FAA Aviation Safety Inspectors for disclosing airline safety concerns and their efforts to ensure public safety. FAA Management continues to thwart the effectiveness of the Aviation Safety Inspector to uphold the public's safety.

I submit Mr. President, FAA management, and the un-safe, dysfunctional culture within the FAA they have created, currently is the highest risk to the public's safety in air transportation.

The current dysfunction within the Delta Air Lines, Inc. FAA Certificate Management Office (CMO), with the merger of the FAA Northwest Airlines, Inc. CMO, clearly evidences the dysfunction between FAA management and the FAA Aviation Safety Inspectors.

My public safety concerns with FAA's miss-management of the Northwest Airlines, Inc. Air Carrier Certificate were validated by the U.S. DOT's Office of Inspector General's (DOT-OIG) investigation in response to my U.S. Office of Special Counsel (OSC) whistleblower disclosure, OSC File number DI-08-2971, for which I am providing this formal response. **(OSC File DI-08-2971, ATTATCHMENT 1)**.

On September 28, 2007, the U.S. Department of Transportation Office of Inspector General released Report Number AV-2007-080, again validating mine, and other Aviation Safety Inspectors' public safety concerns with Northwest Airlines, Inc. and the miss-management of the airline by FAA Management. The OIG Report cites FAA Management's preference to retaliate against me rather than properly address the public safety concerns raised. The public safety issues raised in this 2007 OIG Report currently exist today within the FAA Delta Air Lines' CMO Management team and Delta Air Lines, Inc. now merged with Northwest Airlines, Inc. **(DOT-OIG File AV-2007-080, ATTACHMENT 2)**.

On behalf of the American People, Let there be no mistake of what I am disclosing to you President Obama.

Delta Airlines, Inc. is currently operating as a public safety risk due to FAA management allowing a continuing un-safe culture to cater to the airline, not ensure compliance with 14CFR Part 39 and Part 121 Regulations and FAA National Policy/Procedures, while not addressing FAA Aviation Safety Inspector's safety concerns raised in the performance of their public safety duties.

FAA's Delta CMO management has already set the threat of retaliatory acts, and/or re-assignment, against those Aviation Safety Inspectors that have brought forth public safety concerns evidenced by Delta Airlines, Inc and the miss-management of the Delta Air Lines air carrier certificate by FAA Management.

The Delta Air Lines' FAA Supervisory Principal Maintenance Inspector Mr. Keith Frable and FAA Senior Management Official Mr. Tony Campbell had accepted January 6, 2010 Delta Air Lines' Voluntary Disclosure for Regulatory Airworthiness Directive non-compliance to fourteen (14) Northwest Airlines' Boeing B757 aircraft due to work instruction accomplishment errors **(FAA Voluntary Disclosure Details, ATTACHMENT 3)**. This is the very same FAA miss-management acts validated in the recent U.S. OSC, DOT-OIG Report **(ATTACHMENT 1)** I am providing this response to.

I was the FAA Aviation Safety Inspector that identified this FAA manager failure and caused it to be brought to the attention of FAA supervision. The non-compliant acts by FAA Supervisor Frable and Senior Office Manager Campbell is the same act for which the DOT-OIG is recommending that FAA Management Officials consider taking appropriate administrative action against FAA office manager Mr. Ken McGurty (Northwest Airlines CMO and current FAA Delta Air Lines' CMO Manager) for approving the repeat (Airworthiness Directive) disclosure and the three (Airworthiness Directive) disclosures accepted during FAA's special emphasis review. **(DOT-OIG Response to U.S. OSC file DI-08-2971, page 15, 2nd paragraph and page 18, Recommendation 5, ATTACHMENT 1)**.

The continued FAA miss-management acts provide evidence to my public safety disclosure to you Mr. President, that it is the FAA's un-safe management culture that is inbred into FAA managers that is the current highest risk to the public's safety in air transportation. It has continued un-checked at least since the ValuJet aircraft accident of May 11, 1996 in which 110 people were killed.

How is the un-safe FAA management culture inbred into FAA managers and supervisors? FAA Management Officials reward their managers when they act favorably to the airline despite their actions are contrary to FAA National policy/guidance and result in 14CFR Regulation non-compliance by the airline. A current example of this is presently occurring within the FAA-Delta Air Lines CMO management team.

The FAA Supervisory Principal Maintenance Inspector for Northwest Airlines, Mr. Bruce Kotzian, is now being considered by FAA Management for the position of a permanent

FAA Supervisor. To encourage him to accept the position, FAA management has offered him an $8,000.00/year pay raise, as I understand from those having conversation with Mr. Kotzian.

In fact, Mr. Kotzian should be held in consideration of disciplinary action, as is recommended by the current U.S. OSC, DOT-OIG Report cited against FAA Supervisor Principal Avionics Inspector Mr. Paul Biever. Mr. Kotzian is equally guilty of the impropriety FAA approval of Northwest Airlines' non-compliance with the Fuel Tank System (FTS) maintenance program required by Airworthiness Directive and 14CFR 121.1113(c) Regulations. The Airworthiness Directive and Regulation were enacted after the Trans World Airlines (TWA) flight 800 Boeing B747 fuel tank explosion that killed 230 people on July 17, 1996 (NTSB Report AAR-00/03).

The U.S. OSC, DOT-OIG Report DI-08-2971, page 10 and 11 **(ATTACHMENT 1)** provides the OIG investigation findings and states on page 10, 4th paragraph, "Specifically, the Principal Avionics Inspector (Mr. Biever) approved the FTS maintenance program Operations Specifications on December 16, 2008, even though he knew Northwest had not incorporated all of the FTS requirements into its Reliability Document, General Engineering and Maintenance Manual, and maintenance task cards. He also violated the AD by granting the carrier extensions to January 31, 2009, (for the reliability and maintenance documents) and March 15, 2009, (maintenance task cards) without obtaining approval from the (FAA) Seattle Aircraft Certification Office (ACO)." The DOT-OIG Report recommends taking appropriate administrative action against Mr. Biever.

Mr. Bruce Kotzian, FAA Supervisory Principal Maintenance Inspector, also had full knowledge of Northwest Airlines' non-compliance when he collaborated with Mr. Biever's approval. Mr. Kotzian and Mr. Biever's names are listed together on the written correspondence between them and Northwest Airlines **(ATTACHMENT 4)**. FAA Supervisory Principal Maintenance Inspector Bruce Kotzian initialed the top of the Northwest Airlines' December 15, 2008 letter in which Northwest Airlines detailed the non-compliance in their FTS program with future dates stated for full compliance. FAA Supervisor Kotzian was fully aware of Northwest Airlines' non-compliance and allowed them to continue to operate past the December 16, 2008 required compliance date **(ATTACHMENT 4, page 1)**.

FAA Supervisor Bruce Kotzian was also the FAA Supervisor that complied with the FAA Great Lakes Region's direction to close out two (2) enforcement cases I wrote for Northwest Airlines' Regulatory non-compliance, EIR case files #2008GL010095 and #2008GL010106 **(ATTACHMENT 5)**. These 2 cases were submitted by me with a substantial civil penalty dollar amount due to Northwest Airlines' repetitive non-compliance with the Federal Aviation Regulations I cited in the case Reports. The substantial civil penalty was supported by FAA Order 2150.3B, Compliance and Enforcement.

FAA Supervisor Kotzian, demonstrated his willingness to do as the FAA Great Lakes Regional Flight Standards Division Manager, Mr. David Hanley wanted, and closed the 2 cases with administrative action letter of correction **(AATACHMENT 5)**. Thereby, Northwest Airlines is protected from being financially penalized for their repetitive non-compliance with

Federal Aviation Regulations. United States of America Aviation Regulations enacted to keep the public safe in air transportation.

Mr. Kotzian has earned FAA management's loyalty to do as they say without question and is now being considered to be a permanent FAA Supervisor with a reported $8,000.00 a year pay raise. This is exactly how FAA senior management, Regional Division Managers, clone the un-safe, dysfunctional management culture currently existing within the FAA and continues to put the public in harms way while staying "cozy" with the airline.

The Attachment 4 documents were given to the FAA Flight Standards Southern Region Manager, ASO-290, Mr. Ken Bryant, during his official inquiry interview with me on January 14, 2010 regarding pending FAA administrative action against Mr. Paul Biever and Mr. Ken McGurty. I also provided additional testimony to support FAA disciplinary action against FAA Supervisor Bruce Kotzian and FAA Supervisor Sam Varajon.

FAA Supervisor Sam Varajon also accepted Northwest Airlines' Voluntary Disclosures for their non-compliance to Airworthiness Directives during the FAA's AD special emphasis review of March 13, 2008 through June 30, 2008.

On May 28, 2008, FAA Supervisory Principal Avionics Inspector Sam Varajon accepted Northwest Airlines' Voluntary Disclosure for their non-compliance with AD 90-24-02. This was an AD that had been selected by the FAA to be reviewed. FAA Supervisor Varajon had given advance notification of the AD under FAA review to Northwest Airlines. FAA Supervisor Varajon accepted Northwest Airlines' AD Voluntary Disclosure for AD 90-24-02. He did not reject it until he was put on notice by my email of May 28, 2008, to him, advising him his actions were contrary to written FAA National policy and guidance. **(ATTACHMENT 6)**.

The U.S. OSC, DOT-OIG Report DI-08-2971, pages 12 and 13 provides justification for FAA to consider administrative action against FAA Office Manager Ken McGurty for failing to comply with FAA National Policy/guidance in regards to accepting the airlines' Voluntary Disclosure. The last paragraph on page 13, of the Report, makes mention of FAA Supervisory Principal Avionics Inspector Sam Varajon, in that he had, "rejected another voluntary disclosure submitted May 28, 2008, citing that FAA guidance did not allow the violation to be accepted because an FAA investigation or inspection was already in progress." **(ATTACHMENT 1)**

However, the U.S. OSC, DOT OIG Report does not include the additional factual evidence of my May 28, 2008 email to FAA Supervisor Varajon, after Varajon had accepted Northwest Airlines' disclosure. My email of May 28, 2008 motivated FAA Supervisor Varajon to reject the disclosure after he had in fact accepted it **(ATTACHMENT 6)**.

As is the case for FAA Manager Ken McGurty's recommended administrative action against him, the same applies to FAA Supervisor Sam Varajon. Varajon too needs to be subjected to administrative action against him. The evidence supports that FAA Supervisor Sam Varajon should also have appropriate FAA administrative action taken against him as his non-compliance actions for accepting the airlines' Voluntary Disclosure are the same as Mr. McGurty's.

President Obama, I earlier mentioned the enforcement investigation report, EIR # 2008GL010095, for which I investigated and wrote recommending a substantial civil penalty dollar amount against Northwest Airlines, Inc. FAA Supervisor Bruce Kotzian subsequently closed this case with a letter of correction as he was directed by the FAA Great Lakes Region to do **(ATTACHMENT 5)**. FAA Supervisor Kotzian's actions protected Northwest Airlines from any financial penalty for their systemic trend of Regulatory non-complinace.

The U.S. OSC, DOT-OIG Report DI-08-2971, for which I am responding to, contains a discussion on EIR case # 2008GL010095 and case # 2008GL010106, both cases I investigated and wrote the case reports. On page 15 of the U.S. OSC, DOT-OIG Report the two cases are spoken to. According to page 19 of the Report, the Great Lakes Regional Specialist Mr. Tom Duellman was interviewed **(ATTACHMENT 1)**.

It was FAA Great Lakes Regional Specialist Duellman that initially processed the review of my EIR case #2008GL010095. Mr. Duellman recommended a civil penalty of $325,000.00 on August 28, 2008 and initialed the Regional EIR processing form **(ATTACHMENT 7)**. Page 1 of Attachment 7, shows Mr. Duellman's handwritten recommendation and initials. Mr. Duellman also acknowledged that the 14CFR Regulations I cited for Northwest Airlines' non-compliance were correct. On August 28, 2008, Regional Specialist Tom Duellman had no trouble understanding the EIR case I wrote, and as such, he recommended a civil penalty of $325,000.00. **(ATTACHMENT 7, page 1)**

FAA Office Manager, Kenneth J. McGurty, also signed August 18, 2008 his approval of the case, as written by me (Mark Lund), to go forward to the Great Lakes Regional Office for legal action recommending a civil penalty in dollars **(ATTACHMENT 7, page 4)**.

Yet, after the FAA Office Manager's approval, and the Great Lakes Regional Specialist's recommendation of $325,000.00 civil penalty against Northwest Airlines, The FAA Great Lakes Regional Division Manager David Hanley rejects the case.

On September 23, 2008, FAA Flight Standards Regional Division Manager David Hanley, without providing any substantiation for his opinion that the case is not supported, sends the case back to the field office. Mr. Duellman's hand written record provides this evidence **(ATTACHMENT 7, page 1)**.

On October 3, 2008, Great Lakes Regional Specialist Tom Duellman initiates an FAA Nonconformance Record (NCR) Number 5050. This occurs after Regional Manager Hanley has rejected the case and after Mr. Duellman initially recommended a $325,000.00 civil penalty sanction against Northwest Airlines on August 28, 2008. Mr. Duellman now cites in the NCR that: 1) intentional systemic has not been proven. 2) Investigative personnel did not provide an orderly and logical statement of facts. 3) None of the opinions expressed in Section B are labeled as such. Mr. Duellman goes on to elaborate his fabricated findings in response to Hanley's directive. Mr. Duellman states the aircraft was not operated on 52 flights but 13 flights. Mr. Duellman is incorrect it was in fact 52 flights. He states the twenty-eight pages of statements to support 9 items of proof is confusing. **(ATTACHMENT 7, pages 6 and 7)**.

The Report I wrote was not confusing to Specialist Duellman on August 28, 2008, when he recommended a $325,000.00 civil penalty on page 1 of Attachment 7, to this response. Mr. Duellman is now being directed by FAA's Regional Division Manager, David Hanley, to send

the Report back to the field office. Mr. Duellman is now fabricating issues with the Report he initially found acceptable in effort to appease Manager Hanley.

On November 6, 2008, I responded in writing to FAA Supervisory Principal Avionics Inspector, Paul Biever, refuting the non-conformance issues now raised by the Great Lakes Region. **(ATTACHMENT 8)**.

It is evident by the U.S. OSC, DOT-OIG Report that my written response was never forwarded to the FAA Great Lakes Regional Office. I suspect FAA Supervisor Paul Biever did not disclose my November 6, 2008 NCR response letter as it presents Biever's and the Region's willingness to protect Northwest Airlines from the legal action of a substantial civil penalty dollar amount of $325,000.00. FAA Supervisor Biever and the FAA Region preferred to retaliate against me for doing my public safety duties in accordance with FAA National Policy and guidance. The letter I wrote is attached to this response and provides details of Supervisor Biever and the Regional Office's efforts to protect Northwest Airlines and retaliate against me. **(ATTACHMENT 8)**.

The U.S. OSC, DOT-OIG Report, page 16, states that the FAA Great Lakes Flight Standards Division Manager David Hanley has retired. The Report, page 16, 2nd paragraph, states the Regional Specialist (Tom Duellman) in the case involving the valve actuators (EIR 2008GL010095, **(ATTACHMENT 7 and 8)**, contained an inaccurate number of flights, and lacked a logical statement of facts. Yet, it was Duellman that on August 28, 2008, cited a $325,000.00 civil penalty against Northwest Airlines for this very case he know claims, after David Hanley's rejection on September 23, 2008 **(ATTACHMENT 7, page 1)** , that the case is not supported.

The evidence supports FAA Great Lakes Regional Flight Standards Manager David Hanley, under his sole authority without justification, directed the Regional Specialist to reject the case for fabricated reasons. It is also clear, by the U.S. OSC, DOT-OIG Report, that Mr. Duellman had not received my response to his NCR **(ATTACHMENT 7 and 8)** and that FAA Supervisor Biever did not forward the response to the Region.

The complete facts of the events to my EIR case # 2008GL010095 clearly evidence the FAA Regional Division Manager David Hanley's abuse of authority in sole effort to protect Northwest Airlines. It is interesting that now Mr. David Hanley is retired... the same as Regional Division Manager Tom Stuckey and FAA-AVS-1 Nick Sabatini before him (Southwest Airlines Congressional Hearings of April 2008).

It is Senior FAA Management that has cloned the current dysfunctional FAA Management culture to stay "cozy" with the airline, protect the airline, and as such has placed the safety of the public at risk. It continues to this very day.

FAA Supervisor Bruce Kotzian complied with the wishes of the Regional Office and closed EIR file #2008GL010095 with a letter of correction not financially penalizing Northwest Airlines **(ATTACHMENT 5)**. Kotzian has demonstrated his loyalty to FAA Management and is being considered for a permanent FAA Supervisor position with an $8,000.00/year pay raise. Money buys FAA Manager loyalty and favoritism towards the airline.

FAA Administrator Babbitt should not be surprised by the un-safe, dysfunctional FAA Management culture that currently exists within the FAA. Mr. Babbitt was a team member of the U.S. Department of Transportation's Independent Review Team (IRT) that produced a Report to Secretary Mary E. Peters, September 2, 2008. Excerpts of their Report, "Managing Risks in Civil Aviation: A Review of the FAA's Approach to Safety." **(ATTACHMENT 9)**

The IRT's Report, page 40 states, "The prevailing wisdom in the wake of the Southwest CMO events, was that the most serious errors were made by one (FAA) Principal Maintenance Inspector (PMI) who obstructed enforcement actions proposed by subordinates. That is what ultimately embarrassed the agency (FAA) most of all, in that instance. Perhaps the public airing of that case, and the resulting actions taken against that particular PMI, are still having the effect of inhibiting managers elsewhere from interfering too much in lower level enforcement decisions. Perhaps that explains to some degree why significant disparities in opinion about choice of regulatory methods persist in some office, even now."

"The IRT views the persistence of such starkly contrasting regulatory ideologies in a small number of FAA offices as worrisome." **(ATTACHMENT 9, IRT Report, page 40)**.

President Obama, FAA Administrator Babbitt is now in the position to direct a change in FAA Management culture and to directly intercede in the dysfunctional, un-safe culture that currently exists between FAA Management and the Aviation Safety Inspectors within the FAA Delta Air Lines Certificate Management Office. The largest airline in the world is currently being miss-managed by FAA Management, and as such the safety of the public is at risk.

FAA Administrator Babbitt has made clear statement that the flying American public is FAA's customer and not the airline, Delta Air Lines, Inc.

Currently, there is dysfunction between the FAA Aviation Safety Inspectors and FAA management in both, and between, the FAA Delta Air Lines' Certificate Management Offices in Atlanta, Georgia and Minneapolis, Minnesota. Aviation Safety Inspectors have already been threatened with retaliatory acts by FAA management for only trying to comply with FAA National guidance and policies. I myself have been accused by the FAA Supervisory Principal Maintenance Inspector Keith Frable of not following FAA procedures when in fact I was. It is he who has not complied with FAA National procedures. I have previously pointed out his failure in accepting Delta Air Lines' Voluntary Disclosure for repeat Airworthiness Directive non-compliance on the Northwest Airlines Boeing B757 aircraft **(ATTACHMENT 3)**.

The Aviation Safety Inspectors are being restricted in their assignments in effort that they not identify safety concerns with their surveillance on Delta Air Lines or challenge FAA management in management's failure to follow current FAA National policy and guidance.

The FAA Delta Office Manager Mr. Tony Campbell has stated numerous times that all must follow and comply with FAA National policy and guidance. Yet, management and Supervisory Principal Inspectors are not held accountable for their failure to follow FAA policy and guidance. Mr. Tony Campbell himself accepted, as the FAA Senior Management Official, the Voluntary Disclosure Keith Frable had incorrectly accepted **(ATTACHMENT 3)**. FAA Senior Management's sign off on Voluntary Disclosures is not stopping Management's non-

compliance with FAA National policy for the Voluntary Disclosure Program. FAA Manager Campbell does not comply with his own rhetoric to comply with FAA National Policies and guidance.

A Senior FAA Manager signature of acceptance for the airlines' Voluntary Disclosure was an FAA corrective action to the process as offered during Chairman Oberstars' Congressional Hearings of April 2008. The FAA fix has proven itself not to be effective in stopping improper application of the FAA's Voluntary Disclosure Program. Until FAA Management is strongly held accountable for compliance with FAA National Policy, FAA management will continue their ways despite the rhetoric from Senior FAA Officials.

President Obama, Be assured, it is not the current FAA National Policies and Procedures that are at fault. It is FAA Management's intentional will not to follow FAA National Policy/guidance ,when it benefits the airline, that is causing the risk to the public's safety within the FAA. FAA Management views themselves above compliance with their own policies and procedures in effort to stay "cozy" with the airline.

There is currently much tension in both FAA Delta Air Lines' offices between the FAA Aviation Safety Inspector employees and FAA Management. This is a real risk to the public's safety.

Currently, a special FAA Team from FAA-AFS-900, under the direction of FAA's Flight Standards Director Mr. John Allen is conducting an evaluation on Delta Air Lines in response to the U.S. OSC, DOT-OIG Report. Initially, this Team was to evaluate Delta Air Lines' Continuing Analysis and Surveillance System (CASS). An effective CASS process is required of Delta Air Lines by Federal Aviation Regulations, 14CFR 121.373. Delta's CASS has been identified by Aviation Safety Inspectors in the FAA Delta Atlanta and Minneapolis offices to be ineffective. I was part of the merged program review team to determine if Delta's CASS program was acceptable and met all FAA policies and guidance. Delta's CASS did not fully comply. Five (5) years of historical FAA data evidence that both Northwest Airlines and Delta Air Lines have ineffective CASS programs. Most of the findings in the DOT-OIG CASS Report, AV-2002-066 exist today within FAA and at Delta Air Lines **(ATTACHMENT 10)**.

FAA Supervisory Principal Maintenance Inspector Keith Frable approved the merger of Northwest Airlines into Delta Air Lines CASS process despite public safety objections from the evaluating Aviation Safety Inspectors. An airlines' CASS process is the quality assurance safety net over all airline maintenance activities. The CASS evaluation was not initiated by the FAA-AFS-900 Team due to management objections from Delta Air Lines and the FAA. I was personally present, as were other aviation safety inspectors, during the AFS-900 Team in-briefings. Delta Air Lines' CASS program required by 14CFR 121.373 is currently a risk to the American Public's safety. Their CASS is not effective.

Why is the current Delta Air Lines' ineffective CASS processes a risk to public safety?

On January 31, 2000, Alaska Airlines Flight 261 crashed into the Pacific Ocean just outside of Los Angeles, killing all 88 people on board. Following the crash, FAA conducted a

special safety inspection, which revealed that Alaska Airlines improperly deferred maintenance, lacked standards for parts, and lacked effective quality control and quality assurance programs. "According to the FAA, these problems indicated a breakdown in the effectiveness of Alaska Airlines' Continuing Analysis and Surveillance System (CASS). If the CASS had been operating effectively, Alaska Airlines' own internal monitoring process should have identified the deficiencies in its maintenance program. In addition, the findings from the special inspection raised questions as to *why FAA's routine surveillance had not identified the deficiencies in Alaska Airlines' CASS and ensured they were corrected."* **(DOT OIG Report No. AV-2002-066, Executive Summary, page I, ATTACHMENT 10)**.

The DOT-OIG CASS Report page 5, "FAA Needs to Ensure CASS Deficiencies Identified Through Its Oversight Inspections Are Corrected," states, "In another instance, a major air carrier was assessed a sizable civil penalty in July 1998 for violating aircraft maintenance and operating rules, problems that are related to the effectiveness of the air carrier's CASS. FAA entered into an agreement with the carrier to reduce the penalty by half if the carrier made improvements in its maintenance program.

However, FAA Flight Standards Service Headquarters officials made a decision in August 1999 to absolve the carrier of the remainder of the penalty because, in their view, the carrier had complied with the agreement. (Senior FAA Management Officials enacted an abuse of their authority in over ruling the local office's validated public safety concerns. This is exactly why FAA Management is currently the highest risk to the American Public's safety.).

The local FAA office did not agree that the carrier had made sufficient progress in correcting the deficiencies. Local (Aviation Safety) inspectors had identified 33 of 71 deficiencies relating to the performance of maintenance procedures that the carrier had not addressed." In July 2000 an FAA special inspection substantiated the local office's inspector concerns and determined that the carrier's CASS continued to operate ineffectively.

FAA Flight Standards Headquarters' Management thwarted the Aviation Safety Inspector's substantiated public safety concern effort and allowed continued operation of the air carrier despite the carrier operating with a deficient CASS program which is required by Federal Aviation Regulation 14CFR 121.373. The un-safe culture within the FAA has been inbred by Senior FAA Management Officials that continuously trump the Aviation Safety Inspector's public safety concerns.

Delta Air Lines' the world's largest air carrier, is currently operating with FAA Aviation Safety Inspector identified deficiencies with its Federal Aviation Regulation 14 CFR 121.373 required CASS program. FAA Management has allowed this to occur placing the desire of Delta Air Lines to merge with Northwest Airlines above the safety of the public.

And so it is with sadness and dedication to the safety of the American People, that I am responding to the U.S. OSC, DOT-OIG Report because FAA management continues, to this very day, in the miss-management of the now Delta Air Lines' (merged Northwest Airlines) air carrier certificate, the world's largest air carrier. FAA Supervisory Principal Inspectors have

discounted the safety concerns raised by us Aviation Safety Inspectors during review of the Northwest and Delta merged programs., especially Delta Air Lines' CASS program.

Instead of resolving the deficiencies of Delta's CASS program, FAA Management elected to collaborate with the airline to obtain a single FAA issued air carrier certificate by January 1, 2010, due, as I understand, to financial tax advantages for Delta Air Lines, Inc. As such, the public's safety is currently at risk in favor of financial tax advantages for the airline.

FAA management has thwarted the public's safety to accommodate tax benefits that are beneficial to Delta Air Lines. I thought that Senior FAA Management, as well as FAA Administrator Babbitt, had made clear statement that the flying American public is FAA's primary customer and not the airline, Delta Air Lines, Inc.

The Alaska Airlines accident of January 31, 2000, which killed 88 people, was caused by the failure of FAA management to heed the public safety concern warnings from your own FAA Aviation Safety Inspectors.

Aviation Safety Inspectors, like Mary Rose Diefenderfer, an FAA Principal Inspector, who was forced out of the FAA by FAA Senior Management (Brad Pearson FAA Flight Standards Northwest Mountain Regional Division Manager) due to her relentless effort to gain the public's safety for the identified deficiencies existing at Alaska Airlines prior to the airlines' accident that killed 88 family members, relatives and friends of America's citizens.

Aviation Safety Inspector Mary Rose Diefenderfer lost her FAA employment due to her un-relenting efforts to keep the public safe as she swore under oath to uphold.

Eighty-eight (88) people died because FAA management did not act on hers, and other inspectors, safety concerns with Alaska Airlines' un-safe Management culture, deficient operations and maintenance processes presenting a public safety risk before the accident. The death of 88 lives and the DOT-OIG Report of FAA's CASS oversight now evidences the Aviation Safety Inspectors public safety concerns on Alaska Airlines were valid while FAA Management stayed "cozy" with the airline. 88 people died. What a tragic way to evidence FAA Management's preference to retaliate, in collaboration with the airline, against the Aviation Safety Inspector and protect the airline at the public's expense of lives. This is not an isolated case with Ms. Diefenderfer. I too was un-justly removed from my assignment due to false accusations from the airline and FAA Management's collusion with the airline **(ATTACHMENT 2)**.

President Obama, please find attached, **(ATTACHMENT 11)** Mary Rose's statements detailing FAA Managers mismanagement of Alaska Airlines leading up their January 31, 2000 accident that killed 88 people. Her April 17, 2008 Testimony was addressed to the Honorable Jim Oberstar during his Committee Hearings of April 2008 in response to FAA Aviation Safety

Inspector whistleblower disclosures of FAA Management "cozy" to Southwest Airlines, thereby, placing the American People's safety at risk.

I ask you, President Obama, to direct your U.S Attorney General, Mr. Eric H. Holder, Jr., to review Mary Rose Diefenderfer's statements. I believe they have merit and clearly disclose FAA management's abuse of authority and retaliatory acts against her, resulting in her termination by the FAA for her diligent efforts to keep the American People safe. FAA management discredited her, and other inspectors that raised safety issues on Alaska Airlines. As a result, FAA management allowed 88 American People to be killed. I appeal to your sense of service to the American People, to make Mary Rose Diefenderfer whole for the wrong done to her by FAA Management.

FAA Management's current unsafe culture has been allowed to exist evidencing itself during the FAA miss-management of ValuJet Airlines' and the resulting Flight 592 accident that killed 110 people on May 11, 1996 **(excerpts in ATTACHMENT 12)**. On February 14, 1996, FAA's Flight Standards' Maintenance Headquarters' Division, AFS-300, prepared a Report on a summary of ValuJet Airline's accident/incidents, enforcement history, NASIP inspections, and the FAA surveillance activities.

Three (3) months before the ValuJet accident, the FAA-AFS-300 Report recommends, "Consideration should be given to an immediate FAR 121 re-certification of this airline. This recommendation is based on such known safety related issues as the absence of adequate policies and procedures for the maintenance personnel to follow. Additionally, the absence of engine trend monitoring data, and the possibility of a continuous airworthiness maintenance program that maybe inadequate because it uses reliability based procedures without a reliability program." There were 3 other recommendations given in the AFS-300 Report **(ATTACHMENT 12)**.

The safety risk data on ValuJet was there, February 14, 1996, it was compiled and known by FAA Senior Management. FAA Headquarters' Maintenance Division made recommendation to re-certify the airline. FAA Senior Management did not act and 3 months later 110 people were killed on the May 11, 1996, ValuJet Flight 592. It was not the FAA need to develop better database tools, such as the current ATOS process. It was the failure of FAA Senior Management to act on the data they had. The FAA ATOS process has been a terrible waste of the American tax payers' monies. ATOS is cited routinely as deficient by numerous DOT-OIG Reports.

FAA Aviation Safety Inspectors like Mary Rose Diefenderfer, also sounded the alarm on Alaska Airlines' and the airlines' un-safe culture to Senior FAA Management. She was retaliated against by FAA management while Alaska Airlines proceeded to kill 88 people on January 31, 2000 **(ATTACHMENT 11)**.

My public safety concerns, disclosed to the U.S. Office of Special Counsel and the subject of this response to you, with the FAA miss-management of Northwest Airlines' by FAA Managers of the Certificate Management Office (CMO), now merged with FAA-Delta Airlines-CMO, were validated with two (2) recommendations to consider taking administrative actions against the FAA Supervisory Principal Avionics Inspector and the FAA-CMO Manager. The

miss-management of a major air carrier certificate that continues after the ValuJet accident of May 11, 1996, the Alaska Airlines accident of January 31, 2000, the Southwest Airlines Airworthiness Directive Congressional Hearings of April 2008, The DOT Independent Review Team in which they report, September 2008, to be worrisome, and my disclosure validated by the U.S. OSC, DOT-OIG Report No. DI-08-2971, of December 7, 2009.

And yes, President Obama, FAA is continuing to miss-manage Delta Air Lines, the world's largest air carrier. Delta Air Lines' CASS program, required by Federal Aviation Regulations 14CFR 121.373, has been determined by numerous FAA Aviation Safety Inspectors, including myself, to be ineffective in assuring Delta Air Lines' maintenance is, and continues to remain in full compliance with all Federal Aviation Regulation maintenance requirements, aircraft airworthiness requirements, and that all aircraft operated by Delta Air Lines are safe for passenger transportation.

On January 20, 2010, a Delta Air Lines' Airbus A320, N333NW, aircraft departed Minneapolis on Flight 2412 to Cancun, Mexico. On arrival in Cancun, a panel on the right horizontal stabilizer was found hanging down from its hinge and missing all 16 screws that hold the panel closed. Delta Air Lines' Engineering Repair Authorization states the attaching bolts were missing, not sheared off. The Delta Engineering Authorization directed taping the panel closed for one passenger revenue flight returning back to Minneapolis. Delta operated the aircraft in passenger service with this not airworthy condition because they failed to install all panel screws. FAA commenced enforcement investigation under EIR File # 2010SO270112 **(ATTACHMENT 13)**. Yet, there has been no immediate FAA action taken to improve Delta Air Lines' CASS program, or Delta Air Lines' compliance with 14CFR 121.367(c), that aircraft operated are ensured to be airworthy.

President Obama, Why am I directing your attention to the failure of Delta Air Lines' maintenance to install all panel screws in an access panel on the tail of a passenger aircraft? Because,

On September 11, 1991, a Continental Express Embraer 120 aircraft while operating on Flight 2574 crashed killing 14 people because the airlines' maintenance failed to re-install all the screws they had removed from the horizontal stabilizer leading edge deicing boot. The leading edge came loose in flight and the aircraft crashed killing all onboard. **(ATTACHMENT 14)**.

The Continental Express NTSB accident Report on page 44 **(ATTACHMENT 14)** also finds fault with FAA's oversight of the airline including FAA's National Aviation Safety Inspection Program (NASIP) team inspection following the accident. The Report states, "The Safety Board is concerned that the limited scope of the NASIP inspection might have failed to uncover areas relevant to the accident. For example, the NASIP inspection did not find deficiencies in shift turn over procedures. It is known that after the accident Continental Express took some action to ensure compliance with the procedures required in their GMM (General Maintenance Manual)." "In summary, the Safety Board concludes that FAA surveillance of Continental Express was inadequate because it failed to identify and correct deficient management actions and oversight of the airline's maintenance department, as well as to identify practices in the maintenance program that were contrary to the GMM."

President Obama, I was a member of that FAA NASIP team that conducted special surveillance on Continental Express shortly after the accident. The FAA NASIP Team Manager, Mr. Frank Maly, (an FAA Great Lakes Flight Standards Regional Manager) told our team very directly and specifically to not conduct surveillance in any areas of Continental Express that may be a cause in the aircraft accident. FAA Manager Maly, was observed by myself and others on the team, to be conducting evening socializing with Continental Airline's management. FAA Manager Maly sternly argued every finding team member Aviation Safety Inspectors brought forth during the NASIP inspection. Some team members departed early due to the threatening acts against them by Mr. Maly and his interest to present Continental Express with favor in the NASIP Report. I swear to this as to how FAA Management protected Continental Express, and parent Continental Airlines even after their accident that killed 14 innocent people.

It is not the NASIP inspection process that was deficient. The NASIP was deficient because of FAA Management's pre-determined desired outcome. It was FAA Management's position to protect the airline even after a fatal accident.

It was not the FAA's computer tracking Program Tracking Reporting System (PTRS) for data entry of Aviation Safety Inspector's work activities and surveillance findings into a computer database that was deficient prior to the ValuJet accident. The un-safe data in the PTRS database, identified by AFS-300, evidenced that ValuJet should be re-certified as an air carrier.

FAA Management Officials failed to act. FAA's Air Transportation Oversight System (ATOS) current surveillance tool evolved out of the ValuJet accident because it was believed PTRS was not adequate. Millions of dollars in tax payer's monies have gone into the development and implementation of ATOS since ValuJet. ATOS continues to be cited as deficient in U.S. DOT-OIG Reports and the latest DOT Independent Review Team (IRT) Report **(ATTACHMENT 9)** for which current FAA Administrator Babbitt was a team member.

The root cause of FAA's failure to uphold the American Public's safety in air transportation is FAA Management Officials and the un-safe culture they solely allow to exist.

I direct your attention to the NTSB Report of the Continental Express accident **(ATTACHMENT 14)**, page 51. NTSB member John K. Lauber filed a dissenting statement to the NTSB accident Report. Mr. Lauber points out numerous failures within Continental Express' maintenance actions. He even cites concern about the way certain factual background information regarding senior (airline) management personnel has been handled in this Report (on page 53, last paragraph). On page 54, Mr. Lauber states he believes the probable cause (of the accident) should read as follows:

> "The National Transportation Safety Board determines that the probable causes of this accident were (1) the failure of Continental Express management to establish a corporate culture which encouraged and enforced adherence to approved maintenance and quality assurance procedures, and (2) the consequent string of failures by Continental Express maintenance and inspection personnel to follow approved procedures for the replacement of the horizontal stabilizer deice boots. Contributing to the accident was the inadequate

surveillance by the FAA of the Continental Express maintenance and quality assurance programs."

I agree with Mr. Lauber's statement and also would submit that FAA Management wanted the Continental Express Air Carrier Certificate to be managed the deficient way it was leading up to the accident. Continental Airlines had recently completed the merger of three (3) separate regional air carriers into one Continental Express air carrier certificate. This is an enormous amount of work for the FAA. I was part of the FAA team in the Denver Flight Standards District Office evaluating the maintenance programs and merger of the three (3) separate regional airlines. Despite identified deficiencies existing in those maintenance programs as we had evaluated, FAA management approved the merger of the certificates and moved the certificate to the Houston FAA Office with Continental Airlines.

Existing identified deficiencies within Northwest Airlines and Delta Air Lines also did not get resolved before FAA Management allowed the merger of these two major airlines into the world's largest airline under one air carrier certificate of Delta Air Lines, Inc. This was done by FAA Management for the sole financial benefit of Delta Air Lines, Inc.

As a result, the public's safety is at risk with existing identified program deficiencies within Delta Air Lines' maintenance processes and the additional dysfunction between FAA management and the Aviation Safety Inspector work force. The validation of my safety concerns by the recent U.S. OSC, DOT-OIG investigation, as well as my previous safety concerns validated by the September 28, 2007 DOT-OIG investigation of unsafe maintenance practices at Northwest Airlines **(ATTACHMENT 2)**, gives credibility to my statements and current safety concern with Delta Air Lines due to their merger with Northwest Airlines.

I direct your attention to the September 28, 2007 DOT-OIG Report, Attachment 2, page 7, "FAA Needs To Hold the Northwest CMO Accountable for Correcting Identified Safety Deficiencies." The DOT-OIG cites that the FAA has not taken sufficient action to verify that the FAA-CMO has corrected the deficiencies identified by its (FAA) two review teams. "FAA's second review team conducted on-site testing at Northwest in November and December of 2005 and-unlike the first (FAA) review team-determined that at least 14 of the concerns expressed by inspectors and managers had merit. The second team also identified a problem with how the (FAA) CMO resolved safety allegations." "FAA finalized the report on its second review in June 2006. However, we found no evidence indicating that the report was issued to the CMO or that FAA's Office of Flight Standards Service planned to verify that the findings and other inspector concerns would be addressed."

I direct your attention to Exhibit B of the report and the OIG Investigation Results. In summary, it states, "Also, FAA did not develop a follow-up process to ensure that the Northwest CMO resolved all the concerns that were identified."

FAA did not resolve the safety concerns identified by myself and other Aviation Safety Inspectors with Northwest Airlines and the FAA miss-management of Northwest Airlines by September 28, 2007. FAA Managers' miss-management of a major air carrier certificates is a

systemic, Nationwide problem as we all saw with the Southwest Airlines Congressional Hearings of April 2008.

FAA did not resolve the miss-management issues of Northwest Airlines and as a result my safety concerns filed with the U.S. OSC in October 2008 because FAA Senior Management, AVS-1, did not respond to my safety concerns written to him in July 2008. FAA-AFS-10, Manager Mike McCafferty, under the direction of FAA-AVS-1 Nick Sabatini, took no action to my safety concerns emailed to Mr. Sabatini on July 3, 2008 **(ATTACHMENT 15)**. Again, my concerns with FAA's miss-management of Northwest Airlines were validated by the release of the DOT-OIG Report of December 7, 2009, for which I am providing this response.

FAA's ability, or more correctly, their lack of willingness to respond to public safety concerns raised by Aviation Safety Inspectors clearly demonstrates their failure in my U.S. OSC disclosure, DI-08-2971. My safety concerns were filed with the U. S. Office of Special Counsel because, after some three (3) months, FAA Washington Headquarters Management took no action to resolve my public safety concerns. My concerns were subsequently validated after many tax payer dollars were expended for the U.S. OSC, DOT-OIG investigation.

As was given testimony in Chairman Oberstar's Hearings of April 2008, FAA Management is not able to resolve Aviation Safety Inspector public safety concerns. FAA's safety information reporting system under Mr. Mike McCafferty is a failure. There must be a body outside of the FAA to legitimately resolve Aviation Safety Inspector public safety concerns. American citizens have died in the Continental Express, ValuJet, and Alaska Airlines accidents because FAA Management failed to heed and act upon the safety warnings raised by experienced FAA Aviation Safety Inspectors.

The current and historical un-safe culture, of FAA Management, as presented in this response, continues to be a risk to the American Public's safety to this very day.

It is not the FAA's automation and computer database tools that are a risk to the public's safety. It is FAA Management and the un-safe culture they have established within the FAA. Yes, FAA Management speaks a safety culture but this is contrary to their actions.

An experienced FAA Aviation Safety Inspector, as myself and co-inspectors, that follow FAA's National Policies and Guidance, is very capable of identifying passenger safety risks with the air carriers they are assigned to. The experienced Inspector is capable of obtaining solutions for airline compliance. The experienced Aviation Safety Inspector is very capable of writing factual and substantial penalty Enforcement Investigation Reports (EIRs) that will financially motivate airlines to ensure their compliance with Federal Aviation Regulations for which they, by the laws of the United States of America, are obligated to comply with.

The experienced FAA Aviation Safety Inspector is not supported by FAA Management in their public safety duties, unless there is a predetermined FAA Management reason to do so. The Aviation Safety Inspector has to typically fight through the FAA Management chain of command just to perform his public safety duties.

The easy way is to always agree with FAA management and not identify safety concerns with the airline. FAA Management gives merit awards to inspectors for their assistance with the airline. In 20 some years with the FAA, I have yet to see an award be given to an FAA Aviation Safety Inspector for turning in a substantial penalty EIR against an airline. Yet, this is one of his job functions. It is an enormous amount of work to investigate and write a significant EIR with a substantial dollar amount of civil penalty. FAA Management awards Aviation Safety Inspectors who provide what the airline wants. But they do not award the FAA inspector in his efforts to gain current and continued compliance by the airline through punitive measures as provided in FAA National Policy and guidance. FAA Management has bred the un-safe culture that exists within the FAA.

It is FAA Management Officials that thwart the effectiveness of the Aviation Safety Inspector on behalf of the airline and place at risk the passenger's safety. It is not automation and risk assessment databases that will correct this un-safe state of the FAA. It is a change in FAA's Management culture, including manager/supervisor replacements, to those that demonstrate integrity to uphold the flying public's trust for their safety.

It will take FAA Manager's willingness to act on behalf of the safety of the flying public first and not the interest of the airline, as is the current state of Delta Air Lines, Inc. It is as simple as holding FAA management accountable for their own compliance with FAA National Policies and Guidance; And, as necessary, removing those from the position when they do not comply.

FAA Management has cloned this present state of FAA culture by selecting FAA managers and supervisors that allow the continuation of this un-safe management culture, placing the airline's best interests over the safety of the flying public.

Northwest Airlines, now merged with Delta Air Lines, has a history of engine cowling falling off in flight due to the failure of maintenance to install it properly. The airline, in the past 2 years, had a DC-9 aircraft experience an elevator attachment bolt fall out on takeoff causing the flight crew to lose control of the aircraft, immediately returning the aircraft to the airport fortunately landing safely. Again, the failure of the airlines' maintenance to properly install the bolt and a failure of their Regulatory required 14CFR 121.373 CASS program to identify and correct maintenance deficiencies before they manifest themselves into safety events. These systemic events of public aviation safety regulation non-compliance are now occurring with Delta Air Lines. According to FAA Order 2150.3B, it is FAA's expectation that a violation free history is the norm. This current FAA National Policy is not being upheld by FAA Management.

The recent January 20, 2010 Delta Air Lines' Airbus A320 panel screws being left out and the panel dislodged during an international flight to Mexico, the continued Airworthiness Directive non-compliance Voluntary Disclosure of January 6, 2010, clearly evidences the existing defective CASS processes at Delta Air Lines and the inability of the airline to ensure their aircraft operated meet all FAA airworthiness requirements and are safe for flight **(ATTACHMENT 3 and 13)**.

President Obama, my whistleblower safety concern to the United States Office of Special Counsel included FAA's miss-management of Northwest Airlines' compliance with FAA issued Airworthiness Directives (AD). There was an FAA National review done beginning in March 2008 as a result of the FAA Aviation Safety Inspectors' disclosure of Southwest Airlines' AD non-compliance and the "cozy" relationship that existed between FAA Management and the airline. This resulted in the Congressional Hearings held by Congressional Chairman Oberstar in April 2008.

The U. S. OSC, DOT-OIG Investigation and Report, File No. DI-08-2971 **(ATTACHMENT 1)** of my disclosure were validated and cited the FAA CMO continued to process AD non-compliance by Northwest Airlines with letters of correction when FAA National policy guidance states that administrative action, such as a letter of correction, is not adequate when there is a trend of noncompliance for the same FAA regulation. The Report goes on to state that, "Despite the history and current trends, CMO inspectors (it is the FAA Supervisory Principal Inspectors that have the authority to accept the airlines' Voluntary Disclosure. The Aviation Safety Inspector does not have this authority) also continued to accept voluntary disclosures of AD non-compliances, which exempts Northwest from enforcement actions." "In FYs 2007 through 2009, CMO Principal Inspectors accepted 15 AD-related disclosures, 1 of which was a repeat disclosure for the same AD." "They also accepted three disclosures during FAA's 2008 National AD special emphasis review." "This action directly conflicted with FAA and industry guidance that does not permit voluntary disclosures in anticipation of or during an FAA inspection." (DOT-OIG Report to U.S. OSC December 7, 2009, page 2).

Page 4 of this Report finds, "Due to ineffective (FAA) CMO oversight, longstanding deficiencies in Northwest's AD process continue to occur." "Given that AD non-compliance issues continue to occur in 2009, the status of Northwest's compliance of more than 1,000 ADs is unknown." FAA issues Airworthiness Directives (ADs) against un-safe conditions on aircraft and their compliance is mandatory.

On December 31, 2009, Delta Air Lines identified AD non-compliance with legacy Northwest Airlines' Boeing B757 aircraft. The non-compliance was identified with the AD work instructions to 14 Boeing B757 aircraft. According to FAA's Voluntary Disclosure Record, Delta Air Lines disclosed this AD non-compliance to FAA Supervisory Principal Maintenance Inspector Keith Frable of the Atlanta FAA Certificate Management Office (CMO). FAA Supervisor Frable was notified on January 6, 2010 and accepted the AD non-compliance disclosure as being valid. Delta Air Lines disclosure report was submitted January 21, 2010 as received by FAA Supervisor Frable and Senior Office Manager Tony Campbell as recorded in the FAA Voluntary Disclosure Record **(ATTACHMENT 3)**.

As stated in the U. S. OSC, DOT-OIG Report, Northwest Airlines' compliance with more than 1,000 ADs is unknown. They have a history and FAA National policy does not allow the use of the voluntary disclosure process. The AD non-compliance is against the Northwest legacy Boeing B757 aircraft and this is clearly stated in the disclosure. Yet, FAA Supervisor Principal Maintenance Inspector Frable and Senior Office Manager Campbell have accepted the disclosure and have acted contrary to FAA National policy and guidance. FAA Supervisor Frable is keenly aware of the AD non-compliance with Northwest Airlines as it had come up numerous times with the merger activities between Delta and Northwest Airlines.

FAA Supervisor Principal Maintenance Inspector Frable knowingly accepted a voluntary disclosure for AD non-compliance by Delta Air Lines on Northwest Airlines' B757 aircraft despite himself knowing the history of AD non-compliance with Northwest Airlines.

FAA revised their voluntary disclosure guidance to have the FAA senior office manager be held accountable for the voluntary disclosure process. FAA Senior Office Manager Tony Campbell provided his concurrence of the disclosure as recorded in the FAA record **(ATTACHMENT 3)**.

The U, S. OSC, DOT-OIG Report, **(ATTACHMENT 1)** page 18 recommends that FAA consider taking administrative action against the Northwest Airlines' FAA-CMO Manager, Mr. Ken McGurty for his concurrence as the Senior Office Manager for accepting voluntary disclosures during the special review and incorrectly reporting a non-compliant AD as compliant.

Is FAA Senior Office Manager Tony Campbell also now due administrative action against him for he also did not comply with FAA National policy and accepted as the Senior Office Manager AD non-compliance with his full knowledge of Northwest Airlines' now Delta Airlines' history of AD non-compliance. FAA Supervisory Principal Maintenance Inspector Frable is also due administrative action against him as he accepted the disclosure upon initial notification from Delta Air Lines.

FAA Supervisor Frable and Office Manager Campbell's actions continue to give credibility to my statements that FAA Managers continue to operate with immunity to any disciplinary acts against them for their failure, or desire, to knowingly not comply with FAA National policy and guidance thereby, placing the public at risk. The accidents and loss of lives detailed in this response were the result of FAA management's desire to be lenient with the airline and tough on the Aviation Safety Inspector trying to ensure compliance with FAA Regulations, FAA National Policy, and the safety of the American Public.

I am recommending that FAA Administrator Babbitt take swift appropriate administrative action against Frable and Campbell as they are continuing the un-safe FAA culture that has already been reported again in the recent U.S. OSC, DOT-OIG Report DI-08-2971. If FAA Headquarters Senior Management and Administrator Babbitt are truly sincere in their efforts and rhetoric that the public is our primary customer, than they need to set an example for FAA managers that their continued non-compliance with FAA National policy will not be tolerated.

I commit my service to you in resolution to the public safety concerns I have raised through the course of my Whistleblower Disclosure to the United States Office of Special Counsel. The American Public deserves no less of my commitment to them to ensure their safety in air transportation.

I will cooperate fully in my assistance to you Mr. President in resolution to the American Public's safety concerns I have raised in this letter and the U.S Office of Special Counsel's Disclosure File No. DI-08-2971.

In Highest Respect for The Office of The President of The United States of America,

Mark S. Lund
FAA Aviation Safety Inspector
FAA-Delta Air Lines Certificate Management Office
2901 Metro Drive, Suite 500
Bloomington, Minnesota 55425
952-814-4316

Enclosures (15 Attachments)

1

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

January 5, 2010

Mr. Mark Lund
P.O. Box 172
Cannon Falls, MN 55009

Re: OSC File No. DI-08-2971

Dear Mr. Lund:

Enclosed for your review is a copy of the report of investigation we received from the Honorable Ray LaHood, Secretary of Transportation, in response to your allegations of a violation of law, rule, or regulation, gross mismanagement, an abuse of authority, and a substantial and specific danger to public safety by employees at the Department of Transportation, Federal Aviation Administration, Northwest Airlines Certificate Management Office, Bloomington, Minnesota, and the Flight Standards Division, Great Lakes Regional Office, Des Plaines, Illinois.

Pursuant to 5 U.S.C. § 1213(e)(1), you may comment on the report if you wish. Your comments will be sent to the agency head, the President, and the appropriate congressional oversight committees in accordance with 5 U.S.C. § 1213(e)(3). With your consent, your comments will also become part of a public file maintained by OSC pursuant to 5 U.S.C. § 1219(a)(1). The documents contained in OSC's public file will be placed on OSC's website at www.osc.gov. We have enclosed a consent form for your signature, which we ask that you sign and return with your comments.

Under 5 U.S.C. § 1213(e)(1), you are provided 15 days from the date that you receive this letter to submit your comments. We request that you respond within 15 days of your receipt of this letter. If you cannot complete your comments within this time, please call me at (202) 254-3646, so that we may arrange a short extension of the response date.

Sincerely,

Jennifer B. Pennington
Attorney, Disclosure Unit

JBP/jbp
Enclosures

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

CONSENT TO PUBLIC RELEASE OF WRITTEN COMMENTS ON AGENCY REPORT

(OSC File No. DI-08-2971)

I consent to the public release by the U.S. Office of Special Counsel (OSC) of my written comments on the agency report produced in response to OSC's referral of my disclosure in the above-cited case. My consent includes placement of my written comments in the public file maintained by OSC pursuant to 5 U.S.C. § 1219(a)(1).*

The documents contained in OSC's public file will be placed online at www.osc.gov. I understand that my consent means that that my written comments will be included in OSC's public file. I also understand that my consent means that my comments may be included in an OSC press release, or other media-related document, posted from time to time on OSC's website (www.osc.gov). Finally, I understand that my consent means that OSC may release my written comments in response to an outside party's request for access to the public file or in other circumstances deemed appropriate by OSC.

_____

Name (signature)

_____

Name (printed)

_____

Date

* 5 U.S.C. § 1219 ("Public information") reads, in relevant part: "The Special Counsel shall maintain and make available to the public—... a list of ... matters referred to heads of agencies under [5 U.S.C. § 1213(c)], together with reports from heads of agencies under [§ 1213(c)(1)(B) about] such matters."

THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

December 14, 2009

William E. Reukauf
Associate Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, DC 20036

Re: OSC File No. DI-08-2971

Dear Mr. Reukauf:

I am responding to your letter of November 25, 2008, which referred for investigation aviation safety concerns raised by Mark Lund, an Aviation Safety Inspector and Boeing 757 Partial Program Manager at the Federal Aviation Administration's (FAA's) Certificate Management Office (CMO) for Northwest Airlines. Specifically, Mr. Lund alleged that the CMO and Great Lakes Regional Office failed to provide effective oversight of Northwest's Airworthiness Directive process, resulting in the carrier's continued systemic non-compliance with FAA airworthiness directives (AD). In response to your request, former Secretary Mary Peters delegated the review of this matter to the Office of Inspector General (OIG) on January 5, 2009. Enclosed is the OIG's report.

In summary, the OIG's review substantiated that the CMO failed to provide effective oversight of Northwest's AD process, resulting in the carrier's continued systemic AD non-compliance. Although the CMO recommended improvements to the carrier's AD program in 2000 and 2002, it never ensured that Northwest implemented a comprehensive solution. As a result, during a 2008 FAA national special emphasis validation review of ADs, CMO inspectors identified 14 instances of AD non-compliance—one of the highest numbers for all major air carriers reviewed. Further, in fiscal year 2009, CMO inspectors identified eight more instances of non-compliance. Despite the history and current trends, CMO inspectors also continued to accept voluntary disclosures of AD non-compliances, which exempt Northwest from enforcement actions.

The problems identified appear to reside primarily with the CMO. The OIG did not find any instances where the Great Lakes Regional Flight Standards Division acted inappropriately in declining CMO inspectors' recommendations for legal enforcement action.

As shown in the attachment to the enclosed OIG report, FAA Administrator Babbitt accepted the OIG's findings and concurred with its recommendations. He has also committed to establish an Internal Assistance Capability review team to oversee the timely accomplishment of the recommendations.

I appreciate Mr. Lund's diligence in raising these concerns.

Sincerely yours,

Ray LaHood

Enclosure

Memorandum

U.S. Department of Transportation
Office of the Secretary of Transportation
Office of Inspector General

Subject: ACTION: Report on FAA Oversight of Airworthiness Directive Compliance at Northwest Airlines
OSC File No. DI-08-2971

Date: December 7, 2009

From: Calvin L. Scovel III
Inspector General

Reply to Attn. of: J-1

To: The Secretary

This memorandum presents the results of our review of whistleblower concerns raised by Mark Lund, an Aviation Safety Inspector and Boeing 757 Partial Program Manager assigned to the Federal Aviation Administration's (FAA) Certificate Management Office (CMO) for Northwest Airlines. Mr. Lund alleged that the CMO and FAA's Great Lakes Regional Office failed to provide effective oversight of Northwest's Airworthiness Directive process, resulting in the carrier's continued systemic non-compliance with FAA airworthiness directives (AD).

Mr. Lund made his disclosures to the U.S. Office of Special Counsel (OSC), and former Secretary Peters delegated the investigation to the Office of Inspector General (OIG). We conducted our review of the allegations between February and November 2009. We visited the CMO for Northwest and the Great Lakes Regional Office, interviewed FAA personnel, analyzed AD-related documents, and reviewed FAA guidance and Federal laws and regulations. Our methodology is further detailed in the exhibit to this report. Attachment 1 contains copies of the whistleblower disclosure report and the Secretary's delegation to the OIG.

The FAA Administrator concurred with our findings and recommendations. The Administrator's response and implementation plan are included at attachment 2.

If you accept the results of our review, we recommend that you transmit this report and FAA's response to OSC. The Department's response to OSC is due on December 14, 2009.

RESULTS IN BRIEF

We substantiated the allegation that the CMO failed to provide effective oversight of Northwest's AD process, resulting in the carrier's continued systemic AD non-compliance. Although the CMO recommended improvements to the carrier's AD program in 2000[1] and 2002, it never ensured that Northwest implemented a comprehensive solution. As a result, during a 2008 FAA national special emphasis validation review of ADs, CMO inspectors identified 14 instances of AD non-compliance—one of the highest numbers for all major air carriers reviewed. In fiscal year (FY) 2009, after the national review, CMO inspectors identified eight additional non-compliances. For example, Northwest officials had to ground 27 aircraft in November 2008 because Northwest had not performed required AD inspections of landing gear parts. These inspections were intended to prevent the separation of the main landing gear from the wing and possible rupture of the wing fuel tank.

Despite the history of AD non-compliance, CMO inspectors continued to primarily work collaboratively with the carrier to resolve AD deficiencies in FYs 2008 and 2009. For example, CMO inspectors issued letters of correction to the carrier rather than seeking civil penalties for most non-compliances found. While these actions were in accordance with FAA enforcement guidance when assessing each non-compliance individually, the guidance states that administrative action, such as a letter of correction, is not adequate when there is a trend of non-compliance for the same FAA regulation.

Despite the history and current trends, CMO inspectors also continued to accept voluntary disclosures of AD non-compliances, which exempt Northwest from enforcement actions. In FYs 2007 through 2009, CMO principal inspectors accepted 15 AD-related disclosures, 1 of which was a repeat disclosure for the same AD. They also accepted three disclosures during FAA's 2008 national AD special emphasis review. This action directly conflicted with FAA and industry guidance that does not permit voluntary disclosures in anticipation of or during an FAA inspection. While voluntary programs can help to identify and correct safety issues that might otherwise not be known, a partnership program that does not ensure air carriers correct underlying problems is less likely to achieve safety benefits.

The problems we identified appear to reside primarily with the CMO; we did not find any instances where the Great Lakes Regional Flight Standards Division

[1] In April 2000, FAA and Northwest negotiated a Global Settlement Agreement to address numerous AD violations that occurred from 1996 to 1999. In the agreement, FAA levied a $900,000 civil penalty, but agreed to excuse $300,000 of that penalty if the carrier complied with key provisions, including enhancing its AD program.

acted inappropriately in declining CMO inspectors' recommendations for legal enforcement action.[2] However, we did identify one enforcement case that was misplaced by regional personnel after they received it from the CMO in October 2008. It was not until we asked about the status of this case that the mistake was discovered. CMO personnel re-sent the case in September 2009, and the Regional Office acted promptly to propose a $1.35 million civil penalty against Northwest, the largest amount recommended for cases opened during the special emphasis review.

Based on our findings, we are making recommendations aimed at strengthening FAA's oversight of AD compliance at Northwest to ensure the carrier takes action to resolve longstanding deficiencies in its AD program. Our recommendations are listed on pages 17 and 18.

BACKGROUND

FAA issues ADs to notify aircraft owners (e.g., air carriers) of a known safety deficiency with a specific model of aircraft, engine, avionics, or other system. ADs specify inspections that must be carried out, conditions and limitations that must be complied with, and any actions that must be taken to resolve an unsafe condition. Compliance with ADs is mandatory and governed by the Code of Federal Regulations (14 C.F.R. § 39 [2002]).

On March 13, 2008, in response to lapses in FAA oversight of AD compliance at Southwest Airlines, FAA initiated a Special Emphasis Validation of Airworthiness Directives Oversight (Notice 8900.36). This national review was a two-phase effort to determine U.S. air carriers' compliance with ADs. For Phase 1, FAA instructed inspectors to select and audit the execution of 10 ADs applicable to each fleet type at each air carrier by March 28, 2008. For Phase 2, FAA instructed inspectors to complete additional audits by June 30, 2008, to bring the total number of ADs reviewed to 10 percent of all applicable ADs for each fleet type.

When an inspector suspects that an air carrier is not complying with an AD, the inspector initiates an Enforcement Investigative Report (EIR or enforcement case). After the inspector completes the investigation and confirms that a violation has occurred, the inspector will recommend either an administrative action (e.g., letter of correction) or legal enforcement action (e.g., a civil penalty) in accordance with FAA Order 2150.3B, FAA Compliance and Enforcement Program. This Order requires inspectors to use the Enforcement Decision Tool to determine the type of action to be taken against an air carrier when a violation occurs. The tool is a series of questions that applies risk management principles to allocate limited

[2] It should be noted that administrative actions are not reviewed by the Regional Office.

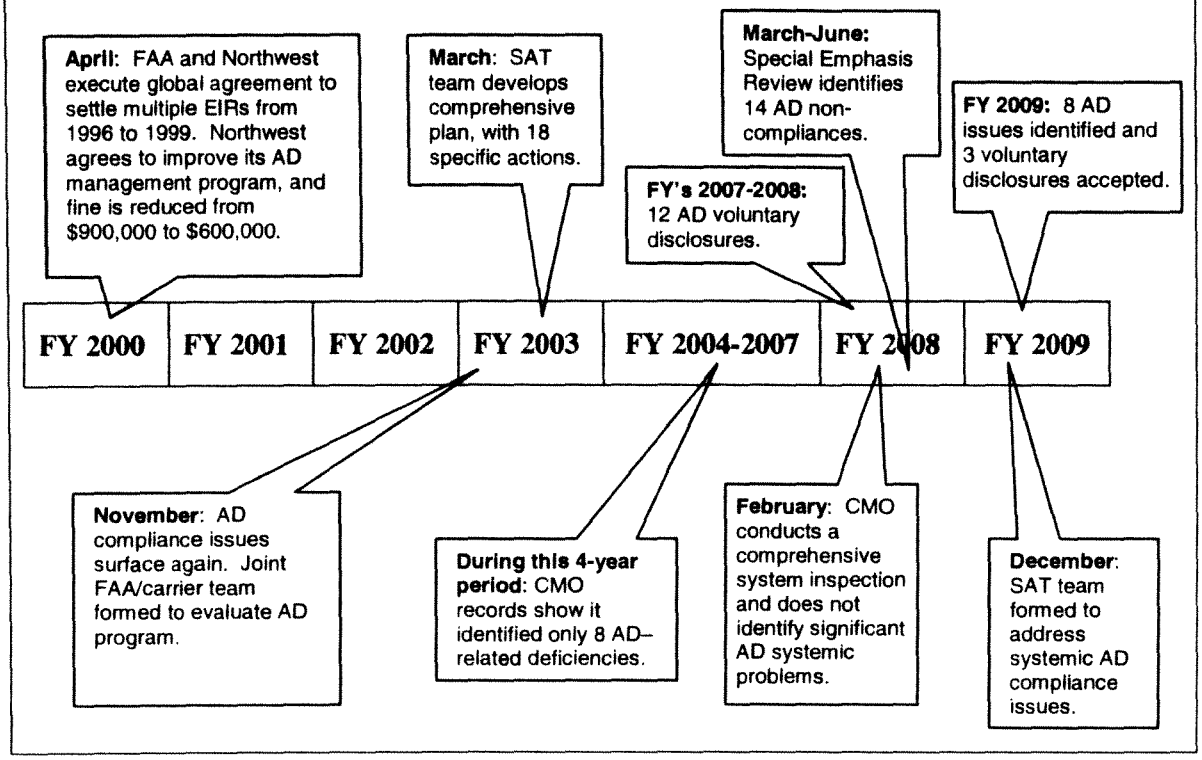
agency investigative and legal resources to the most important cases for a more timely and effective compliance and enforcement system. For example, inspectors must prove the non-compliance was intentional or a high safety risk to recommend a civil penalty.

FINDINGS

Due to Ineffective CMO Oversight, Longstanding Deficiencies in Northwest's AD Process Continue To Occur

For over a decade, Northwest has experienced systemic problems in complying with ADs. As shown in the following figure, after reaching a settlement of $600,000 in April 2000 to resolve numerous AD violations, FAA opted to work collaboratively with the carrier from 2002 to 2009 in resolving AD non-compliances. In that period, FAA performed two joint FAA/carrier reviews, allowed Northwest to submit numerous voluntary self-disclosures of AD non-compliances, and closed enforcement cases primarily with letters of correction. To date, however, these actions have not been adequate. In FYs 2008 and 2009, CMO inspectors found 22 instances of AD non-compliances. Given that AD non-compliance issues continue to occur in 2009, the status of Northwest's compliance with more than 1,000 ADs is unknown.

Figure. History of Northwest AD Compliance and CMO Oversight



AD Non-Compliance and CMO Oversight From 1996 Through 2007, Before the National Special Emphasis Review

As part of the 2000 agreement with Northwest to address AD violations that occurred from 1996 to 1999, FAA reduced the penalty from $900,000 to $600,000 in exchange for improvements to the carrier's AD program. Northwest agreed to improve its processes for reporting, tracking, and monitoring ADs; clarifying responsibilities; and assigning accountability. In addition, FAA required the carrier to sample ADs to validate compliance, conduct quality assurance audits of the AD process, and perform a physical verification of AD completion for 10 percent of the aircraft within each fleet type. However, FAA never followed up to ensure the carrier actually corrected these issues and failed to identify AD deficiencies in subsequent years. Specifically:

- In July 2001, the CMO closed the settlement case without further legal action, congratulating Northwest on its commitment in resolving the issues with its AD program.

- In November 2002, only 16 months later, systemic AD compliance deficiencies surfaced again. FAA formed a Safety Analysis Team (SAT)[3] to recommend improvements to Northwest's AD management process.

- In March 2003, CMO management closed the matter contingent upon Northwest's implementation of the SAT's recommended actions. However, we found no evidence that CMO inspectors followed up to ensure that Northwest complied with this action plan. In fact, during our review, CMO personnel did not have any documentation of the recommendations or Northwest's response. We had to obtain a copy from air carrier officials.

- During the next 4 fiscal years (FY 2004 through February 2008), CMO inspectors identified only 8 AD compliance deficiencies at Northwest, despite conducting 87 AD inspection activities. CMO inspectors also did a Safety Attribute Inspection (SAI)[4] that did not identify the AD program as a risk area. This review was performed just 1 month before the national special emphasis review began in March 2008, which found 14 AD non-compliances.

Significant AD Non-Compliances Identified During the 2008 National Special Emphasis Review

During a period of 4 months, FAA's national special emphasis review identified 14 AD deficiencies at Northwest[5]—in contrast to the 8 the CMO had identified over the previous 4 years. The number of AD non-compliances at Northwest was one of the highest of all airlines reviewed. As a result of these findings, CMO inspectors concluded that systemic weaknesses existed in the carrier's AD program and increased its risk rating in July and again in September 2008, only 5 and 7 months, respectively, after they had completed the SAI and did not identify ADs as an increased risk area.

CMO inspectors' inability to identify these weaknesses during the SAI performed just 1 month before the special emphasis review indicates serious deficiencies in FAA's regular oversight. The CMO has scheduled another SAI for FY 2010. (Normally these are performed in 5-year intervals.) FAA will need to ensure that

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[3] SATs are formed as a joint FAA and industry team that works collaboratively to correct deficiencies within air carriers' systems.

[4] SAI is part of FAA's air carrier oversight system and requires a comprehensive review of an air carrier's policies and procedures for a specific program or area. CMOs use the results of the SAI to identify risk areas that may require additional inspections and focus.

[5] The CMO reviewed a total of 169 ADs.

the SAI is conducted at Northwest independent of the upcoming merger with Delta so problems in Northwest's AD program are not overlooked.[6]

For the 14 AD non-compliances identified during the 2008 national special emphasis review, CMO inspectors opened 13 enforcement cases, resulting in 8 letters of correction, 3 civil penalties (proposing more than $1.9 million in fines), and 2 cases closed with no action.

Non-Compliances the Whistleblower Identified During the 2008 Review

Mr. Lund found 8 of the 14 non-compliances and initiated 7 of the 13 enforcement cases.[7] According to Mr. Lund, in all eight cases, deficiencies were found within Northwest's engineering process during the development, review, and approval of the AD Engineering Orders, which include the critical work instructions and schedule for accomplishing the AD requirements. Table 1 shows the status for the seven AD enforcement cases initiated by Mr. Lund. He took issue with the CMO Principal Inspector's actions for four of his enforcement cases.

Table 1. Status and Action Taken for the Seven AD Enforcement Cases Initiated by Mr. Lund

AD Number	Description	Status/Action[/d]
1986-26-03[/a]	Thrust Reverser System Modification	Closed: No Action
1989-02-02[/a,c]	Brake Metering Valve and Antiskid	Closed: No Action
2006-07-23[/b]	Rudder Power Control Unit	Closed: Letter of Correction
2002-12-04[/b]	Right Main Landing Gear/ AutoSpeed Brake Modification	Closed: Letter of Correction
2005-12-18	Horizontal Stabilizer Trim Unit	Closed: Letter of Correction
1990-24-02[/c]	Windshield Heat Wiring Inspection	**Open: Recommended Civil Penalty of $1.35 million**
1990-12-04[/c]	Anti-Ice Control System Modification	**Open: Recommended Civil Penalty of $305,000**

[/a] Mr. Lund disagreed that these two cases should have been closed with no action.
[/b] Mr. Lund alleged that corrective actions for these two cases were not adequate.
[/c] Mr. Lund highlighted these three AD non-compliances in the complaint to illustrate the types of deficiencies and non-compliances he found.
[/d] CMO inspectors are responsible for recommending the type of action to be taken. Only civil penalty actions are forwarded to the region. Regional personnel calculate the amount of the penalty using FAA enforcement guidance.

[6] Delta Air Lines has acquired Northwest as a wholly owned subsidiary and is merging operations under one operating certificate. The Delta CMO will be the primary oversight office in charge of FAA inspectors for Northwest located in Minneapolis.
[7] Mr. Lund indicated that his intent was to combine two ADs into one enforcement case as they both involved the same deficiency related to the tracking of component parts.

Two Lund AD Enforcement Cases Closed With No Action: CMO management overturned Mr. Lund's recommendations for "substantial" civil penalties and closed two of his cases without corrective actions. We determined that CMO management had a reasonable basis to forgo legal enforcement actions for these potential AD non-compliances. However, we concluded that the findings still represented examples of Northwest's AD-related deficiencies.

- *AD-1986-26-03, Thrust Reverser System Modification.* Mr. Lund found that in 1987, Northwest flew 3 aircraft on 60 flights before identifying and correcting an AD compliance deficiency. However, because the deficiency occurred 21 years ago, the Principal Avionics Inspector (Paul Biever) determined FAA had no statutory means to take legal enforcement action. According to FAA Order 2150.3B, for those violations occurring before December 12, 2003, there is a 5-year statute of limitations on enforcement proceedings for civil penalties over $50,000 (28 USC 2462). Although there is an exception for civil penalties under $50,000, it is doubtful a case for a violation that occurred 21 years ago would be accepted, especially in this case where the discrepancy was subsequently corrected.

- *AD-1989-02-02, Brake Metering Valve.* Mr. Lund determined that, in 2004, Northwest personnel self-disclosed to FAA that 20 Boeing 757s had been in non-compliance with this AD for brake valves since 1991. The CMO accepted Northwest's voluntary disclosure, and Northwest took corrective action by replacing the non-compliant brake valves in 2004. However, Mr. Lund concluded in 2008 that Northwest was still not in compliance with this AD because work instructions lacked a procedure for re-marking the brake metering valves as recommended by Boeing Service Bulletin 757-32A0081 revision 1, dated September 1988.

  In response to Mr. Lund's investigation in March 2008, the carrier physically inspected the aircraft and confirmed that the correct brake metering valves were installed. However, Mr. Lund asserted that Northwest was still in non-compliance with the AD because the parts had not been re-marked as recommended by the September 1988 "revised" service bulletin. Northwest refuted Mr. Lund's assertion on the grounds that (1) the original service bulletin (dated June 1988) referenced in the AD did not require re-marking and (2) the revised service bulletin explicitly stated that airplanes that were already inspected and modified per the previous version of the service bulletin do not require additional work.

  Ultimately, the Principal Avionics Inspector (Mr. Biever) closed the case with no action. Since the AD lacked clarity and aircraft inspections did not identify

any non-compliant parts, we determined that FAA had a reasonable basis to conclude that no AD violation occurred. Nevertheless, we agree with Mr. Lund that the inclusion of the parts marking requirement in the revised Boeing service bulletin demonstrates the importance of parts control. In addition, the lack of part number control hindered Northwest's ability to immediately confirm that it was in compliance with the AD. We found no evidence that the CMO addressed the parts control issue.

Two Lund AD Enforcement Cases Closed With Inadequate Corrective Actions (AD-2006-07-23 and AD-2002-12-04):[8] In both of these cases, Mr. Lund found that Northwest's work instructions deviated from those in the ADs and alleged that the cases were closed with insufficient corrective action. Northwest revised its work instructions accordingly and stated its audit process implemented in 2007 included an Engineering Mandatory Review Board that would identify and prevent these errors in the future.

Mr. Lund took exception to this corrective action because he believed the carrier's audit process would not review new engineering mandatories (EM)[9] in a timely manner. The policy stated that EMs will be reviewed after being opened (preferably within 30 days) but did not include a "required" deadline, thus allowing a potential AD non-compliance. Northwest maintained that it is not practical to perform the audit before an EM release and that in all cases this review would come before the AD compliance date. We concluded this is a reasonable argument, but agree with Mr. Lund that there is a risk of the process not working effectively as designed. Accordingly, the CMO should monitor this process to ensure the audits occur before the AD compliance date, especially when ADs have a short compliance timeframe.

CMO Inspectors Continued To Find AD Non-Compliances After the AD Special Emphasis Review

During FY 2009, CMO inspectors found eight additional instances of AD non-compliance at Northwest, but closed five of these with letters of correction.[10] These 5 included 1 case where air carrier officials grounded 27 aircraft in November 2008 after finding they were in non-compliance with an AD requiring mechanics to inspect landing gear fuse pins (AD-2000-07-13). Continuing to close AD enforcement cases with administrative action (e.g., a letter of correction) is contrary to FAA guidance, which states that administrative action is not

[8] Enforcement cases EIR2008GL010191 and EIR2008GL010164.
[9] EMs are used by Northwest to implement new procedures into its maintenance program.
[10] The other three remain open. The inspector proposed a civil penalty for one of these three, and action has not been determined for the other two.

appropriate when there is a trend of non-compliance for the same FAA regulation that has gone undeterred by the use of administrative or legal enforcement action.

The inspector (Dan Mirau) responsible for this case told us that he believed a letter of correction was sufficient, and he used this deficiency as a catalyst to form a second collaborative FAA/air carrier review team (i.e., SAT) in December 2008. He believed that with the SAT, the CMO and Northwest would be able to drill down deep enough to determine the real systemic problems with the carrier's AD management process.

In May 2009, the SAT presented its findings and recommendations to Northwest management. Many of the discrepancies identified were similar in nature to problems identified in the 2000 Global Settlement Agreement and the first SAT performed in 2002. For example, it was found that Northwest's AD process lacked clear responsibilities, adequate guidance in the maintenance manual and engineering handbooks, and quality assurance oversight. At the time of our review, Northwest was in the process of implementing actions recommended by the SAT.

The Whistleblower Identified a Serious Non-Compliance and CMO Oversight Failure in 2009

Mr. Lund found that Northwest did not comply with AD 2008-10-11 and Federal Aviation Regulation (FAR) 121.1113C (a FY 2009 AD enforcement case currently pending FAA management review). These regulations require air carriers to incorporate new airworthiness limitations into their maintenance procedures and to have an FAA-approved fuel tank system (FTS) maintenance program to mitigate risks associated with ignition sources and flammability conditions in fuel tanks.[11]

Specifically, the Principal Avionics Inspector (Mr. Biever) approved the FTS maintenance program Operations Specifications on December 16, 2008, even though he knew Northwest had not incorporated all of the FTS requirements into its Reliability Document, General Engineering and Maintenance Manual, and maintenance task cards. He also violated the AD by granting the carrier extensions to January 31, 2009, (for the reliability and maintenance documents) and March 15, 2009, (maintenance task cards) without obtaining approval from the Seattle Aircraft Certification Office (ACO). Specifically, FAR 121.11113C states the following: "After December 16, 2008, no certificate holder may operate

[11] In July 1996 Trans World Airlines flight 800 exploded upon take-off from New York's John F. Kennedy Airport killing all 230 people on board. The National Transportation System Board accident investigation that followed found the cause to be faulty wiring in the center wing fuel tank of the aircraft.

an airplane...unless the maintenance program for that airplane has been revised to include applicable inspections, procedures, and limitations for fuel tanks systems."

According to the AD, only the ACO has the authority to grant extensions on compliance. We confirmed with ACO representatives that Mr. Biever did not have the authority to grant an extension, and that the carrier was not in compliance with the AD or FAR 121.1113C when the CMO approved the FTS program Operations Specifications. Moreover, even with the improper extension from the CMO (for the Reliability Document and General Engineering and Maintenance Manual), Northwest still did not complete updates until April 1, 2009, and February 13, 2009, respectively.

This impropriety on the part of the CMO allowed Northwest to operate 61 Boeing 757 aircraft in non-compliance with this AD and FAR 121.1113C for at least 3.5 months and potentially its entire fleet of over 300 aircraft.[12] Therefore, FAA needs to investigate whether the fuel tank programs for all Northwest aircraft fleets comply with this AD and take appropriate administrative action against Mr. Biever for approving an extension without proper authority.

The CMO Accepted Voluntary Disclosures Despite a Clear Trend of AD Non-Compliance

CMO management continued to accept voluntary disclosures despite a clear trend of similar AD process deficiencies and contrary to its own guidance governing disclosures for repeat violations and disclosures made during any FAA inspection.

The CMO Accepted Voluntary Disclosures for Recurring AD Process Deficiencies

During FYs 2007 and 2008, the CMO accepted 12 voluntary disclosures, all involving AD overflights, (i.e., the air carrier operated aircraft that were not in compliance with an AD). While each disclosure involved different ADs, clear trends existed in the types of deficiencies identified.[13] For example:

- Five disclosures related to work instructions that did not comply with AD requirements, pointing to weaknesses in Northwest's engineering process for developing work instructions. In 1 case, 39 aircraft had to be grounded because the carrier's inspection and replacement procedures developed by Northwest's engineering department did not meet the AD requirements.

[12] The Operations Specification covered all Northwest aircraft types and represents approval of the FTS maintenance program as required by related ADs and FAR 121.1113C. Mr. Lund's enforcement case covered only Boeing 757 aircraft, but all of Northwest's fleet of over 300 aircraft could also be in non-compliance with FAR 121.11113C.

[13] The voluntary disclosures may fall into more than one category.

During the 2008 special emphasis review at Northwest, 9 of the 14 AD deficiencies were also related to this same weakness.

- Four disclosures found that forecast inspection numbers were not set up correctly, resulting in aircraft missing required inspection intervals.

- Five disclosures related to repairs or procedures that deviated from the AD requirements without an approved Alternate Means of Compliance (AMOC). In one instance, aircraft had operated for over 14 years before the discrepancy was discovered and an AMOC was approved. During the 2008 special emphasis review at Northwest, 2 of the 14 AD deficiencies were also related to this same weakness.

The CMO Accepted Voluntary Disclosures During the 2008 Special Emphasis Review, Contrary to FAA Guidance

CMO management accepted three voluntary disclosures during the AD special emphasis review (March 13, 2008, through June 30, 2008). Two of these were questionable, and one, in our view, clearly should not have been accepted. These actions exempted the carrier from enforcement action, which directly violated FAA guidance[14] stating "FAA ordinarily will not forgo legal enforcement action if the certificate holder...informs the FAA of the apparent violation during, or in anticipation of, an FAA investigation/inspection."

- The carrier disclosed two AD violations on March 14, 2008—the day after FAA's national review began. For one AD (2006-24-03, inspection of nose landing gear main fitting barrel on Airbus 330), two aircraft operated for 172 days before the non-compliance was identified (required inspection was not accomplished within the time limit). For the other AD (2005-07-08, Boeing 757 Slat Wedge replacement), nine aircraft were operated for 45,603 hours before the non-compliance was identified (slats manufactured internally did not meet AD requirements).

- On May 16, 2008, Northwest disclosed non-compliance with an AD requiring the carrier to install a system that provides an alert when the DC-9 tail cone is not installed properly (AD 1991-22-03). Northwest disclosed that its installation instructions deviated from AD requirements and obtained verbal approval for an AMOC from the Seattle ACO on the same date of the disclosure and written approval on May 19, 2008. On June 16, 2008, FAA closed the report. The AD had a required compliance date of January 1994;

[14] FAA Order 8900.1, Chapter 11 and Advisory Circular 00-58B provides guidance on the Voluntary Disclosure Reporting Program.

therefore, Northwest had been operating its DC 9 aircraft for over 14 years before it discovered that it was not in compliance with this AD.

While the two voluntary disclosures reported on March 14, 2008, are questionable, the CMO clearly should not have accepted the May 16, 2008, voluntary disclosure since Northwest knew about the CMO's ongoing AD special emphasis review when it submitted this disclosure. Further, we found that this AD in particular was included on the CMO's list of ADs selected as part of the special emphasis review. In addition, the CMO's report to FAA Headquarters summarizing the national review results included the AD as compliant.

The CMO Manager (Ken McGurty) initially indicated to us that he approved the acceptance of this disclosure because it was not on the list of ADs the inspectors selected to audit. He also told us they included it in the national review and reported it as compliant because it was reviewed after the carrier took corrective action. However, we obtained documentation dated May 6, 2008, (10 days prior to the voluntary disclosure) that showed the AD was on the CMO list of ADs to be reviewed. In response, Mr. McGurty revised his reason for accepting the disclosure to be that Northwest identified it before the CMO inspector started to review the AD. He also indicated that if he had rejected the voluntary disclosure and processed it as an enforcement action using FAA guidance, it would have resulted in administrative action (i.e., the same outcome as being processed as a voluntary disclosure since corrective action would still be required from the air carrier).

Mr. McGurty also indicated that he did not believe FAA guidance applied to the special emphasis review because it was conducted to "validate our system for overseeing air carrier management of ADs." He also indicated it was an audit to validate an FAA Air Transportation Oversight System (ATOS), not Northwest's compliance.

We disagree, and in our view, the CMO should not have accepted these voluntary disclosures, not only because it was contrary to the intent of FAA guidance but also because of the carrier's history of AD non-compliance as documented in this report. Further, we found that the prior Principal Avionics Inspector (Sam Varajon) rejected another voluntary disclosure submitted on May 28, 2008, citing that FAA guidance did not allow the violation to be accepted because an FAA investigation or inspection was already in progress.

Despite Non-Compliances Found During the 2008 Review, the CMO Accepted Voluntary Disclosures in 2009, Including a Repeat Disclosure for the Same AD

The CMO accepted three voluntary disclosures from the carrier during FY 2009. One of these voluntary disclosures was a repeat violation of the same AD requiring the removal and replacement of defective Wood Electric Company circuit breakers on all DC-9 aircraft by May 17, 2005.

In this case, Northwest had conducted two fleet campaigns to identify and remove defective circuit breakers but still failed to comply with this AD, so accepting this disclosure conflicted with FAA guidance on repeated violations. The guidance states:

> Upon consideration of the facts and circumstances surrounding the repeated violation, the FAA will determine on a case-by-case basis whether a repeated violation will be covered under this policy...PIs [Principal inspectors] are encouraged to evaluate the systemic issues and circumstances surrounding each apparent violation.

- On January 15, 2007, Northwest voluntarily disclosed that it had found one aircraft was not in compliance with AD 2002-25-04. The aircraft had operated 2,433 cycles[15] before the non-compliance was discovered. The reason for the non-compliance was attributed to inadequate guidance in the AD that did not clearly identify certain circuit breakers that needed to be removed. As part of its corrective action plan, the carrier was to revise its inspection instructions so the defective circuit breakers could be more readily identified and replaced. The carrier also stated it would re-inspect each operational DC-9 aircraft for these specific defective circuit breakers by April 13, 2007.

- About 2 years later, on January 5, 2009, Northwest found another aircraft that contained a defective circuit breaker and again voluntarily disclosed this non-compliance, which the CMO accepted. The circuit breaker found in this aircraft should have been removed in 2005 as part of the first fleet inspection. The CMO manager (Ken McGurty) stated that he approved the acceptance due to differences between the first and second disclosures and the incomplete information in the AD.

- Northwest completed a third fleet wide inspection and identified 24 additional DC-9 aircraft that contained the defective circuit breakers. In total, the 25 non-compliant aircraft found in 2009 (24 percent of its DC-9 fleet) had operated for

[15] One cycle represents one take-off and landing.

almost 4 years in non-compliance to AD 2002-25-04. Many of these 25 aircraft included circuit breakers that should have been identified as part of the 2007 fleet inspection, which leaves questions as to the carrier's thoroughness of this inspection and the adequacy of FAA's follow-up to the carrier's comprehensive fix.

We agree there were differences in the two voluntary disclosures. However, given the history of non-compliance to this specific AD and FAA's guidance to consider systemic issues—many of which had just been identified during the special emphasis review—the CMO should have pursued enforcement action instead of accepting the voluntary disclosure. Therefore, FAA should consider taking appropriate administrative action against Mr. McGurty for approving the repeat disclosure and the three disclosures accepted during FAA's special emphasis review.

Allegations of Regional Oversight Weaknesses Unsubstantiated

Mr. Lund alleged that the Great Lakes Region has engaged in a pattern of declining to pursue enforcement actions and civil penalties, which also contributed to the AD problems at Northwest. However, we found no evidence to support that the Regional Office intentionally prevented CMO inspectors from recommending legal enforcement action (i.e., civil penalty). While we found other issues involving enforcement cases, we were unable to substantiate Mr. Lund's allegation that the former Regional Flight Standards Division Manager rejected two of his recommended civil penalties after approval by the CMO Manager and regional specialist. We also compared the Region's percentage of penalties with other regions and found no concerning disparities (see table 2).

Table 2. Percentage of Civil Penalty Cases by FAA Region September 1, 2008-May 19, 2009

Regional Office	Letter of Correction	Civil Penalty	Total	Civil Penalty %
Eastern	129	13	142	9%
Great Lakes	273	22	295	7%
Southern	131	8	139	6%
Southwest	456	28	484	6%
Western Pacific	65	10	75	13%

The Region Handled Mr. Lund's Civil Penalty Cases Appropriately

In 2008, Mr. Lund recommended civil penalties for two violations that were not AD related (Enforcement Case 2008GL010106 video monitors and Enforcement Case 2008GL010095 improperly installed outflow valve actuator). However, Mr.

Lund alleged that the CMO and regional specialist approved the penalties, but the former Flight Standards Division Manager for the Great Lakes Regional Office rejected them.[16]

In both cases, the regional specialist stated that the Enforcement Investigative Report (EIR) package did not provide sufficient evidence to prove the air carrier intentionally violated a Federal Aviation Regulation; therefore, according to FAA Order 2150.3B, a civil penalty was not supported. For example, in the case involving the valve actuators, the specialist stated that the EIR package did not properly label inspector opinions, contained an inaccurate number of non-compliant flights, and lacked an orderly and logical statement of the facts as required per FAA Order 2150.3B. The regional specialist prepared a written analysis, which was reviewed by his supervisor and forwarded to the Regional Director for his concurrence.

In both cases, the Regional Office personnel prepared a non-conformity report (NCR) and sent it, along with the EIR package back to the CMO to correct the non-conformities. The CMO's Principal Avionics Inspector (Mr. Biever) consulted with the regional counsel and determined that the carrier's intent (i.e., whether the air carrier deliberately or knowingly did not comply) could not be proven and issued letters of correction to Northwest.

Other Enforcement Issues Noted

While we did not substantiate Mr. Lund's allegations about improprieties in the Great Lakes Regional Office, our interviews of CMO inspectors found some reluctance to recommend civil penalties because they believed the region was too lenient on imposing civil penalties. We believe this perception may partially be a by-product of the new enforcement tool implemented in October 2007, which limited the inspectors' flexibility to recommend a civil penalty. Another contributing factor may be that for several years FAA Headquarters strongly promoted the benefits of working collaboratively with air carriers as opposed to assessing large civil penalties.

We also identified one enforcement case that was identified by Mr. Lund, involving the windshield heat wiring inspection AD that the Regional Office misplaced after receiving it from the CMO in October 2008. It was not until we asked about the status of the case as part of our review that the mistake was discovered. The CMO re-sent the case in September 2009, and the Region acted promptly to propose a $1.35 million civil penalty against Northwest, the largest amount recommended for cases opened during the special emphasis review.

[16] The Flight Standards Division Manager has since retired, but we interviewed regional personnel who worked on both cases and reviewed related documentation.

CONCLUSION

Despite a 10-year history of AD non-compliance at Northwest, CMO inspectors chose to work collaboratively with the air carrier to correct non-compliances and accept voluntary disclosures of AD deficiencies with little consideration of legal enforcement action. This is contrary to FAA's own guidance, which states that administrative actions, such as letters of correction, are inappropriate when there is a trend of non-compliance for the same FAA regulation that has gone undeterred by the use of administrative or legal enforcement action. We testified in April 2008, after AD non-compliances at Southwest were exposed, that we were concerned FAA relies too heavily on self-disclosures and promotes a pattern of excessive leniency at the expense of effective oversight and appropriate enforcement. Further, a partnership program that does not ensure air carriers correct underlying problems is less likely to achieve safety benefits.

Our review has found that Northwest continues to have AD problems—many based on inadequate work instructions due to engineering errors—despite the carrier's attempts to correct the problems over the years. Mr. Lund's most recent findings of Northwest's failure to comply with the AD requiring maintenance program changes for fuel tank systems demonstrate that the carrier's audit process implemented in 2007 may be ineffective, as alleged by Mr. Lund. Therefore, it is critical that FAA provides heightened oversight of Northwest's AD program to ensure compliance to both past and future ADs.

RECOMMENDATIONS

Based on our findings, we recommend that FAA:

1. Determine why inspectors did not identify significant systemic issues in Northwest's AD program during the February 2008 Safety Attribute Inspection and whether changes to the Safety Attribute Inspection checklist for AD programs are needed to more effectively identify potential systemic deficiencies in air carrier programs.

2. Require inspectors to perform the AD program Safety Attribute Inspection scheduled for FY 2010 at Northwest independently of Delta so problems in the carrier's system are not overlooked.

3. By March 31, 2010, conduct an independent review of Northwest's AD program to include the following:

a) A 10-percent sampling of ADs not previously reviewed by the CMO during the AD special emphasis review. If significant non-compliance continues to be identified, expand the review to 100 percent.

b) Verification that actions taken in response to Letters of Correction and SAT recommendations were implemented and are effective.

c) Review of Northwest's parts configuration control procedures.

d) Verification that Northwest's audit process (Engineering Mandatory Review Board) implemented in 2007 is being conducted before AD compliance dates.

e) Assurance that the fuel tank programs for all Northwest fleets comply with the ADs for Fuel Tank System Maintenance Program and FAR 121.1113C.

f) Assurance that Northwest takes adequate corrective actions if substantial non-compliance is found.

4. Consider taking administrative action against the Principal Avionics Inspector for improperly approving the Operations Specification for Fuel Tank System Maintenance Program and extending AD and FAR required compliance dates.

5. Consider taking administrative action against the CMO Manager for accepting voluntary disclosures during the special emphasis review and incorrectly reporting a non-compliant AD as compliant.

ACTIONS TAKEN OR PLANNED AS A RESULT OF THE REVIEW

By memorandum dated December 3, 2009, FAA Administrator Babbitt concurred with our findings and recommendations. We consider the memorandum responsive to our report (see attachment 2).

If you have any questions concerning this report, please contact me at 202-366-1959, or my Deputy, David Dobbs, at 202-366-6767.

Attachments (2)

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cc: FAA Administrator

EXHIBIT. METHODOLOGY

We conducted 12 interviews with the CMO Aviation Safety Inspectors (ASIs) and Supervisory Principal Inspectors for Avionics and the Delta/Northwest Joint Transition Team (JTT).[17]

1. Mark Lund, ASI (Whistleblower)
2. Connie Henke, ASI
3. Rory Ernst, ASI
4. Randy Johnson, ASI
5. Roy Peterson, ASI
6. Dan Mirau, ASI
7. David Benner, ASI
8. Lendelle Adams, ASI
9. Paul Biever, Supervisory PAI (Effective August 31, 2008)
10. Sam Varajon, Supervisory PAI (Prior to August 31, 2008 and now JTT)
11. Thomas Stachiw, Manager Delta/Northwest JTT
12. Ken McGurty, Northwest CMO Manager

We interviewed four individuals responsible for reviewing enforcement cases from Great Lakes Region—three from the Flight Standards' Division and one from General Counsel's Office.

1. Thomas Winston, FAA Acting Flight Standards Division Manager
2. Maria Acevedo, Flight Standards Division, Technical Programs Branch Manager
3. Thomas Duellman, Technical Programs Branch, ASI
4. Chris Zurales, Office of Regional Council, Senior Attorney

We interviewed three representatives from the Transport Airplane Division, Aircraft Certification Service, Seattle Certification Office (ACO),

1. Judy Coyle, Aerospace Engineer
2. Tom Thorson, Senior Engineer
3. John Regimbal, Senior Engineer

[17] The JTT was established to identify increased risk factors associated with changes made at both Northwest and Delta carriers during the merger process and recommend focused Air Transportation Oversight System (ATOS) activities to the PIs assigned to the two Certificate Management Units (CMUs).

We reviewed and analyzed numerous documents and data including:

- Airworthiness Directives
- Enforcement Investigation Report packages and related documentation
- Correspondence between the CMO and Northwest
- Northwest maintenance and engineering documents
- Code of Federal Regulation— Title 14: Aeronautics and Space
- FAA Order 2150.3B, FAA Compliance and Enforcement Program
- FAA Notice 8900.36, Special Emphasis Validation of Airworthiness Directives Oversight
- FAA Order 8900.1, Volume 1, Chapter 11, Voluntary Disclosure Reporting Program
- Advisory Circular 00-58AB, Voluntary Disclosure Reporting Program
- Air Transportation Oversight System (ATOS) inspection records
- Enforcement and voluntary disclosure data maintained by the CMO and in FAA's Enforcement Information System.

ATTACHMENTS

ATTACHMENT 1. DELEGATION LETTERS

THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

January 5, 2009

MEMORANDUM FOR THE INSPECTOR GENERAL

FROM: Mary E. Peters

SUBJECT: **Whistleblower Complaint Referral by the Special Counsel: OSC File No. DI-08-2971 (Northwest Airlines Certificate Management Office/Lund)**

On November 25, 2008, the Acting Special Counsel referred to me a whistleblower complaint filed with the U.S. Office of Special Counsel (OSC File No. DI-08-2971) by Mark Lund, a Federal Aviation Administration (FAA) Aviation Safety Inspector, concerning alleged failures in FAA's oversight of Northwest Airlines (NWA) by FAA's Certificate Management Office (CMO). Mr. Lund alleges that FAA's NWA CMO has failed to take appropriate enforcement action against NWA relating to its systemic non-compliance with FAA Airworthiness Directives. Mr. Lund has raised similar issues in the past. In 2005, your office conducted an audit of FAA's investigation into concerns raised by Mr. Lund concerning alleged unsafe maintenance practices by NWA and inadequate oversight by NWA CMO. The audit, which was completed in 2007, validated Mr. Lund's concerns. He has also raised these issues directly with FAA which has been reviewing the matter.

In accordance with his statutory authority, the Acting Special Counsel determined that the information disclosed in this complaint evidences a substantial likelihood of a violation of law, rule or regulation, gross mismanagement, an abuse of authority and a substantial and specific danger to public safety. As a result of this determination, the Department must conduct an investigation of the allegations and submit a report setting forth findings to the Office of Special Counsel.

Although section 1213(c) of Title 5, United States Code, requires the head of the agency to conduct an investigation of the referred matter and section 1213(d) requires the report to the Office of Special Counsel to "be reviewed and signed by the head of the agency," my authority to conduct an investigation is subject to delegation. Given the Office of Inspector General's past involvement in related matters, I have determined that it is appropriate to delegate investigative responsibilities for this matter, as well as any related subsequent whistleblower allegations, to you as Inspector General, and have attached a copy of the Acting Special Counsel's letter and complaint.

The Department's report to the Office of Special Counsel must be submitted within 60 days after the date the Department received the information unless the Acting Special Counsel agrees in writing to a longer period of time. Thus, the report is due on January 26, 2009. Please inform me of the results of your office's review and completion of the investigation of this matter and promptly apprise me of any issues that may arise in investigating these allegations.

Attachments

ATTACHMENT 2. FAA MEMORANDUM IN RESPONSE TO FINDINGS AND RECOMMENDATIONS

Federal Aviation Administration

Memorandum

Date: DEC 3 2009

To: Lou E. Dixon, Assistant Inspector General for Aviation and Special Program Audits

From: J. Randolph Babbitt, Administrator

Prepared by: Margaret Gilligan, Associate Administrator for Aviation Safety, x73131

Subject: FAA Oversight of Airworthiness Directive (AD) Compliance at Northwest Airlines, Project No. 09A1002A000 – Implementation Plan for Recommendations

After reviewing the findings and recommendations in the above-referenced report, my senior management teams in Aviation Safety (AVS) and Flight Standards Service (AFS) advised me to accept each recommendation with no proposed changes or comments. I concur.

To resolve these matters quickly, I've asked Mr. John Allen, Director, AFS, to establish an Internal Assistance Capability (IAC) review team to oversee the timely accomplishment of our implementation plan for each recommendation (see attachment) by the affected AFS regional division staff, the management team, and employees of the affected local office. To help ensure objectivity, the IAC team will be led by an AFS deputy regional division manager from a region other than the Great Lakes or Southern Regions. Also, IAC team members will be senior managers from AFS headquarters policy offices and AFS regional division offices.

If you have any questions or desire additional information, please have a member of your staff contact Mr. Michael McCafferty, AFS Executive Officer, at (202) 267-3928 or by e-mail at michael.mccafferty@faa.gov.

Implementation Plan for Office of Inspector General (OIG) Project No. 09A1002A000

OIG Recommendation #1: Determine why inspectors did not identify significant systemic issues in Northwest's AD program during the February 2008 Safety Attribute Inspection and whether changes to the Safety Attribute Inspection checklist for AD programs are needed to more effectively identify potential systemic deficiencies in air carrier programs.

OIG Recommendation #2: Require inspectors to perform the AD program Safety Attribute Inspection scheduled for FY 2010 at Northwest independently of Delta so problems in the carrier's system are not overlooked.

OIG Recommendation #3: By March 31, 2010, conduct an independent review of Northwest's AD program to include the following:

a) A 10-percent sampling of ADS not previously reviewed by the CMO during the AD special emphasis review. If significant non-compliance continues to be identified, expand the review to 100 percent.

b) Verification that actions taken in response to Letters of Correction and SAT recommendations were implemented and are effective.

c) Review of Northwest's parts configuration control procedures.

d) Verification that Northwest's audit process (Engineering Mandatory Review Board) implemented in 2007 is being conducted before AD compliance dates.

e) Assurance that the fuel tank programs for all Northwest fleets comply with the ADs for Fuel Tank System Maintenance Program and FAR 121.1113C.

f) Assurance that Northwest takes adequate corrective actions if substantial non-compliance is found.

AVS Response: We will establish an Internal Assistance Capability (IAC) review team to oversee the timely accomplishment of these recommendations. We expect to establish the IAC team as soon as possible (i.e., by no later than December 11). We will update OIG on the status of our actions on a bimonthly basis until these recommendations are completed.

OIG Recommendation #4: Consider taking administrative action against the Principal Avionics Inspector for improperly approving the Operations Specification for Fuel Tank System Maintenance Program and extending AD and FAR required compliance dates.

OIG Recommendation #5: Consider taking administrative action against the CMO Manager for accepting voluntary disclosures during the special emphasis review and incorrectly reporting a non-compliant AD as compliant.

AVS Response: We request from OIG all items of proof supporting these recommendations. We will work with FAA Human Resources personnel to determine what action, if any, may be appropriate based on the evidence you can provide to us. We expect to make a determination about these matters as soon as possible (i.e., by no later than January 29, 2010).

Federal Aviation Administration

Memorandum

Date: DEC 11 2006

To: Lou E. Dixon, Assistant Inspector General for Aviation and Special Program Audits, JA-10

From: Margaret Gilligan, Associate Administrator for Aviation Safety, AVS-1

Prepared by: Michael F. McCafferty, Executive Officer, AFS-10, 7-3928

Subject: FAA Oversight of Airworthiness Directive (AD) Compliance at Northwest Airlines, Project No. 09A1002A000 – Internal Assistance Capability (IAC) Team

As followup to our response regarding the above-referenced report, please note we've established an IAC review team to oversee the timely accomplishment of our implementation plan for each of the five recommendations. The names and organization locations of the IAC team are as follows:

Rick Domingo	Deputy Division Manager, ANM-201	IAC Team Lead
Larry Youngblut	Air Carrier Operations Branch, AFS-220	IAC Team Member
Ron Wojnar	Aircraft Maintenance Division, AFS-300	IAC Team Member
Peter Spofford	Deputy Division Manager, AFS-900	IAC Team Member
Jim Edwards	AAL Technical Programs Branch, AAL-230	IAC Team Member
Ron Katana	AFS Executive Staff, AFS-10	IAC Team Member
Mike Millard	Program for Emerging Leaders & ASI	IAC Team Member (Adjunct)

If you have any questions or need additional information, please have a member of your staff contact Michael McCafferty by telephone at 202-267-3928 or by email at michael.mccafferty@faa.gov.

2

ACTIONS TAKEN TO ADDRESS ALLEGATIONS OF UNSAFE MAINTENANCE PRACTICES AT NORTHWEST AIRLINES

Federal Aviation Administration

Report Number: AV-2007-080
Date Issued: September 28, 2007

Memorandum

U.S. Department of Transportation
Office of the Secretary of Transportation
Office of Inspector General

Subject: ACTION: Actions Taken To Address Allegations of Unsafe Maintenance Practices at Northwest Airlines
Federal Aviation Administration
Report Number AV-2007-080

Date: September 28, 2007

From: David A. Dobbs
Principal Assistant Inspector General for Auditing and Evaluation

Reply to Attn. of: JA-1

To: Acting Federal Aviation Administrator

This report presents the results of our audit of the Federal Aviation Administration's (FAA) actions taken to address allegations of unsafe maintenance practices at Northwest Airlines (Northwest). These allegations were reported by an FAA Aviation Safety Inspector (the complainant) assigned to FAA's Northwest Airlines Certificate Management Office (CMO) in Bloomington, Minnesota.

The complainant alleged that Northwest's actions during the aircraft mechanics' strike—initiated against the airline on August 20, 2005—created a public safety risk. Specifically, the complainant alleged that Northwest's replacement mechanics and management personnel transferred into maintenance roles were not appropriately trained and that processes involving receipt of aircraft parts were improperly conducted. The complainant contacted then Minnesota Senator Mark Dayton, who requested that FAA and the Office of Inspector General (OIG) evaluate the validity of these allegations.

To avoid duplicative efforts, we monitored FAA's review processes and results to evaluate both FAA's response to the complainant and the validity of the allegations. To accomplish this objective, we interviewed the complainant, accompanied FAA review team members as observers during their on-site work, and met extensively with FAA officials to review the conclusions they developed and planned to report.

In addition, our investigative staff interviewed CMO inspectors and managers, who also expressed a desire to discuss problems related to the CMO's oversight. We provided a summary of the concerns identified during these interviews to FAA Headquarters in October 2005. We also briefed Senator Dayton and his staff on our audit and investigative results in October 2005. Exhibit A contains further details on our scope and methodology. Exhibit B provides details on the results of our investigative staff interviews.

BACKGROUND

In August 2005, approximately 4,400 Northwest Airlines mechanics went on strike. Northwest replaced these mechanics with a combination of management representatives, newly hired mechanics, and contract mechanics. FAA responded to the strike by sending its inspectors to perform focused oversight in locations where Northwest had major operations. FAA management reported that Northwest continued to operate safely despite the mechanics' strike.

However, on August 22, 2005, an FAA inspector performing oversight at Northwest expressed concerns that Northwest had not adequately trained its replacement mechanics for their new responsibilities and that it had made other changes that negatively affected its operations. For example, the complainant stated that the parts receiving procedures had been changed to speed up processing, but that these changes had resulted in a more limited review of repaired parts. The inspector submitted his concerns to FAA in the form of a safety recommendation and filed a complaint about Northwest's operations and FAA's oversight with Senator Mark Dayton's office.

At the same time, Northwest officials complained to the CMO that the complainant's conduct was interfering with Northwest operations. On August 29, 2005, Northwest management officials notified the CMO that it would no longer permit the complainant to have unescorted access to Northwest facilities. According to Northwest officials, the complainant had displayed disruptive and unprofessional behavior in his interactions with Northwest employees and vendors. As a result of these complaints, CMO managers reassigned the complainant to office duties and restricted him from performing oversight on Northwest Airline premises.

Our investigative staff reviewed the validity of Northwest's allegations as well as the propriety of actions that CMO management had taken against the complainant in response to these allegations. Generally, we could not conclude that Northwest's concerns were baseless or fabricated. We determined that Northwest had documented complaints about the inspector going back many years.

According to Northwest, FAA's response to its prior complaints about the inspector had not been effectively handled.

However, the airline's August 29, 2005, letter of complaint came within days of the beginning of the mechanics' strike. The letter also followed several inspection findings identified by the complainant criticizing Northwest's operations. The CMO's reassignment of the complainant in response to the airline's complaints removed a highly experienced inspector from on-sight duties when Northwest's operations were most affected by labor problems. We encouraged the CMO to establish a "clean slate" with the complainant and provide him with training and feedback so he could address concerns about his interactions with Northwest officials and function as an effective aviation safety inspector. Further, while there may have been merit to some of the airline's concerns with the complainant, it was incumbent upon FAA to determine the validity of the complainant's safety concerns about Northwest's operations.

RESULTS IN BRIEF

In reviewing FAA's actions to investigate the complainant's safety concerns, we determined that FAA needs better procedures for responding to and resolving safety complaints identified by its inspectors. Currently, FAA does not require that internal allegations about safety oversight be investigated by staff independent of the office where the complaint is generated. It also does not require that review results be published or that, where appropriate, involved staff be held accountable for remedying any identified problems. Circumstances surrounding FAA's handling of safety allegations at Northwest underscore the need for FAA to develop better review processes.

On September 7, 2005, FAA dispatched a three-member inspection team to review inspector allegations of unsafe maintenance practices and FAA's oversight of Northwest. We accompanied FAA on this review and immediately identified concerns with the composition of the review team and the team's review procedures. Two of the three FAA review team members were from the Great Lakes regional office in Des Plaines, Illinois. The Manager of the Northwest CMO, where the complainant works, reports directly to the Division Manager in the Great Lakes office. The complainant questioned whether team members from the Great Lakes office would be objective in their review.

We encouraged FAA to use team members that were not associated with the Northwest CMO to prevent any questions about the impartiality of the review team. However, FAA's Director of Flight Standards Service advised us that the review was a regional office responsibility. Therefore, he declined to change the

team members, stating that one of them was an experienced office manager from another region.

FAA's first review team did not thoroughly review the complainant's allegations. Once on site at the CMO and Northwest offices in September 2005, FAA's team performed a very limited review of the complainant's allegations. In August and September of 2005, FAA inspectors responsible for oversight of Northwest's operations identified at least 121 findings related to replacement mechanics' lack of knowledge or ability to properly complete maintenance tasks and maintenance documentation. Even though the review team was aware of these findings, the team's only action to examine the complainant's allegation that replacement mechanics were not properly trained was a review of the mechanics' training files.

The team did not conduct independent observations of replacement mechanics actually performing maintenance tasks and did not assess the 121 inspection findings in its review of mechanic training. Nevertheless, in November 2005, FAA reported that Northwest had revised the training program that technicians had to complete before performing maintenance tasks while unsupervised. This action confirmed that the complainant's concerns about mechanic training were valid and helped to ensure that Northwest continued to operate safely.

From September 2005 to December 2005, we met extensively with FAA and encouraged a more comprehensive review of the complainant's allegations. During the same period, our office was receiving calls from Northwest employees related to concerns about Northwest operations. During interviews with CMO personnel, OIG investigative staff determined that other inspectors performing oversight of Northwest also shared the complainant's concerns (see exhibit B). Specifically, these inspectors stated that replacement workers were not receiving proper training and were not properly addressing technical problems as they arose. They also stated that CMO management discouraged the use of civil penalties, thus leading to ineffective oversight of the carrier. We provided FAA with a summary of these inspectors' concerns in October 2005. As a result, FAA formed a second review team to follow up on these issues.

FAA performed a second review but did not properly respond to the complainant or ensure that the CMO took corrective action for identified deficiencies. In November 2005, FAA agreed to initiate a second review to follow up on our concerns regarding its first review and other inspectors' concerns expressed to our investigative staff. This review was performed by a more independent team consisting of representatives from FAA Headquarters and other regions. Although the review validated more of the concerns identified by the complainant, FAA did not use the results to ensure that the CMO took action to resolve identified problems.

More importantly, despite finding that the complainant had valid concerns, FAA issued a letter to the complainant in February 2006 indicating that all of his safety recommendations lacked merit. For example, the complainant recommended that Northwest revise its mechanic training program. Even though the CMO directed Northwest to revise the program, FAA Headquarters advised the complainant that this recommendation was a subjective, unsupported opinion. This created the appearance that FAA had determined the complainant's allegations had merit and that corrective action by Northwest was necessary but did not want its written response to acknowledge the validity of the concerns.

The CMO initiated several actions against Northwest requiring that it correct problems identified by FAA inspectors. For example, FAA wrote a letter of correction to Northwest for inappropriately changing its parts receiving procedures and required that the carrier correct this problem. FAA's decision to issue the letter of correction validated another of the complainant's allegations. However, FAA never formally issued the full results of the reviews it conducted with recommendations to the CMO for improving its oversight at Northwest. Our recommendations for improving FAA's review procedures are listed on page 8.

FINDING

FAA Needs To Develop Better Procedures for Investigating and Resolving Inspector Safety Recommendations and Concerns

FAA established a process for performing increased oversight of Northwest operations when the mechanics' strike began, and more than 800 FAA inspections were completed within the first 2 months of the strike. FAA also took steps to require that Northwest enhance its training program for replacement mechanics to ensure that the airline continued to operate safely. However, when one of its inspectors raised safety concerns, FAA did not demonstrate a willingness to thoroughly review and address the issues that the complainant identified. In fact, FAA informed the complainant that all of his concerns lacked merit, even though its own reviews of the allegations determined that some of the issues, such as problems with replacement mechanic training, were valid.

FAA's review process had significant shortcomings. Specifically, FAA did not conduct comprehensive, objective reviews; release a report of its findings showing how it resolved the complainant's concerns; or hold the CMO accountable for correcting the safety and oversight deficiencies identified by its review teams and our investigative staff. To promote greater information sharing and the Agency's commitment to safety, FAA needs to develop better processes for responding to inspector concerns.

FAA Did Not Objectively Review and Respond to the Complainant's Safety Recommendation

In August 2005 and again in October 2005, the complainant submitted recommendations to FAA's Office of Accident Investigation, which is responsible for administering FAA's Safety Recommendation Program. This program is used to identify and correct safety deficiencies in the National Airspace System and to prevent accidents and incidents. Although the complainant submitted his concerns to FAA in the form of a safety recommendation, the information mirrored the allegations sent to Senator Dayton. Specifically, that:

- Northwest's replacement mechanics were inadequately trained,
- Northwest's parts receiving processes were improperly conducted, and
- FAA's CMO management was not responsive to inspector concerns about Northwest.

The Office of Accident Investigation forwarded the complainant's allegations and safety recommendations to FAA's Director of Flight Standards Service for action, in accordance with FAA Order 8020.11B, Aircraft Accident and Incident Notification, Investigation, and Reporting.

On January 19, 2006, the Director issued a response to the Office of Accident Investigation summarizing the Agency's conclusion on the complainant's safety recommendations. Despite the fact that its two review teams confirmed that some of the complainant's concerns were valid (e.g., the concern about training for replacement mechanics), FAA essentially concluded that all his safety recommendations lacked merit. This determination appeared to focus on the fact that, in FAA's view, the recommendations were not consistent with FAA procedures for submitting safety recommendations. After reviewing the Director's response, the Office of Accident Investigation issued a letter to the complainant on February 21, 2006, stating that the recommendations were closed and not adopted.

We agree that some of the complainant's recommendations focused more on concerns with operations in the CMO rather than direct safety issues at Northwest; however, many of the concerns about Northwest and the CMO's oversight were valid. For example, FAA's first review team acknowledged in its November 2005 report that Northwest's initial replacement training program was not effective. Yet, in response to the complainant's recommendation that Northwest revise its aircraft mechanic and inspector training programs to ensure that mechanics and inspectors are competent to perform maintenance tasks, FAA officials advised the complainant in February 2006 that this recommendation was a subjective, unsupported opinion.

In this case, it appears that FAA's review teams were not able to address the complaints in an objective way. FAA's handling of the complainant's safety concerns appeared to focus on discounting the validity of the complaints rather than determining whether there were conditions at Northwest and the Northwest CMO that needed correction. A potential negative consequence of FAA's handling of this safety recommendation is that other inspectors may be discouraged from bringing safety issues to FAA's attention.

FAA needs to clarify its policy for reviewing inspector safety recommendations and ensure that the response to such recommendations remains focused on the substance of safety concerns, not the format in which they are submitted or the personal issues with the inspector who submits them. FAA might have accomplished that in this situation had it assigned an impartial review team.

FAA Needs To Hold the Northwest CMO Accountable for Correcting Identified Safety Deficiencies

FAA has not taken sufficient action to verify that the CMO has corrected deficiencies identified by its two review teams. FAA's second review team conducted on-site testing at Northwest in November and December of 2005 and—unlike the first review team—determined that at least 14 of the concerns expressed by inspectors and managers had merit. For example, the second review team determined that:

- The CMO had not acted on the individual events that were listed in the complainant's allegation and identified by other CMO inspectors in the weeks following the strike.
- The CMO could have been more aggressive in pursuing enforcement actions against Northwest where warranted. The review team determined that the CMO had not issued any civil penalties against Northwest in fiscal years 2004, 2005, and 2006.

The second review team also identified a problem with how the CMO resolved safety allegations. The CMO investigated an allegation that a Northwest manager had signed off on a test that was not actually completed to expedite getting an aircraft back into service. The CMO concluded that there had been no regulatory violation, even though it confirmed that the manager did not complete the test and was not qualified to sign off on it. The second review team recommended that the CMO re-open the complaint.

FAA finalized the report on its second review in June 2006. However, we found no evidence indicating that the report was issued to the CMO or that FAA's Office of Flight Standards Service planned to verify that the findings and other inspector

concerns would be addressed. In fact, even though one of the findings in the second team's report was that the CMO had not acted on issues identified early in the strike, the team left it to the CMO to further investigate and resolve the 14 concerns expressed by inspectors and managers.

The review team and the Office of Flight Standards Service also left it to the CMO to ensure that issues identified in more than 800 FAA inspection reports on Northwest's operations would be addressed and resolved. The CMO should be required to report to the Director of Flight Standards Service on actions taken by the CMO and Northwest to resolve deficiencies identified by inspectors and FAA review teams.

RECOMMENDATIONS

We recommend that the Acting Federal Aviation Administrator:

1. Require the Flight Standards Service to establish better internal review procedures to ensure that comprehensive, independent investigations of safety allegations and recommendations are consistently performed.

2. Require the CMO in Bloomington, Minnesota, to report to the Director of Flight Standards Service on actions taken by the CMO and Northwest to resolve deficiencies identified by inspectors and FAA review teams.

AGENCY COMMENTS AND OIG RESPONSE

On September 25, 2007, FAA provided comments to our July 26, 2007, draft report. FAA's full response is included in the appendix to this report. FAA concurred with both of our recommendations. FAA agreed to establish a new internal review capability that would allow it to perform independent assessments of safety allegations. FAA plans to implement this capability by September 30, 2008. In addition, FAA agreed to require the CMO in Bloomington, Minnesota, to report by November 2007 on actions taken by the CMO and Northwest to resolve deficiencies identified by inspectors and FAA review teams. FAA stated that the report would first be issued to the Division Manager in the Great Lakes region and then forwarded to the Director of Flight Standards Service. When properly implemented, these actions will satisfy our recommendations. Therefore, we consider the recommendations resolved.

Although FAA concurred with both recommendations, the Agency identified three areas in our report in which it respectfully disagreed with our conclusions:

Safety Recommendations: FAA disagreed with our conclusion that it did not want to document the fact that some of the complainant's concerns were valid. FAA stated that Flight Standards Service policy staff reviewed the complainant's safety recommendations independently from the two FAA review teams and concluded that the recommendations did not contain the necessary, substantiating information.

Our conclusion that FAA's response to the complainant gave the appearance that FAA did not want to acknowledge the validity of the complainant's concerns is based on FAA's conflicting statements about the same issue. As stated in the report, FAA's review team reported that Northwest's initial mechanic training program was not effective; yet, it advised the complainant that his assertion related to inadequate mechanic training was an unsupported, subjective opinion.

Also, the personnel conducting the reviews and those reviewing the complainant's safety recommendations all reported their findings to the Director of Flight Standards Service. Therefore, results and data disclosed as part of the two FAA reviews were readily available to the Director and, in our view, should have been considered when reviewing and responding to the safety recommendations.

Training: FAA also suggested that it did not adopt the complainant's recommendation to improve mechanic training because the CMO was already addressing the problem. FAA stated that the CMO documented 16 meetings with Northwest management from April 2005 to August 2005, in which they discussed mechanic training. However, FAA did not provide information to verify that CMO staff actually discussed training concerns during these meetings. In addition, these 16 meetings all occurred before the strike. During FAA's first review of the allegations, the CMO manager advised us that the CMO was comfortable with the mechanic training in place before the strike. The CMO manager did not become concerned about mechanic training until after the strike began, and after the complainant submitted his safety recommendations. Accordingly, we concluded that FAA's assertion is not supported by the facts.

Composition of First Review Team: FAA disagreed that the Director of Flight Standards Service declined our recommendation to change the composition of the first review team. FAA stated that the team leader was an experienced office manager from the Eastern Region who was selected for the review team by the Director of Flight Standards Service. Also, FAA stated that while the other two team members were staffers who reported to the same regional division manager as the CMO manager, they were not in line of authority for operations between the CMO manager and the regional division manager.

We acknowledged in our report that the first review team included a manager from another region. However, the complainant had already expressed concerns that

staff from the Great Lakes Region would not be objective in assessing his recommendations. We advised the Director of Flight Standards Service of this concern prior to the start of the review, but he chose to dismiss our concerns and those of the complainant. We continue to believe that FAA's first review team lacked the appearance of objectivity.

ACTION REQUIRED

FAA's planned actions satisfy the intent of our recommendations. Since FAA's response indicated that it disagreed with our core findings and conclusions, we will follow up, according to the provisions of DOT Order 8000.1C, to ensure that the Agency's corrective actions are consistent with our recommendations until the final actions are completed.

We appreciate the cooperation of FAA representatives during this audit. If you have any questions concerning this report, please contact me at (202) 366-1427 or Lou Dixon, Program Director, at (202) 366-0500.

#

cc: FAA Associate Administrator for Safety
FAA Chief of Staff
Anthony Williams, ABU-100

EXHIBIT A. SCOPE AND METHODOLOGY

This performance audit was conducted in accordance with generally accepted Government Auditing Standards prescribed by the Comptroller General of the United States and included such tests as necessary to provide reasonable assurance of detecting abuse or illegal acts. We conducted this review between September 2005 and July 2007.

An FAA inspector in the FAA CMO for Northwest made allegations of unsafe maintenance practices at Northwest and inadequate oversight by the CMO. The complainant reported these concerns to then Minnesota Senator Mark Dayton, who asked FAA and the Office of Inspector General to evaluate the allegations.

To obtain details about the allegation, members of the Office of Inspector General audit and investigative staff interviewed the complainant at Senator Dayton's office in Fort Snelling, Minnesota, on September 2, 2005. We also analyzed inspection data contained in FAA's Safety Performance Analysis System and the Air Transportation Oversight System databases to determine the validity of the allegations. We obtained inspection reports from these data sources to identify strengths and weaknesses in FAA's surveillance of Northwest as they related to the complainant's concerns.

To determine the effectiveness of FAA's actions taken in response to the allegations, we accompanied FAA review team members as observers during their review conducted from September 7 to 15, 2005, in Bloomington, Minnesota. In addition, to determine if other inspectors in the CMO shared the same concerns as the complainant and to obtain additional information on safety concerns, the OIG investigative staff conducted separate interviews of 24 individuals: 12 current FAA inspectors, 4 current FAA managers, 7 Northwest mechanics on strike, and 1 retired Northwest mechanic.

We closely monitored FAA's review and met extensively with FAA Headquarters officials to ensure that FAA's report accurately reflected the results of its review. FAA provided us with the results of its first review in a report dated November 10, 2005. Because of continuing concerns that we had with the comprehensiveness of the review and the quality of the report, FAA conducted a second review during November and December of 2005. To determine whether FAA adequately addressed our concerns, we reviewed FAA's January 19, 2006, memorandum on Flight Standards Service's evaluation of the complainant's safety recommendations and the June 2006 report on the results of the second team's review.

EXHIBIT B. OIG INVESTIGATIVE RESULTS

In addition to the work we performed to monitor FAA's reviews, OIG investigative staff conducted interviews with 24 individuals, including 12 current FAA inspectors, 4 current FAA managers, 7 Northwest mechanics on strike, and 1 retired Northwest mechanic. These interviews revealed that other inspectors in the CMO shared several of the same concerns as the complainant. The following is a brief synopsis of the safety-related allegations concerning Northwest and the alleged lack of proper oversight of Northwest by FAA—specifically, the Certificate Management Office.

- Northwest replacement workers did not receive proper training or enough on-the-job training.

- Replacement workers did not properly complete maintenance paperwork or properly address technical problems as they arose.

- Northwest made an unauthorized change in its procedures for processing repaired parts.

- An alleged improper relationship existed between Northwest and FAA management that resulted in FAA discouraging the use of civil penalties, thus leading to ineffective oversight of the carrier.

We provided a more detailed summary of our investigative interviews to FAA Headquarters in October 2005. FAA's second review team evaluated these allegations and reported problems in each of the above areas. However, FAA did not release a report of its findings to show how it resolved the complainant's concerns. Also, FAA did not develop a follow-up process to ensure that the Northwest CMO resolved all the concerns that were identified.

APPENDIX. MANAGEMENT COMMENTS

Federal Aviation Administration

Memorandum

Date: September 25, 2007

To: Robert E. Martin, Assistant Inspector General for Aviation and Special Program Audits

From: Ramesh K. Punwani, Assistant Administrator for Financial Services/CFO

Prepared by: Anthony Williams, x79000

Subject: OIG Draft Report: Actions Taken To Address Allegations of Unsafe Maintenance Practices at Northwest Airlines

Thank you for providing us with the draft report of your audit of "Actions Taken to Address Allegations of Unsafe Maintenance Practices at Northwest Airlines, Project No. 07A3002A00." We appreciate your acknowledgement of FAA's increased oversight of Northwest operations when the mechanics strike began (August 2005), especially FAA's effort in requiring Northwest to enhance its training program for replacement mechanics to ensure that Northwest continued to operate safely.

We agree with the two OIG recommendations, as follows:

OIG Recommendation 1: Require the Flight Standards Service to establish better internal review procedures to ensure that comprehensive, independent investigations of safety allegations and recommendations are consistently performed.

FAA Response: Concur. Flight Standards Service has prepared a draft document to establish an internal review capability separate and distinct from existing Flight Standards Service oversight capabilities. This capability, based on a recommendation from the Flight Standards regional division managers, will be directly under the purview of the Director, Flight Standards Service. The draft is currently being reviewed by the Flight Standards regional managers and Flight Standards Service plans to implement this new internal review process by September 30, 2008.

Recommendation 2: Require the CMO in Bloomington, Minnesota, to provide a report to the Director, Flight Standards Service on actions taken by the CMO and Northwest to resolve deficiencies identified by inspectors and FAA review teams.

FAA Response: Concur. We recommend the CMO first provide the report to the Flight Standards Service regional division manager in Great Lakes region, who is responsible for and oversees the CMO,

and that regional division manager will forward the report to the Director, Flight Standards Service, certifying completion of actions taken by the CMO and Northwest. Action to be completed by November 2007.

However, there are three items of the draft report we respectfully disagree with, as follows:

1. Safety Recommendations – The OIG draft report states FAA, despite finding the complainant had valid concerns, issued a letter to the complainant advising the two safety recommendations were subjective, unsupported opinion as FAA did not want to document the complainant's concerns were valid. In this regard, those safety recommendations were reviewed by Flight Standards Service Headquarters policy staff, independently from the two FAA review teams, who determined the safety recommendations did not contain the necessary, substantiating information per FAA Order 8020.11B, Aircraft Accident and Incident Notification, Investigation, and Reporting (dated 08/16/00, as amended). When the FAA Office of Accident Investigation convened a Safety Recommendation Board to review the two safety recommendations, they provided another separate and independent review of the two safety recommendations.

2. Training Provided By Northwest – The OIG draft report states FAA informed the complainant the two safety recommendations were "Closed; Not Adopted" even though FAA determined some of the issues, such as problems with replacement mechanic training, were valid. In this regard, the CMO expressed concern to Northwest representatives about replacement mechanic training and proper documentation of maintenance activities prior to the date of the complaint's two safety recommendations. The CMO documented 16 meetings with Northwest management during the period of April-August 2005 when they discussed training of mechanics. Prior to the strike, the CMO provided training to aviation safety inspectors (who provided strike surveillance at 29 targeted maintenance stations) with an emphasis on mechanic training.

3. Composition of First Review Team – The OIG draft report states the Director, Flight Standards Service, declined the OIG staff recommendation to change the make-up of the first review team (to assure impartiality) as the review was a regional responsibility and one of the three team members was from another region. In this regard, the team leader is an experienced office manager from the Eastern region who was selected for the review team by the Director, Flight Standards Service. While the other two team members were staffers who reported to the same regional division manager as the CMO manager, they were not in line of authority for operations between the CMO manager and the regional division manager.

Appendix. Management Comments

3

Self Disclosure Details

Notification ID: 5398

EIR Number:

EIR Status: NEW

Current Stage: Initial Notification

Notification Title: TOC / B-757 Task Card Sign-off Discrepancies

Initial Notification

Submited By: James Jackson

Submitter found in OPSS 119 list?: No

Designator ID: DALA

Designator Name: Delta Air Lines, Inc.

Business Concern: Large Business Concern

Was Alleged Violation Discovered as the Result of an Aviation Safety Action Program (ASAP) Report: No

Was Alleged Violation Discovered During Air Carrier Program (ACEP) Evaluation: Yes

Did Non-Compliance Cease after Detection: Yes

Is Evaluation Underway to Determine Systemic Problem: Yes

Will Written Report be Submitted in 10 Working Days: No

Inspector Code: SO27KAF

Inspector Name: Keith A Frable

Inspector Type: PMI

Notification Mode: Phone

Notification Date: 1/6/2010 16:00

Submitted Date: 1/8/2010

INFORMATION OF THE PERSON PREPARING COMPREHENSIVE FIX: :

Name: James Jackson

Contact Information:james.jackson@delta.com

DESCRIPTION OF ALLEGED VIOLATION:

On December 31, 2009, as a result of a records review of Northwest Airlines Aircraft Maintenance Documentation System (AMDS) Card 5210-01083-01 for the B-757 fleet, Delta Quality Assurance (QA) notified TechOps Management of a potential Airworthiness Directive (AD) compliance infraction involving improper sign-offs for tasks accomplished in accordance with AMDS Card 5210-01083-01 on pre-merger Northwest B-757 aircraft. AMDS work card 5210-01083-01 is the inspection task for the passenger doors emergency power assist cable and is applicable to aircraft N516US, N517US, N518US, N519US, N520US, N521US, N523US, N526US, N527US, N528US, N529US, N530US, N531US, and N534US. The improper sign-off's were applicable to step 5.A that

requires lubrication of the cavity above the bearing seal (part number ARC10400-210GC) for the door actuation lever if the emergency power spring cylinder actuation cable travel is sufficient as indicated in step 4.C. During the audit, Delta discovered that maintenance signed off step 5.A as Not-Applicable (N/A) at various door locations even though step 4.C indicated that the actuation cable travel was sufficient. Signing step 5.A as N/A would indicate that the lubrication of the cavity was not accomplished. Delta initially discovered the task card anomaly for B-757 aircraft N529US, N530US, and N531US, Delta ships 5529, 5530, and 5531 respectively. Subsequently, on January 5, 2010, Delta discovered the anomaly on N521US (Delta ship 5521).

DESCRIPTION OF IMMEDIATE ACTION:

On December 31, 2009, as based on initial information supplied by QA, TechOps management required maintenance to re-accomplish AMDS work card 5210-01083-01 on Delta ships 5529, 5530, and 5531. Delta completed the re-accomplishment on all three aircraft, at the applicable door locations, on December 31, 2009, during the over night visits. The review of the records following re-accomplishment on all three aircraft did not reveal any conclusive compliance concerns with the lubrication of the cavity above the bearing seal. On January 5, 2009, Delta maintenance re-accomplished AMDS work card 5210-01083-01 at the applicable door locations on ship 5521. Preliminary reports from maintenance indicated compliance concerns with the lubrication of the cavity at the forward right (R1) passenger door position; however, there were no reports of corrosion present in the cavity. Ship 5521 was returned to service on January 7, 2009. Delta is completing its review of work records on all fourteen (14) applicable aircraft.

COMMENTS:

In accordance with AC 00-58B guidance, Delta will submit an overview of its comprehensive fix plans within 10 working days. Delta's written report will be submitted by February 8, 2010.

Initial Notification Response

Is Valid SD?: Yes

Submitted/Letter from 119 official?: Yes

Investigation Commence Date: 1/15/2010

Submitted By: Keith A Frable

Submitted Date: 1/21/2010

Inspector Name: Keith A Frable

BRIEF DESCRIPTION IF NOT VALID SD:

According to carriers input in answer to 'Alleged Violation Discovered During Air Carrier Program (ACEP) Evaluation' was marked (Yes)and should be NO

Senior Office Manager(SOM) Name: Tony Campbell

Senior Office Manager(SOM) Comments:

According to carriers input Alleged Violation Discovered During Air Carrier Program (ACEP) Evaluation (Yes.)

DELTA

Voluntary Disclosure
Initial Notification Report

Initial Notification

Notification Number:

Business Concern: Large Business Concern

Violation

Subject: TOC / B-757 Task Card Sign-off Discrepancies

Brief Description of Alleged Violation

On December 31, 2009, as a result of a records review of Northwest Airlines Aircraft Maintenance Documentation System (AMDS) Card 5210-01083-01 for the B-757 fleet, Delta Quality Assurance (QA) notified TechOps Management of a potential Airworthiness Directive (AD) compliance infraction involving improper sign-offs for tasks accomplished in accordance with AMDS Card 5210-01083-01 on pre-merger Northwest B-757 aircraft. AMDS work card 5210-01083-01 is the inspection task for the passenger doors emergency power assist cable and is applicable to aircraft N516US, N517US, N518US, N519US, N520US, N521US, N523US, N526US, N527US, N528US, N529US, N530US, N531US, and N534US. The improper sign-off's were applicable to step 5.A that requires lubrication of the cavity above the bearing seal (part number ARC10400-210GC) for the door actuation lever if the emergency power spring cylinder actuation cable travel is sufficient as indicated in step 4.C. During the audit, Delta discovered that maintenance signed off step 5.A as Not-Applicable (N/A) at various door locations even though step 4.C indicated that the actuation cable travel was sufficient. Signing step 5.A as N/A would indicate that the lubrication of the cavity was not accomplished. Delta initially discovered the task card anomaly for B-757 aircraft N529US, N530US, and N531US, Delta ships 5529, 5530, and 5531 respectively. Subsequently, on January 5, 2010, Delta discovered the anomaly on N521US (Delta ship 5521).

Description of Immediate Action

On December 31, 2009, as based on initial information supplied by QA, TechOps management required maintenance to re-accomplish AMDS work card 5210-01083-01 on Delta ships 5529, 5530, and 5531. Delta completed the re-accomplishment on all three aircraft, at the applicable door locations, on December 31, 2009, during the over night visits. The review of the records following re-accomplishment on all three aircraft did not reveal any conclusive compliance concerns with the lubrication of the cavity above the bearing seal. On January 5, 2009, Delta maintenance re-accomplished AMDS work card 5210-01083-01 at the applicable door locations on ship 5521. Preliminary reports from maintenance indicated compliance concerns with the lubrication of the cavity at the forward right (R1) passenger door position; however, there were no reports of corrosion present in the cavity. Ship 5521 was returned to service on January 7, 2009. Delta is completing its review of work records on all fourteen (14) applicable aircraft.

Verify

Did Non-Compliance cease after detection:	Yes
Is evaluation under way to determine any systemic problems:	Yes
Will Written Report be submitted within 10 working days:	No
Was the alleged violation discovered during ACEP Evaluation:	Yes
Was the alleged violation discovered during ASAP Evaluation:	No
Notification Date:	01/06/10

Notification Time:	1600
Media used to notify self disclosure:	Phone

Additional Comments:

In accordance with AC 00-58B guidance, Delta will submit an overview of its comprehensive fix plans within 10 working days. Delta's written report will be submitted by February 8, 2010.

POCs

1.	Designator ID:	DALA
2.	FAA Designated Official Name - Type:	PMI – Keith Frable
3.	Company official preparing comprehensive fix:	James Jackson
4.	Company official preparing comprehensive fix Contact Information:	james.jackson@delta.com

Mark Ginn
Chief Inspector
Delta Air Lines, Inc.

Lee Gossett
Director of Maintenance
Delta Air Lines, Inc.

This initial notification of disclosure is prepared in accordance with the voluntary disclosure reporting procedures set forth in the Federal Aviation Administration's (FAA) Advisory Circular 00-58A. This information is considered proprietary information and should be exempt from disclosure under the Freedom of Information Act (FOIA). As such, it is being released to the FAA with an expectation of confidential treatment. Disclosure of this information may be harmful to Delta's competitive position, and may impair the FAA's ability to obtain such necessary information by voluntary submission in the future

4

NORTHWEST AIRLINES

Northwest Airlines, Inc.
Department Number
8020
7500 Airline Drive
Minneapolis MN 55450-1101
nwa.com

RECEIVED
DEC 16 2008
NWA-CMO

December 15, 2008

Mr. Bruce Kotzian
Mr. Paul Biever
Supervisory Principal Maintenance Inspector
Federal Aviation Administration
Minneapolis Certificate Management Office
2901 Metro Drive, Suite 500
Bloomington, MN 55425

Subject: Fuel Tank System Maintenance Program

Reference: (A) FAA Letter B. Kotzian/P. Biever to M. Nichols, dated 13NOV08
(B) NWA Letter D. Hill to B. Kotzian/P. Biever, dated 14NOV08
(C) NWA Letter D. Hill to B. Kotzian/P. Biever, dated 05DEC08
(D) FAA Letter B. Kotzian/P. Biever to G. Budinger, dated 12DEC08

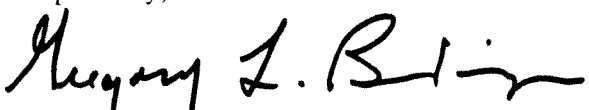
Dear Messrs. Kotzian and Biever,

As a follow up to our meeting on December 9th regarding the subject program, NWA will accomplish the following.

1. Add language to NWA Reliability Document to include Exceptional Short-Term Extensions for AWLs, and the new approval requirements for revisions to FTS requirements for failure effect category 5 and 8 tasks. This will be submitted for Reliability Document revision 13 approval no later than January 31, 2009.
2. Revise GEMM and Engineering Handbook to outline Fuel Tank System program at NWA. Other department manuals will also be reviewed and if necessary revised to incorporate any required changes. Submit no later than January 31, 2009
3. Issue a Technical Alert highlighting new SFAR 88 requirements. This will be accomplished before December 16, 2008.
4. Provide CBT training to Technicians on SFAR 88 requirements. This will be harmonized with Delta Airlines training to minimize any differences once we obtain single operations certification. CBT will be issued in January, 2009.
5. Training will review their curriculum to determine where FTS awareness may be appropriate. A plan to incorporate any changes will be completed by February 28, 2009.
6. Review maintenance program work cards to verify they reference unique test equipment and ensure NWA standards are met. Any revisions will be completed prior to March 15, 2009.
7. Regarding the reference (D) letter, NWA will comply with item 1 and make any necessary changes to the SFAR 88 task cards before they are accomplished.

We have appreciated your guidance while we incorporated these complicated new requirements into our maintenance program.

Respectfully,



Gregory L. Budinger
Chief Engineer
Northwest Airlines, Inc.

cc: D. Lee / D. Hill / K. Bauer / P. Timmers / K. Hylander

AI

NORTHWEST AIRLINES

Northwest Airlines, Inc.
Department Number
8020
7500 Airline Drive
Minneapolis MN 55450-1101
nwa.com

Mr. Bruce Kotzian
Mr. Paul Biever
Supervisory Principal Maintenance Inspector
Federal Aviation Administration
Minneapolis Certificate Management Office
2901 Metro Drive, Suite 500
Bloomington, MN 55425

December 16, 2008

Subject: Fuel Tank System Maintenance Program

Reference: (A) Letter G. Budinger to M. B. Kotzian/P. Biever, dated 15DEC08

Dear Messrs. Kotzian and Biever,

As we discussed, the following clarifies item 7 from the reference (A) letter.

NWA will make any necessary changes to the SFAR 88 task cards before they are accomplished or by March 15, 2009, whichever occurs first.

Respectfully,

Gregory L. Budinger
Chief Engineer
Northwest Airlines, Inc.

cc: D. Lee / D. Hill / K. Bauer / P. Timmers / K. Hylander

Northwest Airlines, Inc.
Engineering Standards
7500 Airline Drive
Dept. C8020
Minneapolis, MN 55450-1101 USA

Number of pages including cover: 2

DATE: 16DEC08

TO: B. Kotzian / P. Biever

CC:

COMPANY:

PHONE:

FAX: (952) 814-4329

FROM: G. Budinger

COMPANY: NWA

PHONE: (612) 726-2636

FAX:

E-mail: gregory.budinger@nwa.com

SUBJECT: Fuel Tank System Maintenance Program

Bruce and Paul:

Per our conversation this morning, please find enclosed a clarification to the letter I sent yesterday.

Regards,

Gregory L. Budinger
Director, Engrg Standards and Specifications
Chief Engineer
Northwest Airlines

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

FAA NWA CMO
2901 Metro Drive, Suite 500
Bloomington, MN 55425

December 12, 2008

Northwest Airlines, Inc.
Mr. Gregrory L. Budinger/Dept. C8020
Engineering Standards & Chief Engineer
7500 Airline Drive
Minneapolis, MN 55450-1101

Dear Mr. Budinger:

During our office review of the Northwest Airlines (NWA) Fuel Tank System Maintenance Program work task cards developed to meet the SFAR 88 Fleet Maintenance Review Board Report (MRBR) we discovered the Manufacture's Instructions for Continued Airworthiness (ICA) were more detailed than the NWA developed work task cards.

In order for our office to approve Operations Specification D070 we require NWA to commit to one of the following items.

1. Incorporate into the NWA work task cards the specific manufacturer's ICA criteria, see attachment example, for accomplishment of the General Visual or Detailed inspection for the Fleet MRBR SFAR 88 identified tasks prior to accomplishing a NWA SFAR 88 work task card.

2. Provide (SFAR 88) Fuel Tank System Training that includes the specific manufacture ICA criteria, see attachment example, for accomplishment of the General Visual or Detailed inspection for the Fleet MRBR SFAR 88 identified tasks. Prior to any mechanic/technician accomplishing a NWA SFAR 88 work task card they must have received the FAA Acceptable NWA (SFAR 88) Fuel Tank System training.

Please feel free to contact our office regarding this matter.

CONCURRENCES

ROUTING SYMBOL	INITIALS/SIG	DATE
A-1		12/12/08
M-1		12-12-08
OM-1		12/12
ASA-M		
AST-pc		12/12/08

Paul L. Biever
Supervisory, Principal Avionics Insp.
952-814-4307

Bruce A. Kotzian
Supervisory, Principal Maintenance Insp.
952-814-4332

Enclosure: Boeing Task Card 20-011-01 & 20-014-01

File: 8300-2-10

O: NWA-Main/Paul/Maintenance Programs-General/2008/FTS/FTStraining vs task/PLB/12/12/08.doc

STATION		BOEING CARD NO.
TAIL NO.	NWA BOEING 757 TASK CARD	20-011-01
DATE		AIRLINE CARD NO.

SKILL	WORK AREA	RELATED TASK	INTERVAL	PHASE	MPD REV	TASK CARD REVISION
ELECT	L WING TANK		6C	22472	009	JAN 20/08

TASK	TITLE	STRUCTURAL ILLUSTRATION REFERENCE	APPLICABILITY AIRPLANE	APPLICABILITY ENGINE
CHECK/INSP	LH - CENTER AUX TANK		ALL	ALL

ZONES	ACCESS PANELS
531	5002 531AB 531BB 531CB

MECH	INSP	MPD ITEM NUMBER
		20-60-03-2B

INSPECT (DETAILED) THE EXPOSED EWIS INSIDE THE CENTER TANK LEFT WING. (SFAR 88) (EZAP)

1. Detailed Wiring Inspection

A. General

(1) This procedure performs a detailed inspection of wiring.

B. References

(1) AMM (applicable procedure(s))

(2) SWPM (applicable procedure(s))

(3) WDM (applicable diagram(s))

C. Equipment and Materials

(1) Mirror - Inspection, Telescoping

D. Procedure

(1) Remove panels as necessary to gain access to the wiring (Ref. AMM applicable procedure(s)).

(2) Do these steps to perform a detailed inspection of the wire bundles. bundles

NOTE: You do not need to pull on the wire bundles, shake the wire bundles, or disconnect the connectors to perform this inspection.

(a) Check the wire and the wire harnessess for: contact, chafing, sagging, security, visible damage, lacing tape/ties installation, sheath / conduit deformity or installation, end of sheath rubbing on end attachment, missing or damaged grommets, dust and lint accumulation, surface contamination, deterioration of previous repairs, electrical wire for the following defects:

(b) Check connectors for: external corrosion, backshell tail, rubber pad/packing on backshell, backshell wire securing device, fool proofing chain, missing or broken safety wire, discoloration or evidence of overheat on terminal lugs or blocks, toque stripe misalignment.

(c) Check switches for: rear protection cap damage.

(d) Check ground points for: corrosion, bonding braid/bonding jumper, broken or disconnected braid, multiple strands corroded or broken.

(e) Check wiring clamps or brackets for: presence, corrosion, condition, bends or twists, attachment, protection/cushion.

(f) Check supports (rails or tubes/conduit) for: breaks, deformity, missing fasteners, missing edge protection on rims of feed through holes, race track cushion damage.

(g) Repair or replace any wires found with defects (SWPM applicable procedure(s)).

(3) Install all panels that you removed.

MECH	INSP

(3) Install all panels removed for access (AMM & WDM applicable procedure(s)).