

**5**



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

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

January 22, 2009

Northwest Airlines, Inc.  
Mr. Pat Timmers/ C9000  
Director, Safety Assurance  
7500 Airline Drive  
Minneapolis, MN 55450-1101

RE: File #2008GL010095

Dear Mr. Timmers:

This office has completed the investigation regarding the improperly installed outflow valve actuator bolt on Northwest Airlines, Inc. (NWA) Boeing B-757 aircraft, U.S. Registration number N548US. The aircraft had been released to revenue service in an un-airworthy condition.

The improperly installed cabin outflow valve actuator bolt caused the aircraft to return back to Detroit, MI airport (DTW) because of a pressurization system failure. Northwest Airlines Quality Assurance investigation revealed that the technicians mistakenly reversed the installation of the outflow valve actuator bolt.

NWA took the following corrective actions to preclude future occurrences of this nature.

1. The technician that installed the outflow valve actuator prior to the ODI event has been counseled, with emphasizes on that he must adhere to all acceptable standard practices, and comply with all maintenance manual references.
2. DTW Line Maintenance Organization (LMO) has conducted briefing all DTW technicians on the importance of following procedures within the published maintenance work procedures contained under "Cautions and Notes".
3. A review of this event has been published on the NWA Technical Operations Lessons Learned website so awareness of this subject is available to other technicians working NWA aircraft

We have given consideration to all available facts and concluded that this matter does not warrant legal enforcement action. In lieu of such action, we are issuing this Letter of Correction, which will be made a matter of record.

Sincerely,

Bruce A. Kotzian  
Supervisory Principal Maintenance Inspector

File 8030-1

BAL/O:NWA\_MAIN:8030/8030-1/2089/2008GL010095LOC.doc/clf;1/22/09

CONCURRENCES
ROUTING SYMBOL M-1
INITIALS/SIG BAX
DATE 1-22-09
ROUTING SYMBOL A-1
INITIALS/SIG AK
DATE 1/22/09
ROUTING SYMBOL OM-1
INITIALS/SIG KJ
DATE 1/23
ROUTING SYMBOL ASA
INITIALS/SIG JK
DATE 1/23/0
ROUTING SYMBOL
INITIALS/SIG
DATE
ROUTING SYMBOL
INITIALS/SIG
DATE
ROUTING SYMBOL
INITIALS/SIG M...eed
DATE 1/23/0

**FOR OFFICAL USE ONLY**



Pat Hodnefield/AGL/FAA  
AGL-MSP-NWA-CMO-01,  
Minneapolis, MN

01/23/2009 10:20 AM

To

cc

bcc

Subject Fw: Notification of EIR Close-out as LOC

Attn: AGL-230A Jane Santangelo

Per AGL's request, this is notification that the NWA-CMO (GL01) has closed the following:

EIR # 2008GL010095 (NWA) as a Letter of Correction. (Changed from CP to LOC per AGL NCR)

Please code and close out this EIR in EIS. We will wait for email notification once this EIR is closed.

Thank you,

Pat Hodnefield  
NWA-CMO  
PH: 952-814-4303  
Fax: 952-814-4329



## EISQB Full Record Detail

This page produced 2/11/2010 11:22:29 AM By: ASO227ML

Control Info Critical Dts Violator Equipment Violation Actions Legal Security Regulations Remarks

CONTROL INFORMATION											
Report #	Rel Report #	Date Consol	Consol Base #	Fed Rec Ctr Assessment	FRC Loc	FRC Box					
2008GL010095	2008GL010096										
Record Owner	Inspector Name	CAIS ID	Rebuttal	Stop Order	Status						
GL01	KOTZIAN, BRUCE				CLOSED						
CRITICAL DATES											
Violation Date	Time	Date Known FAA	Entry	Legal Entry Date	IO Start	IO SignOff	RO Receipt	RO SignOff			
02/14/2008		02/19/2008	08/18/2008		02/19/2008	01/22/2009	01/23/2009	03/27/2009			
LC Receipt	Final Date	Last Chg	Opr	Last Transmit	Exp Cal Date	Exp Cycle	Exp Date				
	03/27/2009	09/24/2009	JS	09/25/2009							
ALLEGED VIOLATOR IDENTIFICATION											
Violator Name	Address-1	Address-2	Address-3	City	State	Zip	Telephone				
NORTHWEST AIRLINES INC	STEENLAND, DOUGLAS M CHIEF EXECUTIV	NORTHWEST AIRLINES, INC	MR DOUGLAS STEENLAND/DEPT A1110 270	EAGAN	MN	55121-1534	6127276500				
DBA Name	Date of Birth	Employer	Sex	Desig	Cert #	Cert Type	Cert Reg				
		NWAA		NWAA301A	00 SCHED AIR CARRIER	GL					
AIRCRAFT, ENGINE, PROPELLER, OR APPLIANCE INVOLVED											
Equip Type	Equip Make	Equip Model	Identification #	Equip Group	Equip Serial #	Owner Name					
A ACFT	BOEING	757251	548US	757		NORTHWEST AIRLINES INC					
Owner Address-1	Owner Address-2	Owner Address-3	Owner City	Owner State	Owner Zip Code						
STEENLAND, DOUGLAS M CHIEF EXECUTIV	NORTHWEST AIRLINES, INC	MR DOUGLAS STEENLAND/DEPT A1110 270	EAGAN	MN	55121-1534						
ALLEGED VIOLATION											
Airport ID	Airport Name	Airport City	Airport State	Region	Locatoin	Oper Type	Sub Type	Category	Source	Accident Code	Accident Description
DTW	DETROIT METROPOLITAN	DETROIT MI	GL		DTW	01 AIR CARRIER 121	01 SKED PSGR	02 MAINTENANCE	13 REC/LOG INSP	00	NO ACCIDENT
IO ACTIONS											
IO	Action	Action Desc	Sanction	Amount	Description						
	01	ADMIN ACTION	02		LTR CORRECTION						
RO ACTIONS											

RO	Action	Action Desc	Sanction	Amount	Description
01		ADMIN ACTION	02		LTR CORRECTION

**FINAL ACTIONS**

Final	Action	Action Desc	Sanction	Amount	Description
01		ADMIN ACTION	02		LTR CORRECTION

LEGAL COUNSEL EVENTS						
#	LCE Date	Legal Counsel Event	Action	Sanctions	Cert Affect	Term Affect
Attorney						
SECURITY						
Sec CD			Sec CD Desc			
REGULATIONS						
Regulations			FO	RO	FA	
121.153A2			Y	Y	Y	
REMARKS						
Operator Comments						
Investigating Officer Remarks						
Regional Office Remarks						
Legal Remarks						

**• For Official Use Only •**

Information available within this website covered by the Privacy Act  
Public availability to be determined under 5 U.S.C. 552

For Question/Comments contact AVS National Service Desk at  
1-877-287-6731 or send an email to mail to:

9-NATL-AVS-IT-ServiceDesk@faa.gov

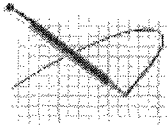


Gov Sites:  
USA.gov  
DOT Intranet

**Readers & Viewers:**



Date: Thursday, February 11, 2010  
Time: 11:22:29 AM Central



Jane S Santangelo/AGL/FAA  
AGL-230, Technical Programs  
Branch

03/27/2009 07:08 PM

To Cori Fiero/AGL/FAA@FAA  
cc  
bcc  
Subject Notification of EIR Close-out as LOC

Closed 3/27/09.

Jane

---

Attn: AGL-230A Jane Santangelo

Per AGL's request, this is notification that the NWA-CMO (GL01) has closed the following:

**EIR # 2008GL010106 (NWA) as a Letter of Correction. (Changed from CP to LOC per AGL NCR)**

Please code and close out this EIR in EIS. We will wait for email notification once this EIR is closed.

Cori L. Fiero  
Federal Aviation Administration  
NWA-CMO GL01  
Phone: 952-814-4304  
Fax: 952-814-4329



## EISQB Full Record Detail

This page produced 2/11/2010 11:23:20 AM By: ASO227ML

Control Info Critical Dts Violator Equipment Violation Actions Legal Security Regulations Remarks

CONTROL INFORMATION											
Report #	Rel Report #	Date Consol	Consol Base #	Fed Rec Ctr Assession	FRC Loc	FRC Box					
2008GL010106											
Record Owner	Inspector Name	CAIS ID	Rebuttal	Stop Order	Status						
GL01	KOTZIAN, BRUCE				CLOSED						
CRITICAL DATES											
Violation Date	Time	Date Known FAA	Entry	Legal Entry Date	IO Start	IO SignOff	RO Receipt	RO SignOff			
02/24/2008		03/17/2008	09/16/2008		03/17/2008	01/16/2009	01/21/2009	03/27/2009			
LC Receipt	Final Date	Last Chg	Opr	Last Transmit	Exp Cal Date	Exp Cycle	Exp Date				
	03/27/2009	09/24/2009	JS	09/25/2009							
ALLEGED VIOLATOR IDENTIFICATION											
Violator Name	Address-1	Address-2	Address-3	City	State	Zip	Telephone				
NORTHWEST AIRLINES INC	STEENLAND, DOUGLAS M CHIEF EXECUTIV	NORTHWEST AIRLINES, INC	MR DOUGLAS STEENLAND/DEPT A1110 270	EAGAN MN		55121-1534	6127276500				
DBA Name	Date of Birth	Employer	Sex	Desig	Cert #	Cert Type	Cert Reg				
		NWAA		NWAA301A	00 SCHED AIR CARRIER	GL					
AIRCRAFT, ENGINE, PROPELLER, OR APPLIANCE INVOLVED											
Equip Type	Equip Make	Equip Model	Identification #	Equip Group	Equip Serial #	Owner Name					
A ACFT	BOEING	757251	549US	757		NORTHWEST AIRLINES INC					
Owner Address-1	Owner Address-2	Owner Address-3	Owner City	Owner State	Owner Zip Code						
STEENLAND, DOUGLAS M CHIEF EXECUTIV	NORTHWEST AIRLINES, INC	MR DOUGLAS STEENLAND/DEPT A1110 270	EAGAN	MN	55121-1534						
ALLEGED VIOLATION											
Airport ID	Airport Name	Airport City	Airport State	Region	Locatoin	Oper Type	Sub Type	Category	Source	Accident Code	Accident Description
RJAA	NEW TOKYO INTL-NARIT	TOKYO JA	GL	RJAA		01 AIR CARRIER 121	01 SKED PSGR	02 MAINTENANCE	09 SURVEILLANCE	00	NO ACCIDENT
IO ACTIONS											
IO	Action	Action Desc	Sanction	Amount	Description						
	01	ADMIN ACTION	02		LTR CORRECTION						
RO ACTIONS											



RO	Action	Action Desc	Sanction	Amount	Description
01		ADMIN ACTION	02		LTR CORRECTION
<b>FINAL ACTIONS</b>					
Final	Action	Action Desc	Sanction	Amount	Description
01		ADMIN ACTION	02		LTR CORRECTION

LEGAL COUNSEL EVENTS						
#	LCE Date	Legal Counsel Event	Action	Sanctions	Cert Affect	Term Affect
Attorney						
SECURITY						
Sec CD			Sec CD Desc			
REGULATIONS						
Regulations			FO	RO	FA	
043.13A			Y	Y	Y	
043.13B			Y	Y	Y	
121.133A			Y	Y	Y	
121.153A2			Y	Y	Y	
REMARKS						
Operator Comments						
Investigating Officer Remarks						
Regional Office Remarks						
Legal Remarks						

**• For Official Use Only •**

Information available within this website covered by the Privacy Act  
Public availability to be determined under 5 U.S.C. 552

For Question/Comments contact AVS National Service Desk at  
1-877-287-6731 or send an email to mail to:

9-NATL-AVS-IT-ServiceDesk@faa.gov



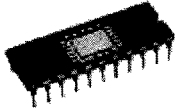
Gov Sites:  
USA.gov  
DOT Intranet

**Readers & Viewers:**



Date: Thursday, February 11, 2010  
Time: 11:23:20 AM Central

**6**




**Sam Varajon/AGL/FAA**  
AGL-MSP-NWA-CMO-01,  
Minneapolis, MN

05/29/2008 02:29 PM

To Mark Lund/AGL/FAA@FAA

cc

bcc

Subject Re: NWA Voluntary Disclosure for AD 90-24-02, Window Heat 

Mr. Lund:

The Voluntary Disclosure was rejected, you may initiate a EIR package for this issue.

Sam Varajon  
NWA/CMO/SPAI  
Ph. #952-814-4326  
FAX. #952-814-4329

Your feedback is appreciated:

[http://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/afs/qms](http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/qms)

Mark Lund/AGL/FAA

**Mark Lund/AGL/FAA**  
AGL-MSP-NWA-CMO-01,  
Minneapolis, MN

05/28/2008 03:31 PM

To Sam Varajon/AGL/FAA@FAA

cc

Subject NWA Voluntary Disclosure for AD 90-24-02, Window Heat

Sam:

I wish to direct you to FAA Order 2150.3B, page 5-9, paragraph e(2) states that the FAA may accept a voluntary disclosure only if chapter 5, sub-paragraph 7.e.(1)-(6) are met.

Paragraph (2) states, "The regulated entity does not disclose the apparent violation to the FAA during, or in anticipation of, an FAA investigation or inspection or in association with an accident or incident."

Northwest Airlines is disclosing AD 90-24-02 non-compliance which is one of the ADs I am inspecting compliance for. They would not release their data to me yesterday when I asked for it even though they had the files assembled.

Because we, FAA are conducting an inspection of Northwest Airlines' AD compliance, FAA Order 2150.3B does not permit FAA acceptance of a voluntary disclosure.

The FAA Advisory Circular AC 00-58A, "Voluntary Disclosure Reporting" re-states this requirement in paragraph 6b.

I will open an enforcement file against NWA's AD non-compliance and than we can work the issue that way and see how it turns out. With the attention from the Southwest Airlines Voluntary Disclosure issues and the pending IG investigation of FAA Voluntary Disclosure process, I recommed to you that you advise Northwest Airlines that current FAA policy does not permit us to accept their Voluntary Disclosure.

Please advise me whether to initiate enforcement investigation and I will draft a Letter of Investigation.

I put a copy of the refrenced FAA policy in your in basket for your review.

Respectfully,

Mark S. Lund  
FAA Safety Inspector  
FAA-NWA-CMO

**7**

EIR PROCESSING TRACKING SYSTEM

*Tom D*

OPERATIONS  AIRWORTHINESS

EIR CASE NO. 2008-GL01-0095

NAME NORTHWEST AIRLINES INC

INITIAL PROCESSING

Regional

START 8/26/08 END

TYPE OF ACTION

No Action, Warning Notice, Letter of Correction, Suspension-Days, Emergency Suspension, Remedial Training, Revocation, Emergency Revocation, Self-Disclosure, X Civil Penalty \$ 325,000, X Significant Enforcement Action \$

BRANCH REVIEW

Regulation(s) Violated: *incorrect*  
Recommended Sanction: Type: *Letter Action* Sanction: *C.P.*  
AGL- *2307* Initials: *[Signature]* Date: *9-28-08*

Compliance to ISO procedures for EIRs: *yes*  
Remarks (describe changes): *Discussed w/ Supervisor 8/28, Lengthy Section B, 923. Referred by Dave Hanley - Prove intentional, returned to CMC for CMC.*  
Date of discussion with field office (if change made): *9-23-08*  
Discussed with (name of field manager or supervisor): *8-27-08 Sam Varasani / Paul Brewer*  
Discussion held by (name of branch employee): *[Signature]*  
Did field office agree with changes? (if not, why?): *yes*  
Manager, AGL-230 (other than significant EIR's): \_\_\_\_\_  
Signature

DIVISION REVIEW (Significant EIR's only)

Remarks (describe changes):  
Date of discussion with field office (if change made):  
Discussed with (name of field manager or supervisor):  
Did field office agree with changes? (if not, why?):  
Manager, AGL-200 (significant EIR's only): \_\_\_\_\_  
Signature

# EIR Processing Tracking System

1. OPs

2. A/W

Case No. **2008 GL010095**

Name: **Northwest Airlines, Inc.**

Date Occurred (item 13 on 2150-5): 2/14/08

## Initial Processing

District Office

Start: 3/4/08 End: 8/18/08

Regional Office

Start

End

RECEIVED

TECHNICAL PROGRAMS BRANCH  
AGL-230

AUG 26 2008

Return File?  Yes

No

A \_\_\_\_\_ F \_\_\_\_\_ K \_\_\_\_\_ P \_\_\_\_\_ U \_\_\_\_\_  
B \_\_\_\_\_ G \_\_\_\_\_ L \_\_\_\_\_ Q \_\_\_\_\_ V \_\_\_\_\_  
C \_\_\_\_\_ H \_\_\_\_\_ M \_\_\_\_\_ R \_\_\_\_\_  
D \_\_\_\_\_ I \_\_\_\_\_ N \_\_\_\_\_ S \_\_\_\_\_  
E \_\_\_\_\_ J \_\_\_\_\_ O \_\_\_\_\_ T \_\_\_\_\_  
COPY \_\_\_\_\_ FILE \_\_\_\_\_

## Returned File Processing

District Office

Start

End

Regional Office

Start

End

## Type of Action

No Action

Civil Penalty

Suspension/Revocation

Emergency Suspension/Revocation

Foreign/Refer to General Counsel

Warning Notice

Letter of Correction

Remedial Training

Self-Disclosure

Targeted Enforcement:  Yes  No

Area/FAR:

## Division Review

Regulation Violated:

Recommended Sanction: Type-

Amount-

Remarks:

AGL-

Initials-



ENFORCEMENT INVESTIGATIVE REPORT (Read Order 2150.3 for instructions)	Report Number 2008GL010095	Related Number 2008GL010096
--	-------------------------------	--------------------------------

## ALLEGED VIOLATOR IDENTIFICATION

1. Name NORTHWEST AIRLINES INC	2. Address (Include zip code)
DBA Name	STEENLAND, DOUGLAS M CHIEF EXECUTIV
Designator NWAA	NORTHWEST AIRLINES, INC
	MR DOUGLAS STEENLAND/DEPT A1110 270
	EAGAN MN 55121-1534

TELEPHONE NUMBER (612) 727-6500	3. DATE OF BIRTH / /	4. SEX
---------------------------------	----------------------	--------

5. FAA Cert. # NWAA301A	6. FAA Certificate Type SCHED AIR CARRIER 121 &/O	LARGE BUSINESS CONCERN
----------------------------	--	------------------------

7. Aviation Employer

AIRCRAFT, ENGINE, PROPELLER, COMPONENT OR APPLIANCE INVOLVED

8. MAKE BOEING	9. MODEL 757251	10. IDENT. NUMBER 548US
		ACFT SN

11. Owner Name NORTHWEST AIRLINES INC	12. Address (Include zip code)
	STEENLAND, DOUGLAS M CHIEF EXECUTIV
	NORTHWEST AIRLINES, INC
	MR DOUGLAS STEENLAND/DEPT A1110 270
	EAGAN MN 55121-1534

## ALLEGED VIOLATION

13. Date Occurred 2008/02/14	14. Time :	15. Date Known to FAA 2008/02/19	16. Region of Discov GL
---------------------------------	---------------	-------------------------------------	----------------------------

17. Location DETROIT METROPOLITAN DTW Airport ID DTW	DETROIT	MI	Sec Cat
---	---------	----	---------

18. Regulations Believed Violated 121.367A	121.367B	121.367C	121.153A2
---	----------	----------	-----------

For Official Use Only  
Public Availability To Be  
Determined Under 5 U.S.C. 552

ENFORCEMENT INVESTIGATIVE REPORT (Read Order 2150.3 for instructions)	Report Number 2008GL010095	Related Number 2008GL010096
--	-------------------------------	--------------------------------

18. Regulations Believed Violated (Continued)

Remarks:

RELATED DATA

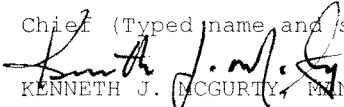
19. Type	20. Sub Type	21. Category	22. Source	23. Accident Assoc.
01	01	02	13	00

24. Security Program

INVESTIGATING FIELD OFFICE RECOMMENDATION

25. Type Action	26. Sanction
CIVIL PENALTY	DOLLARS

Reporting Inspector (Typed name)	LUND, MARK	CASID
----------------------------------	------------	-------

27. Date	28. Investigating	Chief (Typed name and signature)
2008/08/18	OFFICE GL01	 KENNETH J. MCGURTY, MANAGER



# Route Slip

Distribution:

U.S. DEPARTMENT OF  
TRANSPORTATION


To: Name Mark Lund	Date 10/24/2008	Org/Rtg Symbol A-57
-----------------------	--------------------	------------------------

Remarks:

Please review the newly printed Nonconformance Records, 5050, 5062 with the due date required to be provided to the Supervisory Principal Inspector. The due date that you interpreted as your due was in fact the due date to approve the corrective action. I have requested a extension til November 6, 2008 for you.


- Per Your Request
- For Your Information
- Per Our Conversation
- Note and Return
- Discuss With Me
- For Your Approval
- For Your Signature
- Comment
- Take Appropriate Action
- Please Answer
- Prepare Reply For Signature Of

From: Name Paul L. Bieber 	Telephone (952) 814-4307	Org/Rtg Symbol A-1
--	-----------------------------	-----------------------

	<b>AVS</b> <b>Quality Management System</b>	<b>QPM#</b> <b>AVS-001-010-F1</b>	<b>Revision</b> <b>4</b>
<b>Title: Nonconformance Record</b>		<b>Rev. Date TBD</b>	

**Phase: Action Taken** Created by Thomas Duellman/AGL/FAA from AFS-->GL00 on 10/03/2008

A red asterisk, '\*', denotes a required field and must be completed before any further action/routing can be taken.

Click on the blue question marks  to access additional information. You can view the mouseover help by placing your cursor over each field label.

For further instruction on completing an NCR, consult the [AVS NCR Quick Reference Guide](#) and the [AVS Control of Nonconforming Products and Services Process](#). For instructions regarding QMITS consult the [QMITS User Guide](#). The [Document Links Guide](#) provides information on linking documents within QMITS. For technical assistance, contact the AVS Support Central Helpdesk at **405.954.7272** or [send email to AVS Support Central](#).


### STEP 1 - INITIATE THE NCR

**NCR Number:** 5050

**Originating Organization:** AFS -- GL00

**NCR Source:** Employee Observation

**Process Type:** Order

**Subject/Process:**  AFS Order 2150.3B

**Reference:** Order 2150.3B Chapter 8, subparagraph b, EIR 2008GL010095

### PROBLEM DESCRIPTION

**1) State the requirement:**

Requirement

1. Order 2150.3B requires the use of the Enforcement Decision Tool (EDT).
2. Order 2150.3B, chapter 8, subparagraph b (1) Statement of case is a concise statement of the facts and the alleged statutory or regulatory violations found during the investigation and a discussion of how those facts establish the alleged violations
3. Order 2150.3B requires, "should FAA Inspection personnel have any opinions or feelings about the case, they state them in section B and label them as opinions".

**2) Describe the nonconformance:**

Nonconformance

1. Intentional systemic that is checked on the EDT 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.

Objective evidence

1. Order 2150.3B, Chapter 7 defines this as, "Deliberate or intentional misconduct is an aggravating circumstance and includes conduct that leads to a violation as well as circumstances indicating intent to commit a violation." Should a deviation from the EDT process be desired, consult the guidance provided in Order

2150.3B.

2. Analysis of the Item of Proof #7, indicates this aircraft was not operated on 52 flights as stated in paragraph E of the Section B, but 13 flights. This would have a detrimental affect on determining the proper sanction amount.

2. Order 2150.3B states in Chapter 8, paragraph 3,b, (1), the statemntent of case is a concise statement of facts and alleged statutory or regulatory violations and how those facts establish the alleged violations. Twenty eight pages of statements to support 9 items of proof is confusing.

3. Page one of the EDT paragraph b) states in part " The lack of competency in their ability to remedy aircraft discrepancies and their lack of desire to make positive repair action", is an opinion. This paragraph goes on to state that " the technical competency and qualifications of Northwest Airlines mechanics involved is under investigation", according to the Letter of Investigation (LOI) dated March 4, 2008, this statement was never brought up as a reason for the LOI.

3. Page 4 of Section B last paragraph begins with "These are federal public safety regulations", please provide the source for these regulations. or label it as an opinion.

3. Page 5 of Section B again refers to these regulations and also states "the repetative failure of the pressurization system to provide a breathable environment for the passengers", is a supposition. Did anyone suffer any debilitating effects from this malfunction and did the cabin ever reach an altitude that would endanger the passengers? This should also be labeled as an opinion.

**3) Describe the objective evidence, which confirms that the nonconformance occurred:**

**Recommended Responsible Office:** GL01

**Attachments:**

**External Links:**

**Reference to Links:**

Capture Data AFS-->GL00 AFS Order: AFS Order 2150.3B

**STEP 2 - EVALUATE THE NCR**

**Responsible Office:** AFS -- GL01

**Additional Information:** This EIR is being returned for the reasons stated above. Please make any necessary corrections and return for processing.

**ACTION TO BE TAKEN**

**Authorize Action:**  by taking action to eliminate the detected nonconformity

**Describe the Action to be Taken:** Correct as per the information above and resubmitt.

**Authorized By:** Ken McGurty/AGL/FAA **Date:** 10/08/2008

**Attachments:**

**STEP 3 - CORRECT THE NONCONFORMANCE**

**Routing Options:**  Forward for approval  Return for Additional Info

Complete the information in the fields below and forward the NCR to the responsible manager for approval. Mouse-over and blue Help buttons provide instructional information, when needed.

Complete the routing fields below:

- > Select the responsible manager from the "Send To" drop-down list
- > Change "Due Date" as needed

**Action Taken:** \*

**Action Completed By :** \*Mark Lund/AGL/FAA **Date Completed:** \*11/6/2008

**Attachments:**

**Send To:** \*Ken McGurty/AGL/FAA **Next Step:** Step 4 - Approve the Step:Correction **Due Date:** \*11/16/2008

Click the "Go To" button on the toolbar to continue.

Capture Data

Capture Data

AFS-->GL01

### Action Item Information

**NCR Action Item Links:**

### Comments for Electronic Signature

Enter technical and administrative instructions and notes. Your name, the date, the time, and the phase you are in will automatically be recorded with your comments. If you believe that your comment deserves special attention, click the checkbox next to "Mark this comment as hot?"

**Enter Comments Here**

Mark this comment as hot?

- >><< Thomas Duellman, 10/03/2008 08:15:59 AM CDT, Draft:
- >><< Thomas Duellman, 10/03/2008 08:20:14 AM CDT, Draft:
- >><< Thomas Duellman, 10/03/2008 09:47:07 AM CDT, Draft:
- >>>> Thomas Duellman, 10/03/2008 09:47:58 AM CDT, Draft:

>>>> Maria Acevedo, 10/03/2008 10:22:18 AM CDT, Manager Assign: (Reason for Return) Please indicate the Requirement by using word "Requirement" and the same for Non-Conformance as well as Objective Evidence. See Scott for specifics

>><< Thomas Duellman, 10/03/2008 11:11:51 AM CDT, Draft:

>><< Thomas Duellman, 10/03/2008 11:13:31 AM CDT, Draft:

>>>> Thomas Duellman, 10/06/2008 07:39:50 AM CDT, Draft:

>>>> Maria Acevedo, 10/07/2008 01:52:37 PM CDT, Manager Assign: (Reason for Return) Please indicate the Requirement by using word "Requirement" and the same for Non-Conformance as well as Objective Evidence. See Scott for specifics.

Please send to Scott Brown

>>>> Thomas Duellman, 10/07/2008 02:40:51 PM CDT, Draft:

>>>> Scott E Brown, 10/07/2008 03:12:27 PM CDT, Manager Assign:

>>>> Ken McGurty, 10/08/2008 01:38:46 PM CDT, Manager Assign:

>>>> Paul Bieber, 10/23/2008 10:10:00 AM CDT, Action Taken: (Reason for Return) Request due date for mid November.

>>>> Ken McGurty, 10/23/2008 01:48:35 PM CDT, Manager Assign:

## Links

## Phase Tracking

Phase	Assigned To	Submitted	Due Date	Completed
Nonconforming Product - Draft	Thomas Duellman/AGL/FAA	10/03/2008 07:47 AM	10/03/2008	10/03/2008 09:47 AM
Nonconforming Product - Manager Assign	Maria Acevedo/AGL/FAA	10/03/2008 09:47 AM	10/08/2008	10/03/2008 10:22 AM
Nonconforming Product - Draft	Thomas Duellman/AGL/FAA	10/03/2008 10:22 AM	10/08/2008	10/06/2008 07:39 AM
Nonconforming Product - Manager Assign	Maria Acevedo/AGL/FAA	10/06/2008 07:39 AM	10/08/2008	10/07/2008 01:52 PM
Nonconforming Product - Draft	Thomas Duellman/AGL/FAA	10/07/2008 01:52 PM	10/13/2008	10/07/2008 02:40 PM
Nonconforming Product - Manager Assign	Scott E Brown/AGL/FAA - Delegate-	10/07/2008 02:40 PM	10/13/2008	10/07/2008 03:12 PM
Nonconforming Product - Manager Assign	Ken McGurty/AGL/FAA	10/07/2008 03:12 PM	10/13/2008	10/08/2008 01:38 PM
Nonconforming Product - Action Taken	Paul Bieber/AGL/FAA	10/08/2008 01:38 PM	10/24/2008	10/23/2008 10:10 AM
Nonconforming Product - Manager	Ken	10/23/2008 10:10	10/24/2008	10/23/2008 01:48

Assign	McGurty/AGL/FAA	AM		PM
Nonconforming Product - Action Taken	Paul Biever/AGL/FAA	10/23/2008 01:48 PM	11/14/2008	



8



# Route Slip

Distribution:

U.S. DEPARTMENT OF  
TRANSPORTATION

To: Name  
Mark Lund

Date  
10/24/2008

Org/Rtg Symbol  
A-57

Remarks:

Please review the newly printed Nonconformance Records, 5050, 5062 with the due date required to be provided to the Supervisory Principal Inspector. The due date that you interpreted as your due was in fact the due date to approve the corrective action. I have requested a extension til November 6, 2008 for you.

- Per Your Request
- For Your Information
- Per Our Conversation
- Note and Return
- Discuss With Me
- For Your Approval
- For Your Signature
- Comment
- Take Appropriate Action
- Please Answer
- Prepare Reply For Signature Of

From: Name  
Paul L. Biever

Telephone  
(952) 814-4307

Org/Rtg Symbol  
A-1

Received EIR Files 2008GL010095  
2008GL010106

By: \_\_\_\_\_

Title: \_\_\_\_\_

Signature:

Date: 11/6/08 Time: 15:20

November 6, 2008

Mr. Paul Bieber  
Supervisory Principal Avionics Inspector  
FAA Northwest Airlines Certificate Management Office  
2901 Metro Drive, Suite 500  
Bloomington, MN 55425

RE: Response to Nonconformance Records: NCR #5050 for EIR #2008GL010095 and  
NCR # 5062 for EIR #2008GL010106

(This letter is a continuation of letters dated October 22, 2008 and October 29, 2008  
previously submitted to you)

Dear Mr. Bieber:

I am submitting this written response to you under Federal Whistleblower protection laws as I reasonably believe what I have written and your October 14, 2008 disciplinary act and threat of future disciplinary action against me for submission of enforcement investigation reports against Northwest Airlines, Inc. non-compliance with public safety regulations contained in the Federal Aviation Regulations evidences:

- 1) a violation of law, rule and regulation,
- 2) gross mismanagement,
- 3) an abuse of authority,
- 4) a substantial and specific danger to public health and safety.

I have completed my review of the FAA Great Lakes Region's initiated NCR #5050 and 5062 and have provided you this response with the attached re-visited enforcement investigation reports, EIR # 2008GL010095 and EIR #2008GL010106 as were referenced in the NCRs.

I do not concur with the Great Lakes Region's findings of nonconformity. In fact, the Great Lakes Region's stated findings are inconsistent with previously submitted enforcement investigation reports, provide selected excerpts from the FAA Order 2150.3B in order to establish a disciplinary process against me and indicate Regional attempts to further discipline me as they instructed you to do October 14, 2008.

On October 14, 2008, you issued me a "Counseling Interview Sheet" for, in your opinion, I did not comply with FAA Order 2150.3B in the writing of EIR # 2008GL010109. Your written counseling sheet also threatened me with further disciplinary acts. It was your determination that this case, as well as EIR 2008GL010108, both for Airworthiness Directive related non-compliance by Northwest Airlines, be closed with "No Action."

Instead of exercising your FAA managerial right to re-write the report "No Action," you, acting on the Great Lakes Region's direction, trumped up false accusations against me, discipline me and threaten further disciplinary action if I did not accommodate your wishes to re-write my enforcement investigation report.

This demonstrates an abuse of your authority. You have the authority to change the report. Yet, you, acted on the direction from the Great Lakes Region, disciplined me and threaten further disciplinary action against me if I do not conform to your's and the Region's desires.

Because I was disciplined and threatened with further disciplinary action, I re-wrote both cases as "No Action" cases under protest such that I would not be subjected to further disciplinary actions. Your determination that these two (2) cases were "No Action" cases is clearly recorded by you in the FAA Official database PTRS Records, GL01200801415 and GL01200801442 with the reports returned to me as stated in the record entry you made.

Mr. Biever, you informed me that the Great Lakes Regional Office directed you to take this action against me. Your PTRS record entry does state you had conversation with the Region.

In so doing, both you and the Great Lakes Regional Office have forced me to falsify the reporting of my enforcement investigation reports for Northwest Airlines, Inc. regulatory non-compliance.

Northwest Airlines' history of intentional systemic non-compliance with Federal Aviation Regulations cited in my reports continues to place the public at risk.

As stated in my reports, there has been no comprehensive corrective action by Northwest Airlines or directed by FAA Management to ensure current and continued compliance of Federal Aviation Regulations established to ensure the public's safety. Northwest Airlines' history of non-compliance evidences this to be so.

Northwest Airlines has full knowledge of their history of regulatory non-compliance. Their Vice-President level of Technical Operations has full knowledge of their continued non-compliance as they are copied on all Northwest Airlines' written responses to the FAA Northwest Airlines Certificate Management Office in regards to Voluntary Disclosures, Administrative Letters of Correction and Legal Enforcement actions.

Northwest Airlines' Chief Executive Officer, Mr. Doug Steenland's name is listed as copied on Northwest Airlines' response letter to both EIR 2008GL010095 and 2008GL010106. The Northwest Airlines' executive officer has knowledge of Northwest Airlines regulatory non-compliance. Yet, there has been no comprehensive corrective action to ensure full compliance as is expected of a large air carrier and so stated in FAA Order 2150.3B.

FAA Order 2150.3B provides that a violator, Northwest Airlines, Inc., with knowledge of their non-compliance and fails to take an action to prevent their non-compliance behavior has demonstrated intentional conduct.

The enforcement cases I have written and submitted have complied with FAA Order 2150.3B and evidence Northwest Airlines, Inc., as an air carrier, has demonstrated behavior criteria contained in FAA Order 2150.3B that is categorized as intentional conduct.

Northwest Airlines, despite having the ability and resources to implement comprehensive corrective action to ensure their compliance with Federal Aviation Regulations, has chosen not to do this and instead they appease the FAA with minor actions to the “one of a kind” event that caused the non-compliance.

Typically, they cite the error of an individual mechanic which is contrary to their responsibilities mandated by 14CFR 121.367 which requires Northwest Airlines to ensure regulation compliant actions by their mechanics and that aircraft maintained and operated are airworthy.

Northwest Airlines, Inc. is an airline that is operating as a risk to public safety. The enforcement investigations I have completed, as well as the summary of historical cases written by other inspectors as contained in my enforcement reports, evidence this to be fact. The historical non-compliance summaries which include unsafe results of aircraft elevator control problems, engine cowling coming off while in flight and damaging the aircraft are some of the historical, unsafe non-compliance evidenced by Northwest Airlines.

My FAA Order 2150.3B criteria categorizes this Northwest Airlines’ behavior as intentional conduct.

Based on FAA Order 2150.3B, Northwest Airlines’ regulatory non-compliance is intentional systemic as I have checked on the EDT form in each EIR report.

Your’s, and the Region’s acts of disciplinary actions and threats against me evidence your acceptance of Northwest Airlines intentional systemic non-compliance with regulations established to keep the public safe. FAA management is condoning Northwest Airlines’ non-compliance with Federal Aviation Regulations. Their non-compliance continues un-checked by FAA Management.

Your’s and the Great Lakes Region’s actions demonstrate a gross mismanagement of the Northwest Airlines, Inc. Air Carrier Certificate. They are a violation of FAA policies and a specific danger to public safety.

I, on the other hand, have always considered the public to be my primary interest. I have performed my duties to always uphold public trust and safety. I have taken the

unwarranted “stabbings” by FAA management while doing my best to keep the public safe.

Mr. Biever, you know I am an experienced aviation safety inspector and know regulations and FAA policy very well. You knew me when I was the Director of Avionics at Mesaba Airlines and you were FAA. You know first hand my history to operate and ensure safety. You know that I am very thorough in the performance of my duties. You know other FAA safety inspectors come to me for assistance with regulations and FAA policy. You yourself have come to me for FAA policy procedure assistance and air carrier technical assistance.

It has been my history, the past eighteen (18) years assigned to Northwest Airlines, that I write very substantial and thorough enforcement investigation reports. The past Great Lakes Regional attorney has told me my cases were solid during the informal hearings. Twice, in my career assigned to Northwest Airlines, the Region has directed Consent Orders issued against Northwest Airlines to clean out the backlog of civil penalty violations against Northwest Airlines. The majority percentage of the aggregate civil penalty dollar amount was from the few enforcement files I wrote.

I am still capable of writing these substantial enforcement cases as evidenced by EIR # 2008GL010079 which the Great Lakes Regional specialist’s review of my written report cited a civil penalty of \$335,000.00. According to the FAA’s database record, this case was reviewed by the Region on June 12, 2008. It is a case written of some thirty-five (35) pages. The Regional Attorney’s understanding of the case, as provided in his email summary to me for concurrence, was exactly correct. He advised me that he would be coordinating this case with Washington due to it being a substantial penalty case.

EIR # 2008GL010079 was the first case I wrote under the revised enforcement policy contained in FAA Order 2150.3B. The Regional specialist cited one (1) nonconformity with this case. It was on the last page, page 35. I had entered a total dollar amount for a recommended sanction which he pointed out was not to be done anymore under the new Order. I was not the only one in the office that made this error as the past writing of our reports allowed a sanction recommendation amount. As you know, this became an issue of debate within the office.

EIR case 2008GL010079 categorized Northwest Airlines, Inc. non-compliance behavior as intentional systemic conduct. There was no Regional finding to the contrary as the Region found in EIR 2008GL010095 and EIR 2008GL010106.

The cases supporting analysis is similar in all three (3) cases. FAA Order 2150.3B conduct criteria used to categorize Northwest Airlines’ behavior as intentional systemic conduct is the same in all three (3) cases. A history of non-compliance to the same FAR Parts, full knowledge of their violation history, including their own internal audit findings not made known to FAA and their failure to take corrective action to ensure continued compliance.

In accordance with FAA Order 2150.3B, this is intentional systemic conduct demonstrated by a business entity as Northwest Airlines, Inc.

EIR 2008GL010079, Section B was written thirty-five pages long to support and analyze the facts and circumstances of Northwest Airlines intentional systemic non-compliance. There was no Regional finding the report was long and confusing

In addition, EIR 2008GL010106 is thirty-six (36) pages long and the Region's NCR # 5062 initiated October 6, 2008 by the Regional Specialist did not find this case too long and confusing. This was the same Specialist that reviewed EIR 2008GL010095 citing the case being too long and confusing on October 3, 2008.

How can this be?

EIR 2008GL010106 was reviewed after 2008GL010095 by the same Specialist. The reports are similar in structure, format and content. Yet, the first case reviewed is long and confusing while the second is not.

What is suspicious is that the Regional Specialist first found EIR 2008GL010095 acceptable and recommended a sanction of \$325,000.00 on August 28, 2008. He then, October 3, 2008, finds the case as being "twenty eight pages of statements to support 9 items of proof is confusing."

His finding in itself is an opinion. Confusing to whom? What is confusing about it? The case was initially found acceptable by the Regional Specialist on August 28, 2008. He was able to recommend a sanction of \$325,000.00. Now, he finds on October 3, 2008 it is confusing.

The Regional Specialist's confusion came after the FAA Flight Standards Great Lakes Regional Division Manager Mr. David Hanley rejected the file on September 23, 2008.

Something is very suspicious of this Regional finding of nonconformity to EIR 2008GL010095 after it was initially understood and supported a civil penalty of \$325,000.00. It is clearly stated on the Region's tracking form that Mr. Dave Hanley, Regional Division Manager, rejected the report on September 23, 2008.

I suspect FAA Regional Management has also abused their authority over the Regional Specialist, as they have done with you Mr. Biever, in directing him to trump up findings with the case in order to continue a disciplinary process against me and protect Northwest Airlines from large violation sanction fines against them.

Another piece of evidence in the Region's false findings of nonconformity to EIR 2008GL010095 is their finding of a "detrimental affect on determining proper sanction amount" due to a disparity of 52 flights operated as provided in the cases Item of proof #7. The Regional Specialist states his count of 13 flights. The Region states this disparity is contained in paragraph E of Section B.

A review of Section B written report for EIR 2008GL010095 also finds a reference to “52 flights” on page 2 of the Statement of Case, and pages 24, 25, and 28 of Section B, “Factors Affecting Sanction” of the report, paragraph S, “Recommendation of Sanction.”

Yet, these other references to flights operated were not found by the Region to be in nonconformity. The Region’s Nonconformity Report # NCR 5050 only cites a finding in paragraph E, of the “Factors Affecting Sanction” portion of Section B.

Despite the inconsistency with the Region’s finding of nonconformity, a review of Section B, paragraph E finds a reference to 52 flights in one (1) sub-paragraph of Paragraph E:

“The Northwest Airlines’ maintenance organization failed in their regulatory responsibilities. As a result of the their failure, they operated an un-safe, un-airworthy B757 aircraft on 52 passenger flights, from January 28, 2008 through February 14, 2008, because of repeat failures of the pressurization system to properly pressurize the cabin resulting in an air turn back.”

A recount of flight segments reported by Northwest Airlines from January 28, 2008 through February 14, 2008 as provided in Item of Proof 7 evidences fifty-two (52) flight segments as reported to be correct. IOP 7 also provides a note of the beginning and end of flights operated by start and end date in relation to the airport station recorded on the actual log pages.

If one counts flight segments between these date ranges marked on IOP #7 you will count fifty-two (52) flight segments provided by Northwest Airlines flight routing report obtained from Northwest Airlines’ Flight Times department.

Due to this Regional NCR finding, I also reviewed Northwest Airlines’ maintenance computerized flight cycle count for this same period and it reports forty-seven (47) flight cycles which supports the stated fifty-two (52) flight count. The disparity of five (5) cycles can be explained in the detail of the reports. The flight routing report is more detailed by identifying each flight segment with city pairs whereas the flight cycle report provides a daily total and not the detail of each flight segment’s routing.

The Region’s finding that there were only thirteen (13) flights evidenced on item of proof 7 is incorrect and not supported as a nonconformity finding. It is not clear how the Region came up with the number 13 as they did not provide justification as to how they arrived at 13 flights.

Yes, I am in agreement with the Region that a disparity between 52 flights and 13 flights in the multiplication of sanction penalty for each flight will have a detrimental affect on the sanction amount.



The Region's incorrect finding of 13 flights will definitely benefit Northwest Airlines contrary to the evidence of the case which supports 52 flights in the multiplication computation for a sanction amount.

Since this error by the Region has now been corrected, I would expect to see a sanction calculation that uses the correct 52 flight count in determining the civil penalty dollar amount cited against Northwest Airlines. I am sure FAA Management wants this calculation to be accurate as we surely do not want to cite an inaccurate amount of flights that would benefit Northwest Airlines for their non-compliance.

The Section B, "Statement of Facts" portion of the report also states fifty-two (52) flights as fact and references Item of Proof # 7. Yet, the Region does not identify this fact as a finding. Therefore, it must be fact and is supported by the evidence of Items of Proof #1, 4 and 7 as stated in the report.

The report as written in regards to the fifty-two (52) flights stands as written.

The Region's Nonconformity Report NCR # 5050 for EIR 2008GL010095 also cites, "Order 2150.3B states in Chapter 8, paragraph 3, b, (1), the statement of case is a concise statement of facts and alleged statutory or regulatory violations and how those facts establish the alleged violations. Twenty eight pages of statements to support 9 items of proof is confusing." This is the quoted findings statement from the Region's NCR report #5050.

The Region fails to acknowledge that their FAA Order 2150.3B paragraph reference also provides the FAA investigating inspectors "have the latitude to go into as much detail as necessary given the complexity and nature of the particular case to assure an understanding of the investigation and apparent violations."

The Region also has failed in their understanding of the FAA Order 2150.3B guidance they referenced and the writing of Section B of the report. The Region uses a reference, paragraph 3,b,(1) of Chapter 8 of FAA Order 2150.3B. This reference is only for the writing of the "Statement of Case" portion of the report. The Region states this in their nonconformity finding as their finding pertains to the "Statement of Case." The Region cites "Twenty eight" pages.

The Region again is incorrect in their finding of nonconformity. My written "Statement of Case" for EIR 2008GL010095 is actually four and one-half (4 and 1/2) pages long. My "Statement of Case" portion of Section B ends on page five (5). As fact, I have less than five (5) pages to support nine (9) items of proof.

My Statement of Case for EIR 2008GL010095 is almost two (2) pages shorter than EIR 2008GL010106 and EIR 2008GL010079 in which the Region found acceptable.

My "Statement of Case" does comply with FAA Order 2150.3B. It is an orderly and logical statement of facts as the Region's finding of this is an opinion considering the case was initially found acceptable with a sanction recommendation of \$325,000.00.

FAA Order 2150.3B does not specify a format and it provides latitude for the inspector to go into as much detail as necessary. The report, as I have written, does provide a logical order as evidenced by the specified dates leading the majority of paragraphs in my "Statement of Case" section of the report. I have referenced each Federal Aviation Regulation, provided a supporting narrative of facts with evidence of items of proof for each finding of regulatory violation.

In comparison, many of the EIR reports that leave this office do not even contain a narrative with items of proof for each Federal Aviation Regulation violated by Northwest Airlines written into their Section B, Statement of Case.

There are many inconsistencies in the Great Lakes Regional findings of my enforcement investigation reports in comparison to other reports I have written and those written by other inspectors within the office.

I am being singled out and being targeted for disciplinary actions as directed by the Great Lakes Regional Division Manager, Mr. David Hanley. He knows full well my ability to complete and support an investigation of facts for a substantial sanction penalty against Northwest Airlines. His Regional Specialists have found EIR 2008GL010079 for a penalty of \$335,00.00 and EIR 2008GL010095 for \$325,000.00 before Mr. Hanley stepped in to reject EIR 2008GL010095 after the Specialist made his recommendation as recorded on the Regional Tracking Form.

I have complied with FAA Order 2150.3B in the writing of Section B, "Statement of Case." No changes to the report were made in response to this opinionated Regional finding. My statement of case as written is less than five (5) pages long and complies with FAA Order 2150.3B.

To give further evidence to the Great Lakes Region efforts to further discipline me and the abuse of their authority to conform me to their wishes, the Regional nonconformity report NCR #5050 for EIR 2008GL010095 cites inspector opinion narratives as a finding. Specifically, the Region cites, "Page 4 of Section B last paragraph begins with "These are federal public safety regulations", please provide source for these regulations. Or label it as an opinion."

I point out that similar phrases as, "federal public safety regulations," was also stated in EIR 2008GL010106 and EIR 2008GL010079 as, "federal aviation safety regulations," "federal safety regulations," and "public safety regulations." These phrases were not cited as a Regional nonconformity even though the same Regional Specialists reviewed EIR 2008GL010106 and EIR 2008GL010095.

In response to the Region's request for a "source for these regulations," I direct the Region to FAA Order 2150.3B, Chapter 2, FAA's reason for compliance and enforcement which states, "The FAA's central mission is to promote safety in civil (relating to, or involving the general public-Webster's Dictionary) aeronautics. To achieve this, the agency establishes regulatory standards and requirements, found in 14CFR parts 1-199 under statutory authority in 49 U.S.C. subtitle VII."

So the public's safety, in one manner, established in the Federal Aviation Regulations of 14CFR Parts 1-199.

This same chapter of FAA Order 2150.3B further states that, "Civil aviation safety depends on voluntary adherence to legal requirements. Therefore, the FAA administers programs to promote a clear awareness and understanding of the governing statute and regulations."

Again, we see the connection in FAA policy that public safety depends on adherence to federal regulations.

We find in FAA policy of Order 8900.1, Volume 1, Chapter 2, a statement, "The air carrier industry activity that began that year was minimal, yet this activity, along with requests from industry for , *federal aviation safety regulations*, prompted legislative proposals for an Air Commerce Act."

FAA Order 8000.89, page 5, paragraph d, clearly states, "A primary purpose of FAA regulations is to assure public safety."

Title 49 U.S.C., Subtitle VII, Chapter 447, is titled "Safety Regulation." "Subtitle VII is the foundation for the present structure of the Flight Standards Service." (FAA Order 8900.1, paragraph 1-116)

These are but a few specific examples throughout FAA policy in which FAA uses terms that are similar in nature to the phrase I used in EIR report 2008GL010095 in which the Great Lakes Region finds to not conform.

As is clearly evident in FAA policy language and in discussion of FAA's primary responsibilities we see the establishment of federal regulations for public safety. As I stated, "These are federal public safety regulations."

This phrase is clearly taken out of context by the Regional Specialist in his nonconformity finding. The paragraph directly preceding this phrase boldly references specific 14CFR Federal Aviation Regulations 14CFR 121.363, 14CFR 121.375 and 14CFR 121.367. The phrase used is part of a lead in sentence to the summary paragraph that follows the cited Federal Aviation Regulations that are established to provide for the public's safety in aviation. The beginning of the sentence grammatically connects the preceding regulatory paragraph by the use of the word "These." The word "These"

connects the cited 14CFR Part 121 Regulations with the phrase “federal public safety regulations.”

I do not concur with the Region’s finding that this is an “opinion statement.” I have provided sources that support the use of the phrase and it is consistent with other FAA policy and guidance.

The Region’s finding is not even consistent with other EIR cases reviewed as no other EIR case I have written has determined phrases similar to this as not acceptable.

The phrase stands as written as it complies with other FAA policy and guidance language, it is not capitalized to reflect some formal phrase and it clearly connects to the previous paragraph citing specific Federal Aviation Regulations established to promote public safety.

The Region also cites what they believe to be an “inspector opinion” on page 5 of section B, as quoted, “the repetitive failure of the pressurization system to provide a breathable environment for the passengers.” The Region states this “is a supposition.” The Region asks the questions, “Did anyone suffer any debilitating effects from this malfunction and did the cabin ever reach an altitude that would endanger the passengers? This should be labeled as an opinion.” The referenced paragraph states:

“The FAA-NWA-CMO investigation determined, as provided for in FAA Order 2150.3B, that legal action is the correct FAA action for Northwest Airlines’ non-compliance with the public safety regulations found in the Federal Aviation Regulations stated above. The repetitive failure of the pressurization system to provide a breathable environment for the passengers affects passenger safety especially the older passengers or those with heart and/or breathing medical conditions.”

As is clearly determined in this paragraph it is a conclusion paragraph to the facts and narrative that followed. It makes reference to Federal Aviation Regulations stated above. It is a paragraph found on the last page, page 5, of the “Statement of Case” portion of EIR 2008GL010095 Section B. It is part of the last few paragraphs which are intended to summarize and conclude the facts of the case.

The Region’s finding of nonconformity is again taken out of context. This paragraph is related to the second introductory paragraph on page 1 of the “Statement of Case.”

“On February 14, 2008, a Northwest Airlines’ Boeing, B757 aircraft, registration number N548US (ship 5648), departed the Detroit Metro Wayne County Airport (DTW) on passenger flight NWA 755. The aircraft returned to the airport due to an aircraft system failure to pressurize the cabin. The pilot reported, in the aircraft discrepancy log number 45616729, that he was unable to control the cabin pressure during departure climb out. He was unable to close the cabin outflow valve which caused the cabin altitude to about equal the actual aircraft altitude.

At 10,000 feet aircraft altitude the cabin pressure altitude was at 9,500 feet. This poses an unsafe situation (reference FAR 121.329(c)) due to the reduction of oxygen for passengers above this altitude. The flight returned back to the Detroit airport (DTW) **(IOP 1, pages 10, 11, 12 and 13).**”

This paragraph provides regulatory basis by reference to FAR 121.329(c) for passenger oxygen requirements above 10,000 feet. It is a fact that there is less oxygen available for breathing the higher one goes in altitude above the earth’s surface. The regulation specifically addresses oxygen requirements at 10,000 feet and above.

It is also a fact that pressurized aircraft cabins, as is common on today’s air carrier aircraft, provide for cabin pressure altitudes below 10,000 feet such that breathable oxygen levels are maintained in the cabin environment for passengers. The Northwest Airlines’ flight crew knew of the safety risk to the flight and their passengers. This is evident as they returned the flight to the departing airport at about 10,000 feet aircraft altitude because the cabin altitude was at 9,500 feet. The item of proof logbook entries evidence these altitudes and the crew’s return. The 10,000 feet point coincides with FAR 121.329(c) as stated.

It is fact that there is a lack of oxygen available for passengers above 10,000 feet and if one understands the correlation of the 14CFR 121.329(c) oxygen requirements at various altitude ranges it is because a percentage of passengers are expected to have difficulty breathing at those altitude ranges. FAA’s Civil Aeronautical Medical Institute (CAMI) in Oklahoma City has a vast amount of factual data on oxygen needs for various types of passengers. If the Region needs more factual evidence to increase their knowledge of pressurized cabins and oxygen environmental requirements to support the written paragraph’s stated facts, they should contact CAMI.

You will note that paragraph 2, on page 1 of the EIR report states that the cabin’s failure to pressurize “poses” an unsafe situation due to the reduction of oxygen for passengers above 10,000 feet.

Northwest Airlines’ flight crew elected to return the aircraft to airport. The pressurization system did not pressurize during departure climb out causing the flight to return.

What would have been the situation if the cabin rapidly depressurized at say 35,000 feet or above at the typical altitudes the B757 operates? I than “suppose” the over head oxygen masks would have deployed and passengers would be scrambling to get their oxygen masks on while the flight crew declared an emergency to descend rapidly to lower altitudes below 10,000 feet.

It is a fact that the aircraft’s pressurization system is designed to maintain a cabin pressure altitude that provides a breathable environment for the passengers. When this system fails, this breathable environment is not maintained at the altitudes the B757 normally flies at.

The Region's questions in NCR 5050 as to debilitating effects on passengers, none is known and this case does not present an actual debilitating event on passengers. It presents the safety risk to passengers in response to the guidance contained in FAA Order 2150.3B.

The safety guidance or degree of hazard guidance provided in FAA Order 2150.3B does not only include an actual unsafe result but it provides for the "nature of the threat to safety (to the life or property of another, including those in the aircraft being operated...). The safety threat is based on the reasonable foreseeable consequences of the misconduct."

It is a fact that a failed pressurization system can be a safety threat to passengers. This is what the EIR report I wrote provides for. It is written in accordance with the guidance of FAA Order 2150.3B.

It is clearly apparent that the Region is trying very hard to find fault with the EIR reports I have written against Northwest Airlines for their regulatory non-compliance. There are inconsistencies of findings and no findings within the same EIR report and in comparison to other reports written.

Their findings are inconsistent with other inspector EIR reports written and in some cases do not conform to FAA Order 2150.3B. Yet, the Region has no Nonconformity Report (NCR) findings with those other inspector reports.

EIR # 2008GL010079 and EIR 2008GL010106, and initial EIR 2008GL010095, provide proof that I do comply with FAA Order 2150.3B. I do know FAA policy and I am very capable of writing a substantial enforcement investigation report as has been my history under FAA Order 2150.3A, the previous revision of FAA's compliance and enforcement policy.

The Region found no issues of "inspector opinion" statements, no issues with the length of the reports or that they were confusing even though two of these reports are more pages in length. They found no issue with the "Statement of Case" facts evidencing I have written orderly and logically statements of case. The three (3) enforcement cases the Region has cited for nonconformity findings are similarly written. They are based on the initial report of EIR 2008GL010079 which was the first written under FAA Order 2150.3B and had only one (1) minor finding which other inspectors had done as well by stating a total dollar amount of the recommended sanction.

Of the thirty-five (35) pages written for EIR 2008GL010079, the very last page 35, very last paragraph had the Regional finding of nonconformity. All the pages and paragraphs before this were found to be in conformity with FAA Order 2150.3B.

After I wrote this first substantial enforcement report, EIR 2008GL010079, against Northwest Airlines' regulatory noncompliance, I am now disciplined and threatened with

further disciplinary action because I do not comply with FAA Order 2150.3B on my subsequent enforcement investigation reports.

This is very suspicious as the first report has been used as my reference base to write the others. Much of the narrative and format is similar. I had no findings as the report being too many pages, or that it contained opinions that were not annotated as opinions. There was no questioning of the case being an “intentional systemic” act by Northwest Airlines.

The regulations cited are similar, the narrative is similar, and the format is similar to all the subsequent cases I wrote. The facts are different for each specific event but the regulations that were violated are the same or similar 14CFR Part 121 regulations.

Yet, the Great Lakes Regional Division Manager Mr. Hanley has determined the subsequent cases are not intentional as was the first. It is the same business entity, Northwest Airlines, Inc. It is the same non-compliant history in each case.

If the first case is acceptable by the Region as intentional systemic conduct demonstrated by Northwest Airlines, Inc. The fact is, Northwest Airlines has failed to implement comprehensive corrective action in response to the first case that will prevent further non-compliance. This fact is proven to be fact because Northwest Airlines, Inc. has continued to be non-compliant after the first case as is evident by subsequent cases being written by myself and other inspectors within the office.

How can the subsequent cases I write be any different than intentional systemic non-compliance?

I would question, and therefore request, investigation into those cases written by other inspectors that are not citing “intentional systemic” conduct for violations to the same 14CFR Parts of the Federal Aviation Regulations.

Northwest Airlines’ non-compliance history increased with each subsequent enforcement report written. Their knowledge of their non-compliance increased with each new enforcement investigation from myself and other inspectors within the office.

Northwest Airlines continues their failure to implement comprehensive corrective action that will ensure full and continued compliance with Federal Aviation Regulations.

FAA Order 2150.3B, Chapter 7, paragraph 4h(1) states, “A violation-free history is the expected norm, not the exception...” it goes on to state, “Given the expected norm, a prior violation record can be evidence of a poor compliance disposition or a pattern of disregard for the FAA’s regulations...”

Northwest Airlines’ non-compliance with Federal Aviation Regulations, 14CFR Parts 121, Parts 43 and Parts 39 continues to this very day adding to their knowledge of their non-compliance. Their continued non-compliance evidences their failure to implement

comprehensive corrective actions that will result in a violation free history as is the FAA's expected norm.

Yet, there has been no comprehensive action taken by Northwest Airlines to ensure their full compliance with Federal Aviation Regulations that are established to ensure the public's safety.

FAA Order 2150.3B provides that the behavior demonstrated by Northwest Airlines for not taking action to correct their non-compliance when they have full knowledge of their non-compliance is "intentional conduct."

FAA Order 2150.3B also provides guidance for trends of non-compliance "where a review of the apparent violator's compliance background reveals a pattern of several, similar apparent violations or findings of violation of the same part of the FAA's regulations throughout the entities organization that have gone undeterred by the use of administrative or legal enforcement action."

Northwest Airlines recent violation case history is summarized in the enforcement investigations I have written. Yes, Northwest Airlines' conduct does satisfy FAA Order 2150.3B for trends of non-compliance throughout their maintenance and engineering organization.

FAA Order 2150.3B provides Northwest Airlines has demonstrated a history of non-compliance trends categorizing their behavior as systemic.

In compliance with the guidance contained in FAA Order 2150.3B, Northwest Airlines' has demonstrated "intentional systemic conduct" in their repetitive and continuing non-compliance with the same violations of the same parts of FAA's regulations. They have failed to implement corrective actions to ensure compliance with those cited Parts of the Regulation.

The Order provides that systemic conduct includes problems that have occurred and could continue to occur due to a lack of policies, procedures, or controls.

Yes, Northwest Airlines' non-compliance will continue to occur due to deficiencies in the systems within their maintenance and engineering organizations. They have provided no comprehensive corrective action that will ensure compliance with the Parts of the FAA regulations cited in the case summaries of the EIR reports I have written.

There is something very suspicious with Mr. David Hanley, FAA Great Lakes Region Flight Standards Division Manager's personal rejection of EIR case # 2008GL010095, NCR # 5050.

On August 28, 2008, this case had been found acceptable by the Great Lakes Regional Specialist Mr. Tom Duellman (847-294-7280) for a recommended sanction of \$325,000.00. Mr. Duellman finds the regulations violated correct and that the EIR was



compliant with ISO procedures as he states on his Regional review document. Mr. Duellman completed his review and recommendation of sanction on August 28, 2008 as stated on the Regional "EIR Processing Tracking System" form.

On September 23, 2008, Mr. Duellman records that Mr. David Hanley wanted the file returned to the CMO (FAA-Northwest Airlines Certificate Management Office) for change as Mr. Hanley did not agree the case supported intentional. Mr. Hanley did not provide justification why he believed the case was "unintentional."

The case, as written, had been found acceptable by the Regional Specialist on August 28, 2008. It had to pass through Regional Manager Maria Acevedo, who is Mr. Duellman's supervisor and than Mr. Hanley stopped the case.

How is this possible? How is it possible that it past through all the way to Mr. Hanley to than be rejected? And Mr. Hanley can reject this case without providing justification as to why he believes it is an unintentional case?

The NCR #5050 was not initiated by Mr. Duellman until October 3, 2008. Yet, he had told me personally by telephone on September 22, 2008 that he understood the case and Mr. Duellman understood the Section B narrative paragraphs that supported "intentional systemic." He understood that the EDT narrative and intentional systemic determination was based on the combination of aggravating factors and systemic regulatory violation knowledge Northwest Airlines' has without taking comprehensive corrective action as stated in the various factor narrative of Section B. The EDT is the outcome of the case as a whole and not a single event.

During telephone conversation, Mr. Duellman inferred that he did not believe Mr. Hanley read the case nor had this same understanding that an intentional determination is an aggregate of the case. Mr. Duellman told me Mr. Hanley wanted a specific reason why the case was determined to be "intentional."

Mr. Duellman and I were in agreement the case was acceptable but he was unable to explain to Mr. Hanley a specific reason because it was not a specific reason. It is the case as a whole.

The FAA Management Processing History of EIR case # 2008GL010095:

August 18, 2008: Mr. Kenneth McGurty, Manager of the FAA Northwest Airlines Certificate Management Office signs his approval of the case as written by Inspector Lund to go forward to the Great Lakes Region with a civil penalty sanction recommendation.

August 28, 2008: Mr. Tom Duellman, FAA Great Lakes Regional Specialist reviews the case report and finds it complies with and supports a civil penalty of \$325,000.00. He enters his acceptance of the case on the Regional "EIR Processing Tracking System" form. He dates his review August 28, 2008.

On September 8, 2008, Mr. Duellman, FAA Great Lakes Regional Specialist called Inspector Lund by telephone and told him that he had found the case acceptable and was recommending a substantial civil penalty sanction of \$325,000.00.

September 23, 2008: A handwritten entry is made on the Regional tracking form that Mr. Dave Hanley (Great Lakes Flight Standards Division Manager) has taken issue with "intentional" classification (on the EDT). Mr. Hanley directs the file to be returned to the FAA-NWA-CMO.

October 3, 2008: Nonconformance Record # 5050 is initiated by Mr. Duellman thirty-six (36) days after he had determined the case to be acceptable and recommended a civil penalty of \$325,000.00.

It appears that FAA management, i.e., Mr. David Hanley, Great Lakes Regional Division Manager has influenced the initial determination of Regional Specialist Mr. Duellman.

It is a suspicious abuse of authority displayed by Mr. Hanley to protect the interest of Northwest Airlines thereby condoning a specific danger to the public.

The Region has already directed you, Mr. Biever, October 14, 2008, to discipline me with threats of further discipline action against me for the writing of my enforcement investigation reports.

Why would Mr. David Hanley stop these substantial penalty enforcement cases against Northwest Airlines?

I have already processed an enforcement against Northwest Airlines, EIR 2008GL010079 for a civil penalty sanction against Northwest Airlines of \$335,000.00.

Mr. Duellman, Regional Specialist, initially determined a \$325,000.00 civil penalty sanction for EIR 2008GL010095, August 28, 2008.

Mr. Tim Davis, Regional Specialists, has determined a sanction of \$400,000.00 for EIR 2008GL010152 written by another inspector.

Mr. Tim Davis, Regional Specialist, has determined a sanction of \$300,000.00 for EIR 2008GL010150 written by another inspector.

The above stated enforcement reports indicate in FAA's data system that they have not gone forward to the Regional attorney for continued processing.

As I understand the process, the EIR reports must pass approval by Mr. David Hanley before they are forwarded to the Regional attorneys.

If Mr. Hanley is holding these enforcements up, why would he be doing that?

Maybe because there is a substantial dollar amount, \$1.36M fines pending against Northwest Airlines which would require public release.

There are more EIR reports yet to be processed by the Region. Two (2) Airworthy Directive non-compliance reports resulting from FAA Notice 8900.36, EIR 2008GL010192 for knowingly operating aircraft when full AD compliance had not been met; and EIR 2008GL010189 for knowingly operating aircraft when full AD compliance had not been met, are still pending Regional review since about September 29, 2008.

These two (2) pending AD non-compliance EIRs should also be determined to be a substantial dollar amount fine against Northwest Airlines. FAA has set precedence with the million dollar fines against Southwest Airlines and American Airlines.

Millions of dollars in penalties are piling up against Northwest Airlines for their regulatory non-compliance with maintenance and aircraft airworthiness regulations designed to keep the public safe. Northwest Airlines has a history of AD non-compliance going back to at least a Consent Order issued in April 2000.

Does FAA Management truly want to release these non-compliant penalties against Northwest Airlines in light of the Delta/Northwest merger, to be the largest airline in the world with serious safety events of non-compliance?

Does FAA Management truly want to release these penalties for safety violations when one considers the rhetoric by FAA Management during the mechanic strike of August 2005, that Northwest Airlines is safe? And, the release of the U.S DOT Office of Inspector General's Report of September 2007 affirming the safety concerns FAA inspectors had with Northwest Airlines' maintenance practices?

There will be more substantial civil penalty cases coming forward with no comprehensive corrective action and the coming turmoil of the work force with the merger of Northwest Airlines into Delta leading to increased events of non-compliance. Public safety will be at greater risk unless FAA management enacts measures to ensure Northwest Airlines' compliance with Federal Aviation Regulations.

The Region is capable of stopping the flow of legal enforcement cases against Northwest Airlines for their non-compliance. Their false accusations with disciplinary actions against me for the writing of my cases will discourage other inspectors from doing the same. Why go through the headache when the pay is the same for writing administrative actions with letters of correction. Or, accepting the continued acceptance of Voluntary Disclosures for the same regulation Parts.

No one reviews these for conformance with FAA policy. They have historically always been accepted by FAA management even if there has been no comprehensive corrective action to prevent future non-compliance with that Part of the FAA Regulations.

You know this as fact Mr. Biever. You have closed cases this way. They are quicker, easier and do not cause a hassle with FAA management.

I am sure Mr. Biever, as an FAA Supervisor, you understand the power of this Regional authority as you yourself have been directed by Regional management in your disciplinary acts against me.

FAA Order 2150.3B provides that the investigating inspector analyze various factors specified in the Order. Each factor is to be analyzed in consideration of the facts and circumstances of the investigation.

As Mr. Randy Johnson, FAA aviation safety inspector PASS Union Representative, stated to you in the morning meeting of November 5, 2008, the FAA Order 2150.3B does require the investigating inspector to address each factor. "If the factor does not apply to the case, than FAA investigating personnel state in Section B that the factor is not applicable.

As Mr. Johnson also stated, reports have been written by this office without all factors addressed and there has been no non-compliance findings by FAA management to ensure compliance with the 2150.3B for this nonconformity.

Mr. Biever, How come only I am being singled out?

And finally, the big finding by Mr. David Hanley that he does not believe EIR 2008GL010095 has not proven intentional conduct by Northwest Airlines.

During the morning meeting of November 5, 2008, I specifically asked you, Mr. Biever, to show me exactly in the FAA Order 2150.3B where the criteria was that defined "intentional conduct."

You grabbed your FAA Order 2150.3B manual and produced appendix F, EDT, definition for "Intentional conduct" on page F-2.

You turned your manual so I could see where you were pointing, and I read the definition. "means a deliberate act where the individual or business knowingly acted contrary to regulations."

I than asked you what "act" meant in the definition? You looked at me puzzled.

I pointed out to you the definition for the word "act" directly above the definition for "intentional conduct."

I read to you, "act-includes a failure to act."

I then stated to you yes, Northwest has knowledge of their historical non-compliance and they have failed to take comprehensive corrective action to ensure their compliance. They have the knowing and they have failed to act.

I also point out to you that the definition is not just an individual, like the mechanic, but the definition for intentional conduct includes the act or failure to act of a business such as Northwest Airlines.

The EIR cases I have written are against the business Northwest Airlines, Inc. As a business organization, Northwest Airlines has knowingly failed to act in a way that will ensure their compliance with Federal Aviation Regulations. Is this not what 14CFR 121.373 and 121.367 require of Northwest Airlines? Northwest Airlines has not ensured compliance with these two (2) regulations. It is fact that FAA Order 2150.3B states that a violation free history is the FAA expected norm.

Northwest Airlines, Inc. has not maintained the FAA expected norm. Their continued non-compliance with the same or similar Federal Aviation Regulations has become the “norm” for this office and the Great Lakes Regional Office.

The FAA Management culture to accept this Northwest Airlines’ “norm” is “a substantial and specific danger to public health or safety.” (5 U.S.C. Section 2302(b)(8))

In the majority of cases completed by this office, in which corrective action has been accepted as closure, they have been for the individual mechanic mistake on that particular aircraft item. The typical FAA accepted corrective action has been focused on dealing with the individual non-compliance. There has not been a corrective action that will ensure compliance by Northwest Airlines as a business organization, for 14CFR 121.153(a)(2), 14CFR 121.367 and 14CFR 121.373.

Finally, I point out to you your nonconformity with FAA’s AVS Quality Management System procedure AVS-001-010, “AVS Control of Nonconforming Products and Services Process.” This is an FAA Quality process that, as I understand, is expected to be followed.

You have not followed this process in assigning me response action to NCR #5050 and NCR #5062 for EIR 2008GL010095 and 2008GL010106 respectively.

The process clearly states that “As the assigned employee, you will receive an email notification that contains a hyperlink to the NCR in QMITS.”

I did not receive an email as the assigned employee that you expect action from. My name is not listed in the “Phase Tracking” assignment grid as having been assigned with a “due date.”

You did not assign me to correct the nonconformity in accordance with Mr. Nick Sabatini’s AVS Quality Management System Process. I understood this to be very

important for Mr. Sabatini that FAA supervisors and managers follow FAA Quality Management System Processes.

Your created routing slips, attached to the paper copy NCR reports, infers that I am at fault for the miss-interpret due date of the initial assignment of these NCRs. As you state, "The due date that you interpreted as your due date was in fact the due date to approve the corrective action. I have requested an extension til November 6, 2008 for you."

I protest this accusation; you were the one that did not follow FAA AVS Quality Management System Process, AVS-001-010. And now you are faulting me for my miss-interpretation. I am sure Mr. Sabatini will be happy to hear that not only did you not follow his Quality Management Process but that you are faulting me for your failure.

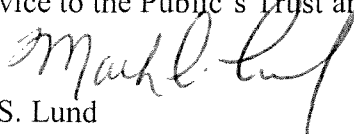
Because of your disciplinary act against me and threats of further disciplinary acts in your October 14, 2008, written "Counseling Interview Sheet," I have made the following changes to EIR reports 2008GL010095 and 2008GL010106:

The EDT narrative was revised to include specific references to the FAA Order 2150.3B and specific paragraphs and item of proof contained in the written report. This is beyond my understanding of the EDT requirements but hopefully it is helpful.

I have revised the cited page narratives of NCR 5050 for EIR 2008GL010095 for the "federal public safety regulations" and the "pressurization system to provide a breathable environment" despite my objection.

I have included a copy of this letter in each EIR file as it provides my written response to the Region's rejection and provides expanded explanation of the EIR's case in relationship to FAA Order 2150.3B.

In Service to the Public's Trust and Safety,



Mark S. Lund  
FAA Aviation Safety Inspector  
FAA Northwest Airlines Certificate Management Office  
2901 Metro Drive, Suite 500  
Bloomington, MN 55425  
(952-814-4316)

Figure 1

## ENFORCEMENT DECISION TOOL (EDT) WORKSHEET

**NOTE:** Insert this completed worksheet in section B of the EIR for legal actions and those administrative actions where the EIR includes such a section. For administrative actions where the EIR does not contain a section B, insert the worksheet in the EIR, and retain the EIR in the investigating office in accordance with established file retention directives, but not less than 24 months. For informal actions, retain the worksheet in the investigating office in accordance with established file retention directives, but not less than 24 months.

EIR Number (if applicable): **2008GL010095** Case Name: **Northwest Airlines**

- a) Determine Applicability. Is this case categorically excluded? Yes  No . If yes, discontinue the EDT process and follow applicable program guidelines.

Excluded cases are those involving:

- Voluntary programs, except ASAP and RIIEP. For example:
- Voluntary disclosures meeting established criteria
- Lack of qualification, for example:

Failure to meet technical qualifications for a certificate held

Conducting air transportation without holding an Air Carrier Certificate

Refusal to permit and/or submit to an inspection, reexamination, or drug/alcohol test

Intentional falsification of records or applications

Cheating on a written examination

Criminal activities, such as narcotics convictions

Special emphasis enforcement programs

- b) Categorize Conduct. Select the category of conduct involved:

*Individual:* Intentional  Reckless  Careless .

*Business:* Intentional Systemic  Intentional Not Systemic  Unintentional Systemic  or Unintentional Not Systemic .

Describe the facts and circumstances considered: This investigation involves the improper installation of a pressurization system outflow valve, after a repetitive discrepancy history, causing the valve to not fully close, failing to control cabin pressure and resultant return of the aircraft to its departing airport. The improper installation would not have occurred if Northwest Airlines would have ensured their B757 aircraft maintenance manual procedures would have been followed (IOP 4, IOP 5, 14 CFR 121.367(a)). The manual was available for use and Northwest Airlines' managers were physically involved and present with the repetitive discrepancies and repairs (IOP 1, IOP 2, IOP 3, IOP 4). Northwest Airlines' management did not ensure B757 aircraft maintenance manual procedures were followed. Northwest Airlines' maintenance control identified the repetitive discrepancy history with the B757's pressurization system (IOP 1, page 7, 14CFR 121.153(a)(2)). However, the aircraft remained in passenger service until a repeat in flight failure and flight return to its departing airport (IOP 1). Northwest Airlines' maintenance control oversight did not prevent another repeat pressurization discrepancy resulting in the flight crew returning the aircraft to its departing airport. Northwest Airlines' has a non-compliance history for not following their aircraft maintenance manual procedures and the resultant safety threat to aircraft operated after the improper maintenance was

performed (IOP Section B, paragraph H). Northwest Airlines' Chief Executive Officer, Mr. Doug Steenland as well as their Vice-Presidents of Technical Operations, Mr. Bauer and Mr. Hylander have knowledge of Northwest Airlines' historical regulatory non-compliance as they are copied on Northwest Airlines' written response to FAA's investigations (IOP 4). Despite Northwest Airlines' Executive Management knowledge of Northwest Airlines' historical non-compliance with maintenance and aircraft airworthiness Federal Aviation Regulations, they have failed to act to implement comprehensive corrective action that will ensure a violation free history as is the FAA's expected norm (IOP FAA Order 2150.3B, Chapter 7, paragraph 4h(1)). As such, this investigation concludes that Northwest Airlines, as a business entity, demonstrates intentional systemic conduct in that their Executive Management have knowledge of their current and historical non-compliance history but have failed to act by implementing comprehensive corrective action that will ensure a violation free history as is the expectation of the FAA (IOP FAA Order 2150.3B, Appendix F).

NOTE: If "Intentional" is checked above for an individual or business, legal action is indicated. You need not complete the rest of this worksheet unless a deviation from the EDT process outcome will be sought (see item j. below). Deviations require division manager approval and will generally only be considered in cases where there was negligible or no safety risk involved.

c) Prepare Risk Statement. Write a single phrase that expresses the hazard condition created and how that could endanger persons or property: \_\_\_\_\_

d) Determine Severity. Select the worst credible outcome potentially resulting from the hazard created by the act:

- Catastrophic (death or severe damage)
- Critical (severe injury or substantial damage)
- Marginal (minor injury or damage)
- Negligible (no injury or damage)

Describe the factors considered: \_\_\_\_\_



e) Determine Likelihood. Select the probability of the worst credible outcome occurring:

- Frequent (likely to occur often)
- Occasional (likely to occur sometimes)
- Remote (unlikely to occur, or would seldom occur)

Describe the facts and circumstances considered: \_\_\_\_\_

f) Determine Safety Risk. Select the applicable safety risk from the following risk assessment matrix:

- High
- Moderate
- Low

**RISK ASSESSMENT MATRIX**

	<b>SEVERITY</b>			
<b>LIKELIHOOD</b>	<b>Catastrophic</b>	<b>Critical</b>	<b>Marginal</b>	<b>Negligible</b>
<b>Frequent</b>	High	High	Moderate	Moderate
<b>Occasional</b>	High	Moderate	Moderate	Low
<b>Remote</b>	Moderate	Moderate	Low	Low

g) Determine the Type Action. Determine the type of action to take from the applicable EDT (individual or business):

**EDT - INDIVIDUAL**

	<b>SAFETY RISK</b>		
<b>CONDUCT</b>	<b>High</b>	<b>Moderate</b>	<b>Low</b>
<b>Intentional</b>	Legal	Legal	Legal
<b>Reckless</b>	Legal	Legal	Administrative
<b>Careless</b>	Remedial Training or Legal	Administrative	Administrative or Informal

**EDT - BUSINESS**

	<b>SAFETY RISK</b>		
<b>CONDUCT</b>	<b>High</b>	<b>Moderate</b>	<b>Low</b>

<b>Intentional Systemic</b>	Legal	Legal	Legal
<b>Intentional Not Systemic</b>	Legal	Legal	Legal
<b>Unintentional Systemic</b>	Legal	Administrative	Administrative or Informal
<b>Unintentional Not Systemic</b>	Letter of correction or Legal	Administrative	Administrative or Informal

h) Administrative Action or Remedial Training Criteria. If administrative action or remedial training is proposed, the eligibility criteria of this order must be met. The eligibility criteria for administrative action are found in chapter 5, subparagraph 4.b. of this order; the criteria for remedial training are found in chapter 5, subparagraph 9.d. of this order. See these paragraphs for guidance on these criteria.

1. Administrative Action Criteria Met: Yes  No  N/A
- A. Legal enforcement action not required by law
  - B. Administrative action would be an adequate deterrent to future violations
  - C. Lack of qualification is not indicated
  - D. The alleged violation was inadvertent
  - E. A substantial disregard for safety or security was not involved
  - F. The circumstances of the alleged violation were not aggravated
  - G. The alleged violator has a constructive attitude toward compliance
  - H. A trend of noncompliance is not indicated.
2. Remedial Training Criteria Met: Yes  No  N/A
- A. Future compliance can be reasonably ensured through remedial training alone
  - B. Airman should exhibit a constructive attitude
  - C. Lack of qualifications is not indicated
  - D. The airman's record of enforcement actions does not indicate that remedial training would be inappropriate
  - E. The conduct is not deliberate, grossly negligent, or criminal in nature.

If no, explain which criteria are not met and why: \_\_\_\_\_

i) Specific Action Indicated. Select the specific type of action indicated by the EDT process:

- Oral counseling
- Written counseling
- Warning notice
- Letter of correction (other than remedial training)
- Remedial training resulting in a letter of correction

- Legal action after remedial training offer was refused or not completed
- Legal action after letter of correction actions not completed
- Legal action (other than after a remedial training offer refused or not completed or letter of correction actions not completed)

j) Deviation From EDT Process Outcome Requested: Yes  No  . If a type of action is proposed other than that indicated in paragraph (i) above, the division manager's approval is required. See chapter 5, subparagraph 4.d. of this order regarding the use of administrative action when associated criteria are not met.

If yes, explain and justify proposed action: \_\_\_\_\_

Division Manager Action: Approved  Disapproved

Signature: \_\_\_\_\_

k) Attorney Concurrence (for legal enforcement cases only). The proposed type of enforcement action conforms to the EDT process: Yes  No

If no, explain: \_\_\_\_\_

Attorney Signature: \_\_\_\_\_