

Mr. BASSLER. You answer the question. You answer the question. We are told, when we answer these questions, if it is a yes, it can be no yes, but, it is a yes, move along. We have been drilled on that for 10 years. In the SAI they have incorporated now, yes comments are required, under 1.2. But in the EPIs they are not still required to have yes comments. The reason being is when you get, it is good information to have when an inspector goes out there and he does an SAI of the subsystem level, which is what the SAI is, to look at the program, do they have a program in place? For the next inspector that comes along a year or two later, you want to see where is it, where is it in the manual system.

But like I said, here you have one, when this was right after ours, when it was known that this was a hot, critical issue, a supervisor was the TC and 15 noes have no action taken. How did that get through the data quality, all the way through the DEPM to the data base with no actions taken? That means you have 15 no answers. What is the FAA doing about it?

I am pretty sure you can go to the office and find there was a letter sent. I am almost sure. I know these two individuals, there was a letter sent. But the data base doesn't reflect it.

Mr. CARNEY. Well, data base management is certainly a critical factor here. If we can't go back and do a research or do a history on a plane or fleet, that is certainly an issue. But I think that we probably need to get a lot less subjectivity in the process and a lot more objectivity in the process by all members, everybody involved in this process.

Gentlemen, I thank you for your time. It has been a long time and I appreciate your patience. Thank you. No further questions.

Mr. OBERSTAR. Thank you.

Mr. DeFazio, Chair of our Surface Transportation Subcommittee.

Mr. DEFAZIO. Thank you, Mr. Chairman. Mr. Chairman, I regret I had to miss some of the testimony, I had to go do a television feed.

To either Mr. Kelleher or Mr. Kelly, this is a very substantial fine and in my recollection it is one of the largest, if not the largest ever assessed. But I also know historically with the FAA, things happen. There is a lot of publicity about a big fine. And then the fine is appealed and reduced and ends up in many cases being insignificant.

Have you or do you intend to appeal this fine and have it reduced?

Mr. KELLEHER. We have not sat down with the FAA legal department to discuss what approaches might be taken one way or the other. Although as soon as we found out about what had been transpiring, Congressman, Gary did take all this to Washington and sit down with the FAA with respect to the issue. But the fine itself was not, the amount of the fine was not discussed.

Mr. DEFAZIO. Right. But you would not be unique among airlines, it would be standard practice if you were to seek to have this reduced. But the FAA has made much to do here today about the magnitude of this fine and the gravity of the situation and how serious they are about changing the systemic problems we have. I just want to kind of put a caveat on that, it may or may not end up being a \$10.2 million fine.

Mr. KELLEHER. That is possible. That is entirely possible. And may I suggest in sort of a sotto voce way that perhaps, if this Committee had not been as active as it is, it might have been a lower fine.

Mr. DEFAZIO. Yes, and I am afraid we may not have gotten some of the assurances we got. I have to say that Mr. Bassler's testimony is a bit confusing to me, because initially I thought in talking about the tumult in the office and the personality conflicts, he was saying that effectively there were no problems, which I would have questioned because of what the IG found. But now what he is saying is there might have even been more problems that somehow later got swept under the rug. Is that the thrust of your testimony here, that those 15 that you say are unanswered?

Mr. BASSLER. Mr. DeFazio, I am raising the question that the data bases that we have in the FAA and the policies and procedures that we have in place, and you have to remember that when these two SAIs were done, one was done under 1.1, which at the time was the national policy, when Larry and myself did the SAI, this was under 1.2 with even stricter requirements. How does that pass all those quality processes.

And how can you do the same SAI five times by AFS 900, I don't even know how many, because I haven't even been privy to that, I just heard it was done five times after ours and they all came out with different conclusions. There is something wrong with either the process or the questions we are asking here or how you view it.

Mr. DEFAZIO. I would reflect that when I was a ranking Democrat and they were developing this ATOS process, I had Mr. Sabatini and others in three or four times to explain to me how this might work. I expressed at the time that I was really dubious that this was going to be an effective program. I understand the idea of mega data and trying to look for anomalies and targeting those sorts of things.

But I said to them then, and I guess I would repeat now, I would rather have the inspectors out in the field, the good old-fashioned way, armed with as much data as we can give them, but not sitting there just plugging stuff into a computer program. Because it does seem that this program, which I have never understood, does potentially have some problems.

Mr. BASSLER. Sir, may I just add, and just remember that at the SAI level, you are at a sub-system level. So you are looking at the program. You are not necessarily touching the airplane. That is where the EPI comes in.

Mr. DEFAZIO. I understand, and that is a big concern to me. At the time, when I was relating this back to Mr. Sabatini many years ago, I recounted how United did its in-house maintenance then, and I had just been to the United facility at San Francisco. And an old-time mechanic had found a problem with a rotor that shouldn't have been there, but something wasn't quite right, so then he required they do additional testing and whatever they call it, flux testing, and they can find these micro-cracks.

It is the same thing, people who are there with hands-on experience and looking over someone's shoulder and seeing what someone is doing and talking to them, I think they are going to pick up

some of the threads that we are trying to pick up with this ATOS thing, personally, but that is my own Luddite prejudice, I guess.

Thank you, Mr. Chairman.

Mr. OBERSTAR. It is not Luddite in the least, and Mr. Sabatini earlier committed to modifying this voluntary disclosure program and correcting holes in it and reporting back to us in due course.

Ms. Brown.

Ms. BROWN OF FLORIDA. Yes, Mr. Chairman, I just have one follow-up question.

With respect to all recent grounding, you know, Delta had a big one, and I think American, do you think the type of non-compliance we are now seeing with previously allowing aircraft to continue in operation instead of grounding?

Mr. KELLEHER. I am not really familiar from the technical standpoint with what required the grounding at the other carriers. And if I were to give an opinion on that, I think I would have to be inside those carriers or inside the FAA. So it is really hard to tell exactly what transpired. I have read press accounts of what went on with respect to some of the airplanes. But I really don't have any insight into how serious the issues were with the other carriers.

Ms. BROWN OF FLORIDA. Mr. Kelly?

Mr. KELLY. I don't have any insight at all as to what happened at other carriers. I can describe our own March 11th experience, which was in creating a new document for a change order, and being ever-vigilant in this environment, we did find an instruction that was conflicting. It was confusing. We used the word ambiguous. It was unclear which type of inspection was required for 44 of our aircraft. Mind you, we did an inspection. We just weren't certain that we did the inspection with the right method. It is either with an electrical device or doing it visually.

We talked to Boeing, we talked to the FAA. All agreed that the wording was ambiguous. So they asked us to perform the most conservative inspection on the night of March 11th. Once we tried to do that inspection, we found that it could not be done. The metal was such that it would not accept this electrical eddy current device. It took all day on March 12th to resolve that particular discrepancy.

So I do think that you will find things like that when all of this is subjected to that level of scrutiny. I am not complaining about it, but I am just pointing out that some of the reactions that you might be seeing are in fact just taking it to that level of detail. We had one aircraft that was grounded for an entire weekend over a washer that is less than the size of a dime. Historically, manufacturing allowances are such that you could use one washer, two washers, up to three washers. We had two washers on one bolt that was about an inch and a half long. And it took all weekend to resolve whether we could use two washers instead of one washer.

So there is that kind of detail that is embedded in 1,110 pages of inspections that human beings are being subjected to try to work their way through. So I am sympathetic to what some of the airlines are going through.

Ms. BROWN OF FLORIDA. Would either one of you like to respond to that question?