

Mr. COLLAMORE. I think the thing that led us astray was if you looked in the preamble to the AD 2004-1806, the particular question was asked about the area that Southwest Airlines had missed during the NPRM stage that because of the window belt and the over-wing exits the extra skin and doubler inside made that area on stringer 10 between body stations 540 and 727 extremely difficult, if not impossible to inspect. And the FAA's response at that time, from the ACO, the aircraft certification office, was that because of the extra skin and the doublers in that area, they did not consider that area as a cracking concern.

I can't speak for Mr. Gawadzinski. But I believe that that was what he had based his decision on to allow those airplanes to be flown, because that was the exact same area that Southwest Airlines had disclosed to us.

Ms. BROWN OF FLORIDA. Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. OBERSTAR. Thank you for those questions. They are very pertinent and very right on point.

Mr. Kelleher and Mr. Kelly, earlier in the exchange, you one, referred to a statement by Mr. Boutris that, or attributed to him the 30-month violation. In fact, this is documented in your own self-disclosure detail document on page three, time violation remained undetected, 30 months. This is your own document.

Reason why the violation was inadvertent, your response is, due to individual human errors during the document data transition, I won't go through all the items, were inadvertently, the inspections were inadvertently omitted. Unfortunately, due to the extended time span, we cannot definitively determine the exact reasons the initial error occurred and was then overlooked during creation of the document, its revisions and reviews. We can reason that the error occurred because of the complex nature of the ADs involved.

Do you disagree with the ADs?

Mr. KELLY. Mr. Chairman, I don't remember the 30 months. But our executive vice president reminds me that the 30 months maybe the time that the document was out there in error, but the actual aircraft were not in non-compliance for that entire time period.

Mr. OBERSTAR. But do you disagree with this directive?

Mr. KELLY. No, I don't disagree with the AD, no.

Mr. OBERSTAR. Good. There is a process by which you can disagree with Airworthiness Directives, not only you but all airlines.

Mr. KELLY. No, sir.

Mr. OBERSTAR. You haven't done that and you're not in disagreement?

Mr. KELLY. We are not, no.

Mr. OBERSTAR. Count one of the FAA fine imposition reads, "Fifty-nine thousand seven hundred ninety-one of the flight cycles addressed in paragraph 16 were operated at the time when Southwest Airlines was unaware of its failure to incorporate the repetitive external detailed and eddy current inspections of stringer 10 left and right at body stations 540, 597 and 663, 727 at intervals not to exceed 4,500 flight cycles."

Number 17, "The aircraft addressed in paragraph two were unairworthy when they were operated on the flights above because re-

quired AD inspections had not been accomplished.” That is the finding of the FAA. Do you disagree with that?

Mr. KELLY. I think we have fully admitted that once we discovered the non-compliance and self-reported it, that we should not have continued to fly those aircraft based on what we know today. So we certainly don’t agree with that.

Mr. OBERSTAR. And that is the statement Mr. Kelleher made earlier, we should not have flown?

Mr. KELLY. Yes, sir.

Mr. OBERSTAR. There are maybe many other questions, but again, I just want to underscore that it is your own document that says, time violation remained undetected, 30 months. This was not attributable to an FAA inspector. This is your own filing, your own admission. And I think that is appropriate. It is candid. You should not be disputing the time frame.

Mr. KELLY. Well, again, as I say, my recollection is based on the schedule of aircraft that I looked at, that the time that we were beyond the 4,500 cycle requirement, the longest time period was eight months. What I think the 30 months refers to is the time that the AD documentation was created that had the small area missing from the inspection. So I believe that that is what the 30 months is. But I apologize, otherwise I just, I don’t recall the 30 months.

Mr. OBERSTAR. It is clear from the body of evidence presented today and the testimony that there is a great deal of adjustment that needs to be made and process at issue here. Voluntary disclosure, partnerships, relationships, the ability of a carrier to call and complain about an inspector and have that person removed, those are things that should not be happening within the safety context of FAA and its relationship with the airlines. As Mr. Sabatini said earlier in response to my questions, there are going to be substantial adjustments on a number of those policies, and we will follow those very, very closely. We look forward to airline participation in this process as well.

I thank the panel for their presentation and testimony, and appreciate your being here throughout this very long day.

Mr. KELLY. Thank you very much.

Mr. KELLEHER. Thank you for the opportunity to appear.

Mr. OBERSTAR. You are always welcome.

Our next panel includes Mr. Tom Brantley, President of the Professional Aviation Safety Specialists organization, accompanied by Linda Goodrich, Vice President, Region IV of PASS; Mr. Richard Andrews, Aviation Safety Inspector, American Eagle Operations Unit, also of PASS; Mr. Joseph P. Thrash, Aviation Safety Inspector, retired, for Continental Airlines; and Mr. Bill McNease, retired Aviation Safety Inspector, FedEx CMO.

I will ask you all to raise your right hand. Do you solemnly swear that the testimony you will give before this Committee in the matters now under consideration will be the truth, the whole truth and nothing but the truth, so help you, God?

[Witnesses respond in the affirmative.]

Mr. OBERSTAR. Thank you.

Mr. Brantley, we will begin with you.