

JAMES L. OBERSTAR, CHAIRMAN

**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

April 16, 2008

Mr. Nicholas Sabatini  
Associate Administrator for Aviation Safety  
Federal Aviation Administration  
800 Independence Ave., SW  
Washington, DC 20591

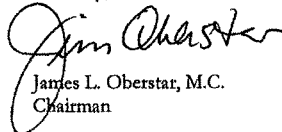
Mr. James J. Ballough  
Director  
Flight Standards Service  
Federal Aviation Administration  
800 Independence Ave., SW  
Washington, DC 20591

Dear Mr. Sabatini and Mr. Ballough:

You testified before the Committee on Transportation and Infrastructure on April 3, 2008 regarding "Critical Lapses in FAA Safety Oversight of Airlines: Abuses of Regulatory Partnership Programs." Enclosed you will find additional questions that I request you answer for the official hearing record.

I would appreciate your response by May 1, 2008. Please send your responses to: Ms. Laurie Bertenthal, 586 Ford House Office Building, Washington, DC, 20515. Due to delays in the receipt of mail in the mail screening process, I also request that you email your response to [Laurie.Bertenthal@mail.house.gov](mailto:Laurie.Bertenthal@mail.house.gov) or fax your response to (202) 226-6012. Should you have any questions or concerns, you may reach our Oversight and Investigations staff at (202) 226-4697.

Sincerely,



James L. Oberstar, M.C.  
Chairman

Enclosure

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
HEARING ON "CRITICAL LAPSES IN FAA SAFETY OVERSIGHT OF AIRLINES: ABUSES OF  
REGULATORY 'PARTNERSHIP PROGRAMS'"  
APRIL 3, 2007  
QUESTIONS FOR THE HEARING RECORD

NICHOLAS A. SABATINI, ASSOCIATE ADMINISTRATOR FOR AVIATION SAFETY, FAA  
MR. JAMES J. BALLOUGH, DIRECTOR OF FLIGHT STANDARDS SERVICE, FAA

1. Recently, after FAA announced a national audit of AD compliance after this Committee's investigation broke in the press, we've seen hundreds of aircraft grounded in at least 6 major air carriers. Is it possible these types of compliance issues were routinely seen by inspectors in the past (which was an allegation by scores of inspectors interviewed by us), but they were suppressed by management and quietly self-disclosed, with airplanes continuing to fly? Why do you believe that all of these groundings are occurring now?
2. Doesn't this strongly suggest that the self-disclosure program was being abused in more places than just SWA in light of recent events associated with FAA's national audit?
3. Please comment on the 70 aircraft that overflew the stand-by rudder PCU leak check. SWA claims they had approval to increase the rudder PCU inspection interval from FAA. Is that true? Are you proceeding with a violation in that case as well? What is the status of enforcement on that case?
4. If these new programs and databases like ATOS are working so well, how is it that old-fashioned inspector feet-on-the-ground are finding AD compliance issues affecting many hundreds of aircraft?
5. Why didn't the ATOS methodology find the problems at SWA and other carriers that were exposed in our investigation? Is ATOS broken?
6. Is ATOS only as good as the data that is entered into it?
7. Does ATOS need to have fields which are more subjective and allow entries to include additional information and comments?
8. We've been told by numerous inspectors that they have been instructed by FAA management on occasion to not to enter something into the ATOS system, because if the "dashboard goes red" it causes the CMO problems. Please comment on this.
9. Is it possible that there is disincentive to entering accurate into ATOS? Data indicating non-compliance reflects badly on CMO and regional management, does it not?
10. FAA Order 8300.10 it is stated under inspector responsibility that "an inspector who becomes aware of an unsafe condition in an aircraft that is being operated or about to be operated and fails to act under the provisions of Section 605(b) of the FAA Act of 1958, as amended is in derelection of duty . . ." Could you comment on whether you believe that happened in the case of SWA?

11. Why were the problems in the SWA CMO allowed to fester for a number of years prior to this complete breakdown?
12. Is it true that airlines can use the CSI to complain about the level of “customer service” they are receiving from their FAA overseers?
13. Shouldn't these “precautionary inspections” — ordered on March 13, 2008 — have been taking place all along?
14. Do you think that somewhere along the line FAA supervisors have become relaxed about the requirement that self-disclosure can only occur if the airline alone discovers a problem?
15. Don't you think it is important to maintain a balance between traditional regulatory enforcement mechanisms such as civil penalties, and relatively new techniques such as “partnership programs?” Is it possible that the balance has shifted too much in one direction?
16. Why did your staff initially refuse to cooperate with Committee investigators last September and October when they requested information on your internal investigation?
17. It is hard to believe that you had not heard of all the problems occurring at SWA and in the SWA CMO since the warning bells had been ringing for several years. How could you not know what was happening?
18. We also hear a lot of repeat offenders keep showing up protected by reports under the ASAP program. Some have charged that this program is too often used to issue “get out of jail free” cards. Don't you believe that at some point, that if the same individuals keep turning up over and over more drastic action should be taken and they should not be continually protected by an ASAP Event Review Team? How do we fix this?
19. What internal mechanisms do you have in place to ensure that when an FAA inspector begins a review of an airline, that the airline will not be “tipped off” to file a self-disclosure?
20. What internal checks does the FAA have to ensure that when an airline files a self-disclosure, that they are following the federal regulations for ASAP and VDRP?
21. Do you think that it might be worthwhile to regularly audit your regional offices and CMOs to see if the internal control mechanisms for oversight of airlines are working as intended?
22. What auditing measures are in place to ensure that when an airline or employee files a self-disclosure, that they do so according to FAA regulations and national policy guidance? And what auditing measures are in place to ensure that FAA employees, including management, are following the proper protocol when looking into a safety issue, and more specifically, that they don't “tip off” the airline? How could you catch an inappropriately filed VDRP or ASAP? What are the FAA's oversight control mechanisms?
23. We recently heard of a case at United Airlines that has recently undergone an AD Safety Attributes Inspection in which there were findings of non-compliance. We are told that the

airline was allowed to disclose all of these using VDRP, but since they were discovered by FAA oversight mechanisms, were they actually eligible for VDRP?

24. If an airline is not happy with the outcome of an inspection, or multiple inspections, it can file for reconsideration under the Customer Service Initiative (CSI).
  - a. Please describe the process of filing for reconsideration.
  - b. Do you think that this process could be abused by airlines to get an inspector who may issue a more favorable finding than the previous one? If this type of abuse was discovered, what action would the FAA take against the "customer"?
25. Are you aware of how much it cost the FAA to implement ISO 9000 series standards, including the cost of personnel? Do you believe that this was a worthy undertaking? What, if any, benefits has FAA realized from ISO implementation? Please provide additional data, documentation, and exhibits on the ISO 9000 series as it shows the benefits to AVS.
26. Please describe the Management Advisory Council (MAC) and how it works. Who are the members of the MAC? Are the meetings and records open to the public? Is the MAC assisting with recommendations for hiring (or firing) FAA positions or directing policy? Is it intended to be a secretive group?
27. At the hearing, you said that there are three unnamed airlines that have some AD problems. Please provide the names of those airlines, and others if there are more, and the specific ADs related to each.
28. Do Mr. Gawadzinski and Mr. Stuckey currently possess the 110A Form credentials (as listed in FAA Order 8000.38G)? If not, what was the date of surrender of those credentials?
29. Are starting the process of termination for Mr. Gawadzinski and Mr. Stuckey? If so, where are you in that process? Are there other employees involved that may be terminated?
30. Are you considering implementing any of the Inspector General's recommendations that he presented in his oral and written testimony at the hearing? If, so, which recommendations, and how do you plan to implement them?
31. Are you considering any modifications to the Safety Information Reporting System, as you had originally presented it at the hearing?
32. Please provide information on when Mr. Gawadzinski performed enroute inspections since 1/1/2007.
33. Please provide a list of all self disclosures filed under the ASAP and VDRP and include the name of the airline, the type of violation, and the date of violation.
34. Please provide the preliminary results of your national audit of AD compliance.
35. What criterion was used to determine that carriers were complying with 99% of 2400 audits of ADs? What was included in the audits? Did ATOS play a role?

36. Do you think that FAA inspectors have enough aircraft safety and quality knowledge as it relates to the systems and airlines they are responsible for inspecting? Do you think that the training programs need to be revamped?
37. Does the FAA have enough inspectors?
38. Do we need to develop a program that better trains FAA inspectors with aircraft maintenance practices for the CMOs they function under?
39. Is it unusual that a SPMI would not consult the program manager for a particular fleet before accepting a VDRP or taking any other action regarding that fleet?
40. Isn't the program manager for a particular aircraft type, the subject matter expert, who is in the best position to judge whether a VDRP and comprehensive fix are acceptable?
41. Do you intend to make any changes as a result of this investigation? Could you please outline those changes?
42. Why was Mr. Collamore allowed to "act" as the PMI as recently as February 2008? Given your own internal investigation, how did you view this as appropriate?
43. We've heard from a number of inspectors across the country who complain that airlines are frequently tipped off regarding on-going investigations and allowed to use self-disclosure. Isn't that specifically prohibited under the Advisory Circular outlining the self disclosure process. What do you believe you should do to ensure these programs aren't being abused?