

Testimony of Joseph Phil Thrash To:

The House of Representatives of The
Congress of The United States Of America,
Before The Committee on Transportation and
Infrastructure on April 03, 2008, in Washington,
DC, United States of America.

TESTIMONY OF JOSEPH PHIL THRASH TO:

THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA BEFORE THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE ON APRIL 03, 2008, IN WASHINGTON, DC, USA

TABLE OF CONTENTS with My Comments to Enhance Relevance Re: Abuse of ASAP.

- I. Executive Summary: Oral Testimony.
- II. Introduction: BIO, OPM Form 50B, FAA Letter, SW Regional Administrator to Thrash, Copy of U.S. DOT, FAA Certificate of Service from Acting FAA Administrator, Merriam Webster's Definitions of Opinion and Fact, Copy of USC Title 18, Part I, Chapter 47 ~1001.
- III. AFS-1, FAA Director of Flight Standards, Ballough's December 17, 2001 Memo, Aviation Safety Action Program (ASAP) this empowers FAA ERC Representative with total autonomy in accepting events into ASAP.
- IV. Documentary Evidence to Support Enforcement Investigative Reports (EIRs) into alleged violations of Federal Aviation Regulations committed by the flight crew members of CALA1515, January 16, 2006, at El Paso, Texas. National Transportation Safety Board's Order No. EA-4135, April 12, 1994, adjudicated decision by NTSB ordering, affirming and upholding, the FAA Administrator's Order to suspend an Air Line Transport Pilot's license for violation of then FAR 91.9, now 91.13 for careless operation of an aircraft by excessive use of jet thrust which injured a ground crewman.
- V. FAA Aircrew Program Manager, Joseph Phil Thrash's, February 14, 2006, FAA e-mail to FAA Administrator Blakey, with preliminary official record of professional disagreement that CALA1515 fatal accident had been accepted into FAA's Aviation Safety Action Program. E-mail includes APM Thrash's concerns, and flight interview questions requested to be asked of CALA1515 flight crew by FAA Manager Bernie Mullins, and FAA Principal Operations Inspector John Merrifield.
- VI. FAA Internal Records of Conversation, and official inspection records of APM Thrash to Mullins, Merrifield expressing concerns regarding various Continental Airlines' Pilot Bulletins allowing the continuation of "non-FAA approved" maintenance engine runs by its pilot group.
- VII. AFS-2, FAA Deputy Director of Flight Standards, Allen's Official FAA response to FAA Administrator's Hotline Concern No.#20060215001 generated by my February 14, 2006 FAA e-mail to FAA Administrator expressing my preliminary concerns regarding the CALA 1515 Fatal Accident being accepted into ASAP.
- VIII. FAA Memorandum dated July 24, 2006, from APM Thrash to FAA Administrator, DOT-OIG, FAA Associate Administrator of Aviation Safety, AVS-1, Nick Sabatini, and the NTSB,

which provided FAA APM Thrash's official response as a "Memo for the Record," of FAA's acceptance of the CALA 1515 accident into ASAP. This memo provides the following counterpoints of factual nature to Allen's Memo of April 18, 2006, to the FAA Administrator Blakey:

(1) AFS-2, Allen, fictionalizes my position in the COA CMO in Houston, TX as "assistant partial program manager," when in fact I was then the "COA CMO B-737 Aircrew Program Manager."

(2) AFS-2, Allen, makes false statements that the interview questions were asked either by the ERC, or the FAA Investigator in Charge, or the NTSB. There are no records, tapes, written transcripts to substantiate this statement.

(3) AFS-2 uses term "deviation" to describe alleged violations by the CALA1515 flight crew. Deviation is an FAA term which allows a "one" time deviation from a FAR for some justified purpose; whereas, a violation is when one does not follow a FAR either by omission or commission of some act contrary to the FAR. This seems to be a device to obfuscate the facts of the serious nature of the alleged violations and questionable aircrew decision making at El Paso.

(4) AFS-2, Allen, characterized me as to have "become emotionally impassioned" by the nature of the accident. This is a materially false representation, trick, scheme, and device to cover up my concerns which were factual as transmitted to the FAA Administrator. These statements were defamatory with no basis in fact.

IX. Official FAA Letters, dated July 24th and 25th of 2006, from APM Thrash to Honorable United States Senators John Cornyn, Kay Bailey Hutchison, and Department of Transportation Inspector General Todd J. Zinser, expressing APM Thrash's concerns about CALA1515 fatal accident being accepted into ASAP.

X. Copies of letters dated September 28th and 29th from the Honorable Senators Cornyn, and Hutchison to FAA APM Thrash closing out their congressional inquiries into the CALA 1515 ASAP fatal accident matter. The Honorable Senator's letters included copies of AFS-1, Ballough's September 21, 2006, the official FAA letters to U. S. Senators Cornyn and Hutchison with AFS-2's April 18, 2006 FAA Memo as the FAA's Flight Standards Service official records to close out the Congressional Inquiries into the CALA 1515 fatal aircraft accident being accepted into ASAP.

XI. FAA Memo, October 17, 2006, FAA ASI Thrash to DOT OIG, Tina Nysted, describing Public Law 103-272 USC 44 ~ 44709, Reexamination of Airmen and transmitting allegation of abuse of power by AFS-1 and AFS-2 to sustain the CALA1515 fatal accident being accepted into ASAP.

XII. FAA Letter of Reprimand, October 18, 2006 from COA CMO POI John Merrifield to FAA COA CMO B737 APM Thrash; includes counter point Memos from ASI Thrash, and final sustained POI letter of reprimand to ASI Thrash.

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I. Executive Summary: Oral Testimony.

EXECUTIVE SUMMARY OF THRASH'S TESTIMONY

A Continental Airlines, Inc. (CALA) contract mechanic was killed during ground operations of a Continental Airlines B737 on January 16, 2006 at El Paso, Texas. This was a fatal aircraft accident and the flight crew's actions were accepted into the FAA's ASAP program during the week following the accident.

As the FAA's B-737 Aircrew Program Manager (APM) in the Continental Airlines Certificate Management Office (COA CMO) I sent a February 14, 2006 e-mail of my professional disagreement with the ASAP's decision to FAA Administrator Blakey.

On February 27, 2006 I was interviewed by the Assistant Manager of the FAA's American Airlines CMO, Mr. Don Klos, regarding my e-mail concerns at the request of Mr. Thomas Stuckey who is the FAA's Southwest Regional Division Manager of Flight Standards, ASW-200. During the interview, Mr. Klos stated that the previous week he had visited Thomas Stuckey, ASW-200, who indicated that the FAA Administrator Blakey and FAA's Associate Administrator for Safety, AVS-1, Mr. Sabatini, had told Mr. Stuckey to investigate "how the El Paso matter had been accepted into ASAP." Mr. Klos stated during the February 27, 2006 interview that he and Thomas Stuckey agreed that the accident should not have been accepted into ASAP, but that "Washington FAA" would have the final call. I advised Mr. Klos that the COA CMO Manager, Bernie Mullins and POI, John Merrifield, had stated in previous meetings with me that ASAP had not provided any precursors to the El Paso accident.

A December 17, 2001 memo written by AFS-1, FAA Director of Flight Standards Service, Mr. Ballough, gives the FAA ASAP Event Review Committee member autonomy in his/her decision to accept or reject a crewmember's ASAP report. The COA CMO's FAA's ASAP representative from 2001 until early summer of 2006 was a retired Continental Airlines Captain who was not type rated on any of Continental Airlines fleet of all Boeing manufactured aircraft. After the El Paso accident, another CALA B737 safety related incident occurred which was accepted into ASAP. The COA Manager then removed the ASAP representative from the ASAP ERC. During this FAA ASAP representative's tenure, 2001 to 2006, I was never contacted regarding any ASAP reports. The Manager, POI, and APMs could not access the ASAP data repository to gather risk indicators, accident precursors, on which to focus our limited inspector resources. From summer 2006 until my retirement, I conducted two Enforcement Investigative Reports regarding FAR violations, and four reexaminations of airmen under 47 USC 44709, which was after the former ASAP representative, the ex Continental Airline's captain, was removed from his FAA ASAP ERC position, and replaced with a FAA Aviation Safety Inspector who was rated on the Boeing B-737.

AFS-2, FAA Deputy Director of Flight Standards Service, John Allen wrote a FAA Memo dated April 28, 2006 to Administrator Blakey as FAA's Flight Standards Service official position to my February 14, 2006 e-mail. Allen's memo appears to obfuscate the facts that happened at El Paso to "cover up" those facts to support FAA's highest level of management in the FAA's Flight Standards Service, AFS-1's, and AFS-2's, decisions to sustain the El Paso matter acceptance into ASAP. The memo has fictionalizations, false statements, innuendoes, and

unfounded conclusions. I welcome your questions to me in that regard. If Mr. Allen's official memo of record was an intentional obfuscation of the facts, he maybe in violation of Federal Laws. If Mr. Allen's official record contains unintentional mistakes and misstatements of facts, he might be seen as incompetent.

On September 21, 2006, Mr. Ballough, AFS-1 sent an official FAA letter of response to the Honorable Texas Senators Hutchison and Cornyn to close their Congressional inquiries into the El Paso ASAP matter. He included Allen's aforementioned memo to corroborate FAA Flight Standards' official position on the acceptance of the El Paso ASAP matter. If Ballough intentionally forwarded to United States Senators known fictionalizations, false statements, inaccuracies, and obfuscations of facts, he may have violated some federal laws, if unintentional, his competency may be in question.

I was unable to accomplish my duties as Aircrew Program Manager to inspect, investigate this aircrew's actions due to policies and decisions made by James Ballough, AFS-1, FAA Director of Flight Standards Service and James Allen, AFS-2, FAA Deputy Director of Flight Standards Service. They sustained the acceptance of the fatal accident into the FAA's Voluntary Disclosure Program known as ASAP, Aviation Safety Action Program.

The DOT OIG has had my files since October 17, 2006, with my position that AFS-1, Ballough, and AFS-2, Allen, abused power by sustaining the acceptance of the El Paso fatal aircraft accident into ASAP. Twice, I made my self available to discuss the matter with the FAA Administrator, Blakey, AVS-1, Sabatini, AFS-1, Ballough, and AFS-2, Allen which did not happen.

FAA Associate Administrator for Safety, AVS-1, Mr. Nicholas A. Sabatini signed FAA Regulation 14 CFR Part 193, under provisions of 49 USC 40123, to essentially prohibit the release of ASAP, and other certain FAA accepted "voluntary disclosure" aviation safety information on January 26, 2005.

This regulation essentially protects ASAP, a non-regulatory, voluntary program created by a FAA Advisory Circular, from the public's right and freedom for information regarding their safety.

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BIO: Joseph Phil Thrash
Born: Lufkin, Texas, June 1945.

Education:

- B.B.A. University of Texas at Austin, TX, 1967.
- Stephen F. Austin State University, Nacogdoches, TX (Under Grad Summer School).
- Arizona State University, Tempe, AZ (Under Grad Summer School).
- M.A. Humanities, University of Houston at Clear Lake, TX, 2007, 3.86 GPA.

Memberships:

- Veterans of Foreign Wars, Life Time Member, Post 1836, Lufkin, TX.
- AARP.

Work History: 1967-2007: 40 years operational aviation pilot experience: Military, Part 121 Air Carrier, and FAA.

- USAF: C-130E Instructor Pilot, T-38 Instructor Pilot, Flight Examiner, Viet Nam Veteran, Honorable Discharge, USAF ResAF October 31, 1978. 1967-1978.
- FAR Part 121 Airline Pilot: Frontier Airlines, Inc., Denver, CO, 1979-1985.
- Federal Aviation Administration: 1985-2007.

FAA Airman Certificates and recent FAA Job History:

- Airline Transport Pilot: Multi Engine and Single Engine Land. Type Ratings: ATP MEL include: McDonald Douglas DC-10, Lockheed L-382(C-130), Boeing B-727, and B-737. Flight Engineer Certificate: Turbojet Powered.
- Retired from FAA December 31, 2007: Last Position was FG-1825, Aviation Safety Inspector, FAA ASI (Air Carrier Operations). Served as FAA ASI 20 years in FAA Flight Standards Operations Unit that conducted FAA regulatory oversight of Continental Airlines, Inc, in Houston, TX. Last Job Description from 1998-2007: FAA Aircrew Program Manager, (APM) B-737. Duties included: (a) Oversight of Continental's Aircrew Program Designated Examiners (APDs) Examining Airmen for Initial Certification and continuing competence, (b) evaluating airman training programs, equipment, and facilities, (c) evaluating the operational aspects of programs of the air carrier for adequacy of facilities, equipment, procedures, and overall management to ensure safe operation of the B-737 aircraft thru compliance with FARs, FAA approved operational programs, manuals, and standardized operating procedures and practices.

Current Projects/Interests:

- Continue Granddaughter's swimming lessons, reading, and flora/fauna identification.
- Surf Fishing in Gulf of Mexico, feral hog hunting in East Texas, repair a fishing camp.
- Gardening, specializing in tomatoes, cucumbers, peppers, and onions.
- Learn Spanish.
- Have been accepted into MA English program at SFASU, Nacogdoches, TX, Fall'08.

U.S. Office of Personnel Management
Ensuring the Federal Government has an effective civilian workforce

Constitution Initiative

- o Main
- o Training Materials
 - o Constitution's Link to the Oath of Office
 - o Constitution History
 - o Constitution Questions and Answers
 - o The Constitution
- o Speech by Honorable John Charles Thomas

The Oath of Office and the Constitution

Oath

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

5 U.S.C. §3331

As Federal civil servants, we take an oath of office by which we swear to support and defend the Constitution of the United States of America. The Constitution not only establishes our system of government, it actually defines the work role for Federal employees - "to establish Justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty."

The history of the Oath for Federal employees can be traced to the Constitution, where Article II includes the specific oath the President takes - to "preserve, protect, and defend the Constitution of the United States." Article VI requires an oath by all other government officials from all three branches, the military, and the States. It simply states that they "shall be bound by oath of affirmation to support the Constitution." The very first law passed by the very first Congress implemented Article VI by setting out this simple oath in law: "I do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States."

The wording we use today as Executive Branch employees is now set out in chapter 33 of title 5, United States Code. The wording dates to the Civil War and what was called the Ironclad Test Oath. Starting in 1862, Congress required a two-part oath. The first part, referred to as a "background check," affirmed that you were not supporting and had not supported the Confederacy. The second part addressed future performance, that is, what you would swear to do in the future. It established a clear, publicly sworn accountability. In 1873, Congress dropped the first part of the Ironclad Test Oath, and in 1884 adopted the wording we use today.

NOTIFICATION OF PERSONNEL ACTION

| | | | |
|---|---|-------------------------------------|--------------------------------------|
| 1. Name (Last, First, Middle) HRASH, JOSEPH P | 2. Social Security Number [REDACTED] | 3. Date of Birth 06/22/45 | 4. Effective Date 12/31/07 |
|---|---|-------------------------------------|--------------------------------------|

| FIRST ACTION | | SECOND ACTION | |
|-------------------------|--|---------------|-----------------------|
| 5-A. Code 302 | 5-B. Nature of Action RETIREMENT-VOLUNTARY | 6-A. Code | 6-B. Nature of Action |
| 5-C. Code USM | 5-D. Legal Authority PL 99-335 | 6-C. Code | 6-D. Legal Authority |
| 5-E. Code | 5-F. Legal Authority | 6-E. Code | 6-F. Legal Authority |

| | |
|--|-----------------------------------|
| 7. FROM: Position Title and Number AVIATION SAFETY INSPECTOR (OPS) | 15. TO: Position Title and Number |
| SWCM28B K9749-- | |

| | | | | | | | | | | | |
|------------------------------|----------------------------------|-----------------------------------|-------------------------------|-------------------------------------|----------------------------|---------------------|----------------|-----------------|---------------|------------------------|---------------|
| 8. Pay Plan FG | 9. Occ. Code 1825 | 10. Grade/Level 14 | 11. Step/Rate 09 | 12. Total Salary \$180047 | 13. Pay Basis PA | 16. Pay Plan | 17. Occ. Code | 18. Grade/Level | 19. Step/Rate | 20. Total Salary/Award | 21. Pay Basis |
| 12A. Basic Pay [REDACTED] | 12B. Locality Adj. [REDACTED] | 12C. Adj. Basic Pay [REDACTED] | 12D. Other Pay \$ 0 | 20A. Basic Pay | 20B. Locality Adj. | 20C. Adj. Basic Pay | 20D. Other Pay | | | | |

| | |
|--|--|
| 14. Name and Location of Position's Organization SOUTHWEST REGION FLIGHT STANDARDS DIVISION CONTINENTAL AIRLINES CERT MGMT OFFICE CONTINENTAL AIRLINES OPERATIONS UNIT HOUSTON, TEXAS | 22. Name and Location of Position's Organization |
|--|--|

| EMPLOYEE DATA | | | | 24. Tenure | | 25. Agency Use | | 26. Veterans Preference for RIF | | |
|-------------------------------------|-------------------------|---|--|---|---|-----------------------------------|--------------------------------------|---------------------------------|---|----|
| 23. Veterans Preference 2 | 1 - None 2 - 5-Point | 3 - 10-Point/Disability 4 - 10-Point/Compensable | 5 - 10-Point/Other 6 - 10-Point/Compensable/30% | 1 | 0 - None 1 - Permanent | 2 - Conditional 3 - Indefinite | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| 27. FECLI C0 | BASIC ONLY | | | 28. Annuitant Indicator 9 | NOT APPLICABLE | | 29. Pay Rate Determinant 0 | | 33. Part-Time Hours Per Biweekly Pay Period | |
| 31. Retirement Plan K | FERS & FICA | | | 31. Service Comp. Date (Leave) 01/17/72 | 32. Work Schedule F FULL-TIME | | | | | |

| POSITION DATA | | | | 35. FLSA Category | | 36. Appropriation Code | | 37. Bargaining Unit Status | | |
|---|---|--|--|--|----------------|------------------------|-------------|----------------------------|--|--|
| 34. Position Occupied 2 | 1 - Competitive Service 2 - Excepted Service | 3 - SES General 4 - SES Career Reserved | E | E - Exempt N - Nonexempt | 0004596 | | 0073 | | | |
| 38. Duty Station Code 48-3280-201 | | | 39. Duty Station (City - County - State or Overseas Location) HOUSTON, HARRIS, TEXAS | | | | | | | |
| 40. AGENCY DATA FUNC CLS 00 | 41. VET-STAT N | 42. EDUC LVL 13 | 43. SUPV LVL 8 | 44. POSITION SENSITIVITY MODERATE RISK | | | | | | |

45. Remarks
 FORWARDING ADDRESS: [REDACTED] 75904
 REASON FOR RETIREMENT: NORMAL RETIREMENT COB 12/31/2007
 LUMP-SUM PAYMENT TO BE MADE FOR ANY UNUSED ANNUAL LEAVE.

| | | | | | |
|---|--|--------------------------------------|--|--|--|
| 46. Employing Department or Agency TD - FAA | | | 50. Signature/Authentication and Title of Approving Official CHRISTY A NIX PERSONNEL ASSISTANT | | |
| 47. Agency Code TD03 | 48. Personnel Office ID 1824 | 49. Approval Date 12/21/07 | 072028034 | | |



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Aviation Safety Inspectors

faa.gov

Aviation Safety Inspectors (ASIs) are the FAA's on-site detectives. Inspectors develop, administer, investigate and enforce safety regulations and standards for the production, operation, maintenance and modification of all aircraft flying today. There are many different types of ASIs. The four key disciplines are:

Avionics

Evaluate avionics technicians, training programs and repair facilities. They investigate violations involving incidents/accidents of the Federal Aviation Regulations, including both general and air carrier industries. They are also responsible for inspecting aircraft and all related equipment.

Maintenance

Evaluate aviation mechanics, their facilities and training programs as well as inspect aircraft and related equipment for airworthiness. They investigate violations involving incidents/accidents of the Federal Aviation Regulations, including both general and air carrier industries.

Operations

Evaluate airmen, their training programs, equipment and facilities. They investigate violations involving incidents/accidents of the Federal Aviation Regulations, including both general and air carrier industries.

Manufacturing

Inspect aircraft, aircraft parts, avionics equipment and monitor manufacturing facilities as well as issue production and original airworthiness certifications

Qualifications

Qualifications vary according to job position. U.S. citizenship and pre-employment drug screening are required for some positions. A complete list of qualification requirements for ASI positions is available in Vacancy Announcement FAA-ASI-99-001-27152M.

Manufacturing Inspector qualification requirements are available at FAA-AIR-99-MFG-37247M.

~~Avionics Safety Inspectors For Air Carriers or General Aviation
Avionics Safety Inspectors evaluate avionics technicians, training programs and repair facilities. They investigate violations involving incidents/accidents of the Federal Aviation Regulations, including both~~

-CITE-

49 USC CHAPTER 447 - SAFETY REGULATION

01/02/2006

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE VII - AVIATION PROGRAMS
PART A - AIR COMMERCE AND SAFETY
subpart iii - safety
CHAPTER 447 - SAFETY REGULATION

-HEAD-

CHAPTER 447 - SAFETY REGULATION

-MISCl-

Sec. .
44701. General requirements.
44702. Issuance of certificates.
44703. Airman certificates.
44704. Type certificates, production certificates,
airworthiness certificates, and design organization
certificates.
44705. Air carrier operating certificates.
44706. Airport operating certificates.
44707. Examining and rating air agencies.
44708. Inspecting and rating air navigation facilities.
44709. Amendments, modifications, suspensions, and
revocations of certificates.
44710. Revocations of airman certificates for controlled
substance violations.
44711. Prohibitions and exemption.
44712. Emergency locator transmitters.
44713. Inspection and maintenance.
44714. Aviation fuel standards.
44715. Controlling aircraft noise and sonic boom.
44716. Collision avoidance systems.
44717. Aging aircraft.
44718. Structures interfering with air commerce.
44719. Standards for navigational aids.
44720. Meteorological services.
44721. Aeronautical charts and related products and services.
44722. Aircraft operations in winter conditions.
44723. Annual report.
44724. Manipulation of flight controls.
44725. Life-limited aircraft parts.
44726. Denial and revocation of certificate for counterfeit
parts violations.
44727. Runway safety areas.
44728. Flight attendant certification.

AMENDMENTS

2003 - Pub. L. 108-176, title II, Sec. 227(e)(2), title V, Sec. 502(b), title VIII, Sec. 814(b), Dec. 12, 2003, 117 Stat. 2532, 2557, 2592, substituted "Type certificates, production certificates, airworthiness certificates, and design organization certificates" for "Type certificates, production certificates, and airworthiness certificates" in item 44704 and added items 44727 and 44728.

2000 - Pub. L. 106-181, title V, Secs. 504(c), 505(a)(2), title VI, Sec. 603(b), Apr. 5, 2000, 114 Stat. 134, 136, 152, substituted "Aeronautical charts and related products and services" for



U.S. Department
of Transportation
Federal Aviation
Administration

Southwest Region
Arkansas, Louisiana,
New Mexico, Oklahoma,
Texas, Mississippi

Fort Worth, Texas 76193

December 31, 2007

Mr. Joseph P. Thrash
P.O. Box 891403
Houston, TX 77289-1403

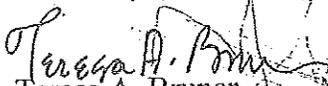
Dear Phil:

On the occasion of your retirement, I wish to express, on behalf of your many friends and associates in the Federal Aviation Administration (FAA), our appreciation of your faithful and dedicated service during the past 35 years.

You can reflect with pride upon your contributions to the FAA. Your professionalism has been evidenced by the highly effective and efficient manner in which you have performed your job. Your efforts and accomplishments have earned you the admiration and respect of all the people within the FAA with whom you have come in contact. You will certainly be missed.

Congratulations and best wishes from all of us for a long and happy retirement.

Sincerely,


Teresa A. Bruner
Regional Administrator,
Southwest Region

FYI:
Honorable Representatives
and Staff Members,
The additional scratchings
are additional comments
from my beloved
granddaughter "A.B."
JST

U. S. Department of Transportation



Federal Aviation Administration

Certificate of Service

presented to

Joseph J. Throck

on the occasion of retirement after 35 years and 9 months of service to the people of the United States of America.

December 31, 2007

Date

[Handwritten Signature]

Acting Administrator

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

February 7, 2008

Mr. Phil Thrash
900 Mockingbird
Lufkin, TX 75904

Dear Mr. Thrash:

As we have discussed, the Oversight and Investigations staff of the U.S. House of Representatives Committee on Transportation and Infrastructure has been investigating lapses in Federal Aviation Administration (FAA) safety oversight of airlines and repair stations. Chairman Oberstar has scheduled a full committee hearing on this matter on March 12, 2008, and the hearing announcement is attached.

It has come to our attention that while you were a FAA safety inspector in the Continental Airlines Certificate Management Office, you were involved in the investigation of a mechanic's death during the inspection of a Continental Airlines 737 in 2006, and that you supplied substantial records on this matter to the Department of Transportation Office of Inspector General.

I am formally requesting that you supply those materials to my office at your earliest convenience. Since the Committee has jurisdiction over all matters pertaining to the FAA, we have the power of subpoena for any and all records pertaining to FAA matters. However, we hope you will supply these records voluntarily.

Thank you in advance for considering our request. I look forward to hearing from you soon.

Sincerely,



H. Clayton Foushee
Senior Professional Staff
Oversight and Investigations

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICA

Mr. Joseph Phillip Thrash, Retired Aviation Safety Inspector, Continental Airlines
To Certificate Management Office

You are hereby commanded to be and appear before the Committee on Transportation and Infrastructure

of the House of Representatives of the United States at the place, date and time specified below.

- to testify touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: 2167 Rayburn House Office Building, Washington, DC 20515

Date: April 3, 2008

Time: 10:00a.m.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: _____

Date: _____

Time: _____

To Tracy G. Mosebey, Clerk, House Committee on Transportation and Infrastructure

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States,
at the city of Washington, this 13 day of March, 2008.

Attest:

Loraine C. Miller
Clerk

Jim Oberstar
Chairman or Authorized Member

PROOF OF SERVICE

Subpoena for Mr. Joseph Phillip Thrash, Retired Aviation Safety Inspector, Continental Airlines
Certificate Management Office

Address 900 Mockingbird Lane, Lufkin, TX 75904

before the Committee on Transportation and Infrastructure

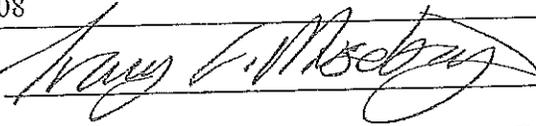
*U.S. House of Representatives
110th Congress*

Served by (print name) Tracy G. Mosebey

Title Clerk, House Committee on Transportation and Infrastructure

Manner of service By certified mail, by agreement

Date March 13, 2008

Signature of Server 

Address B-329 Rayburn House Office Building, Washington, DC 20515



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fact

6 entries found.

- fact-check
- fact finder
- fact of life
- matter[1,noun]
- matter-of-fact

Main Entry: **fact**

Pronunciation: \ˈfakt\
 Function: *noun*
 Etymology: Latin *factum*, from neuter of *factus*, past participle of *facere*
 Date: 15th century

1 : a thing done: as a *obsolete* : FEAT **b** : CRIME <accessory after the *fact*>
c *archaic* : ACTION

2 *archaic* : PERFORMANCE, DOING

3 : the quality of being actual : ACTUALITY <a question of *fact* hinges on evidence>

4 **a** : something that has actual existence <space exploration is now a *fact*> **b** : an actual occurrence <prove the *fact* of damage>

5 : a piece of information presented as having objective reality
 — **in fact** : in truth

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Pronunciation Symbols



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opinion

2 entries found.

opinion

self-opinion

Main Entry: **opin-ion**

Pronunciation: \ə-'pin-yən\

Function: *noun*

Etymology: Middle English, from Anglo-French, from Latin *opinion-*, *opinio*, from *opinari*

Date: 14th century

1 a : a view, judgment, or appraisal formed in the mind about a particular matter

b : APPROVAL, ESTEEM

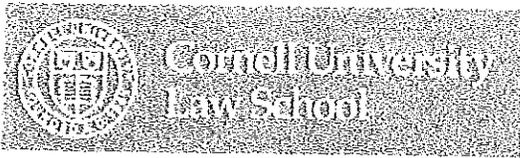
2 a : belief stronger than impression and less strong than positive knowledge **b** : a generally held view

3 a : a formal expression of judgment or advice by an expert **b** : the formal expression (as by a judge, court, or referee) of the legal reasons and principles upon which a legal decision is based

— **opin-ioned** \-yənd\ *adjective*

synonyms OPINION, VIEW, BELIEF, CONVICTION, PERSUASION, SENTIMENT mean a judgment one holds as true. OPINION implies a conclusion thought out yet open to dispute <each expert seemed to have a different *opinion*>. VIEW suggests a subjective opinion <very assertive in stating his *views*>. BELIEF implies often deliberate acceptance and intellectual assent <a firm *belief* in her party's platform>. CONVICTION applies to a firmly and seriously held belief <the *conviction* that animal life is as sacred as human>. PERSUASION suggests a belief grounded on assurance (as by evidence) of its truth <was of the *persuasion* that everything changes>. SENTIMENT suggests a settled opinion reflective of one's feelings <her feminist *sentiments* are well-known>.

Learn more about "opinion" and related topics at Britannica.com



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U.S. Code collection

TITLE 18 > PART I > CHAPTER 47 > § 1001

§ 1001. Statements or entries generally

(a) Except as otherwise provided in this section,

whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

- (1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or
- (2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

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TESTIMONY OF JOSEPH PHIL THRASH TO:

THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA BEFORE THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE ON APRIL 03, 2008, IN WASHINGTON, DC, USA

TABLE OF CONTENTS with My Comments to Enhance Relevance Re: Abuse of ASAP.

III. AFS-1, FAA Director of Flight Standards, Ballough's December 17, 2001 Memo, Aviation Safety Action Program (ASAP) this empowers FAA ERC Representative with total autonomy in accepting events into ASAP.



U.S. Department
of Transportation
Federal Aviation
Administration

RECEIVED

JAN 7 - 2002

Southwest Region
Flight Standards Divis

Memorandum

Subject ACTION: Aviation Safety Action Program (ASAP)

Date

DEC 17 2001

From Director, Flight Standards Service, AFS-1

Reply to
Attn. of:

| | |
|------|---|
| 200 | |
| 201A | |
| 201B | 2 |
| 202 | |
| 210 | |
| 230 | |

To: All Certificate Holding District Offices

I would like each office manager to know that I am deeply committed to the success of the Aviation Safety Action Program (ASAP), and I would appreciate the continued support of our certificate holding district offices (CHDO) for this important safety program. I believe that ASAP not only provides the Federal Aviation Administration (FAA) and airline management with otherwise unavailable information concerning flight operations and aircraft maintenance events, the program enables corrective action to be taken in those areas that would otherwise never occur. ASAP is, therefore, an invaluable supplement to our surveillance and enforcement tools for the enhancement of public safety.

With nearly 20 programs in place to date, participation in ASAP continues to grow steadily. As the FAA and industry gain experience with the program, it can be expected that FAA ASAP policy will be refined to reflect lessons learned. An advisory group comprised of airline, labor, and FAA representatives has been established by the Administrator to help us determine if policy changes for ASAP are needed. A Flight Standards Service Web page is now in place to provide the most current information on ASAP policy, pending publication of a handbook chapter on ASAP, and a revision to the current ASAP advisory circular (AC 120-66A). If changes are made to ASAP policy, they should be expected to appear first on the ASAP Web page prior to publication elsewhere. The Web page also contains an automated template to facilitate the generation of an ASAP Memorandum of Understanding (MOU) by airlines and repair stations interested in starting new programs. We strongly encourage the use of the automated template, because MOUs that use the standard language from that program can be quickly accepted. The template will always reflect the most current FAA policy on ASAP.

I would like to call your attention to the concept of Event Review Committee (ERC) consensus that appears in paragraph 5B(2) of the Handbook Bulletin for Air Transportation (HBAT) 00-08/ Handbook for Airworthiness (HBAW) 00-07, Establishment of Aviation Safety Action Programs. It states:

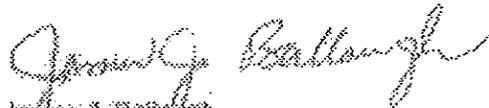
The success of ASAP is built on the ability of the ERC to achieve consensus on each event that is reported. Under ASAP, the term "consensus" is defined as the voluntary agreement of all ERC representatives. The ERC must reach a

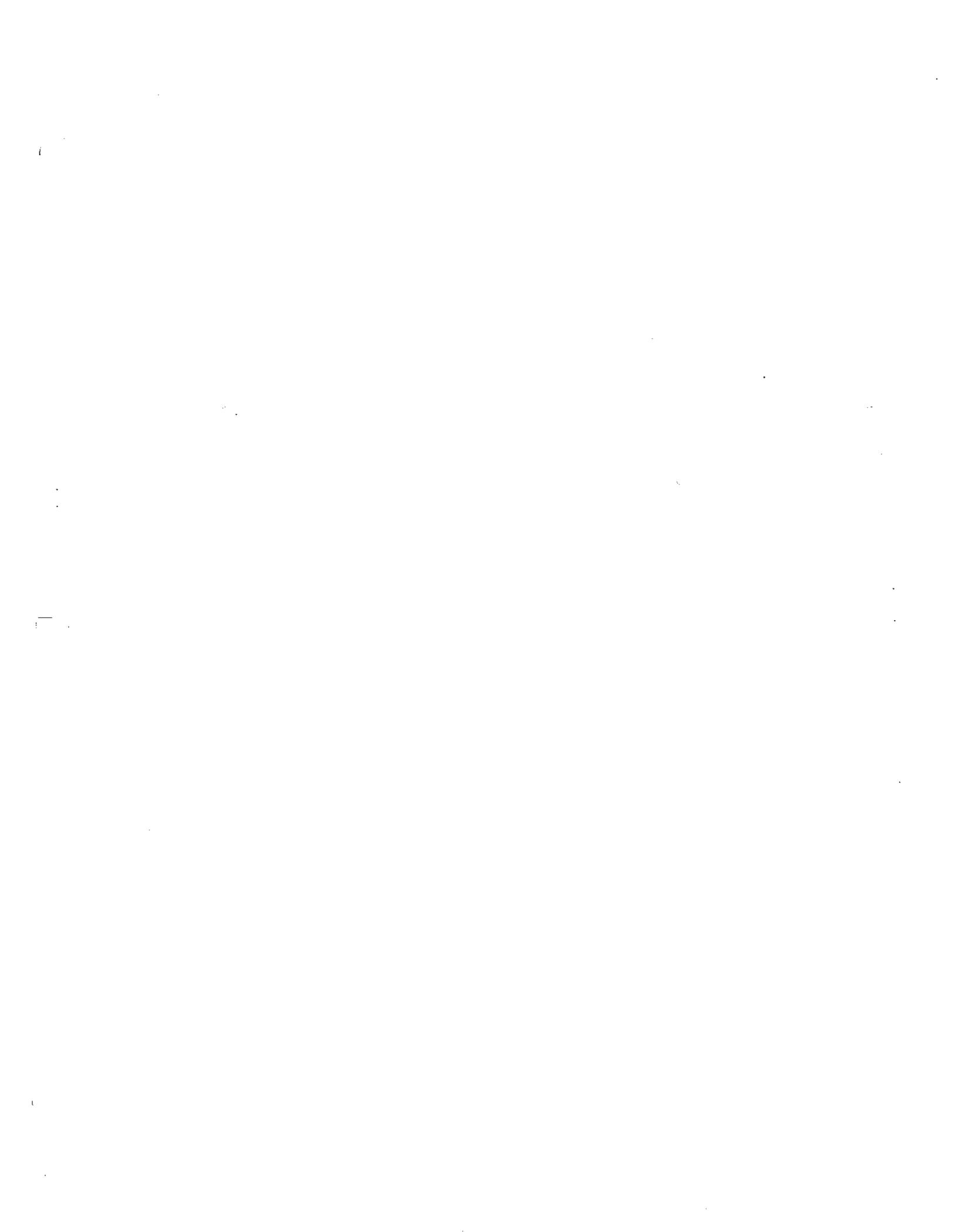
cyad F05

consensus when deciding on corrective action recommendations arising from the event, including any FAA enforcement action. It does not require that all members believe that a particular decision or recommendation is the most desirable solution, but that the result falls within each member's range of acceptable solutions for that event in the best interest of safety.

In order for this concept to work effectively, the FAA member must be empowered to call it as he/she sees it within the context of the ERC discussions on a given report. Office managers should ordinarily not preempt the FAA ERC representative's decisionmaking discretion for an event reported under ASAP. If the parties to an ASAP MOU do not permit their respective ERC representatives to exercise this discretion, the capacity of the ERC to achieve consensus will be undermined, and the program will ultimately fail.

Only inspectors who have received formal training on ASAP should be selected to be the FAA representative to an ERC. I strongly encourage CHDO managers to attend this training as well.


Jeffrey J. Bostelman



TESTIMONY OF JOSEPH PHIL THRASH TO:

THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA BEFORE THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE ON APRIL 03, 2008, IN WASHINGTON, DC, USA

TABLE OF CONTENTS with My Comments to Enhance Relevance Re: Abuse of ASAP.

IV. Documentary Evidence to Support Enforcement Investigative Reports (EIRs) into alleged violations of Federal Aviation Regulations committed by the flight crew members of CALA1515, January 16, 2006, at El Paso, Texas. National Transportation Safety Board's Order No. EA-4135, April 12, 1994, adjudicated decision by NTSB ordering, affirming and upholding, the FAA Administrator's Order to suspend an Air Line Transport Pilot's license for violation of then FAR 91.9, now 91.13, for careless operation of an aircraft by excessive use of jet thrust which injured a ground crewman.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4938
CONNECTION TEL 97133248538
SUBADDRESS
CONNECTION ID
ST. TIME 01/18 13:47
USAGE T 00'19
PGS. SENT 1
RESULT OK

REQUEST FOR DOCUMENTARY INFORMATION

To: Continental Airlines, Inc. Attn: Safety & Regulatory Compliance Dept. 1 1

FAX Number 713-324-8538

The information indicated below is requested in conjunction with the following incident/occurrence:

Date of Occurrence: 01-16-96 Time: _____ Registration Number: _____ Flight Number: 1515

Location: ELP Type AC FT: 3737 Nature of Occurrence: _____

DEATH OF CONTRACT MAINTENANCE PERSON.

- Full Name of Flight Crewmembers - 5 working days.
- Mailing Address of Flight Crewmembers - 5 working days.
- Mailing Address of Flight Attendants - 5 working days.
- Certificate Numbers of Flight Crewmembers - 5 working days.
- Aircraft Registration Number/Make & Model - 5 working days.
- Crew History - 15 working day.
- Copy of Aircraft log Page(s) - 15 working days.
- Copy of Dispatch Release/Flight Plan/ Weather Package - 15 working days.
- Copy of Load Manifest - 15 working days.
- Flight Crew members Irregularity Report(s) - 15 working days. *** REQUEST ASAP
- Flight Attendant Irregularity Report(s) - 15 working days.

Other Information: TOBY - BERNIE MULLINS COA CMO
MANAGER HAS ASKED ME TO INTERVIEW CREW
@ FRIDAY 01-20-96 WOULD BE AVAILABLE EARLIEST

REQUEST FOR DOCUMENTARY INFORMATION

To: Continental Airlines, Inc. Attn: Safety & Regulatory Compliance Dept. 1 1

FAX Number 713-324-8538

The information indicated below is requested in conjunction with the following incident/occurrence:

Date of Occurrence: 01-16-96 Time: Registration Number: Flight Number: 1515

Location: ELP Type AC FT: B737 Nature of Occurrence:

DEATH OF CONTRACT MAINTENANCE PERSON.

- Full Name of Flight Crewmembers - 5 working days.
- Mailing Address of Flight Crewmembers - 5 working days.
- Mailing Address of Flight Attendants - 5 working days.
- Certificate Numbers of Flight Crewmembers - 5 working days.
- Aircraft Registration Number/Make & Model - 5 working days.
- Crew History - 15 working day.
- Copy of Aircraft log Page(s) - 15 working days.
- Copy of Dispatch Release/Flight Plan/ Weather Package - 15 working days.
- Copy of Load Manifest - 15 working days.
- Flight Crew members Irregularity Report(s) - 15 working days. ***** REQUEST ASAP**
- Flight Attendant Irregularity Report(s) - 15 working days.

Other Information: TOBY - BERNIE MULLINS COA CMO MANAGER HAS ASKED ME TO INTERVIEW (RENT)

A FRIDAY 01-20-96 WOULD BE AVAILABLE EARLIEST THIS WEEK. NEXT WEEK DAN Mc LUIGS COULD BE BACK UP.

WE WOULD LIKE IRREGULARITY REPORTS ASAP.

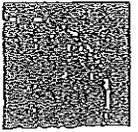
THANK YOU

DAN Mc LUIGS 281-461-2465

COA CMO Inspector: PHIL THRASH ^{OR}

Phone 281-461-2448

Continental



January 27, 2006

Mr. Phil Thrash
Aviation Safety Inspector
Federal Aviation Administration
Flight Standards District Office
2625 Bay Area Blvd., Suite #400
Houston, Texas 77058

RE: CO 1515 ELP/IAH January 16, 2006

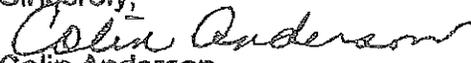
Dear Mr. Thrash,

Enclosed is some of the information you requested on the above mentioned flight:

- Crew Names and Addresses & History:
 - See Attachment
- Aircraft Registration: Boeing 737-500;N32626
- Copy of Dispatch Release (see Attachment)
- Captain's Irregularity Report was previously sent to you by Toby Carroll
- Flight Attendant Statements
- Log Page

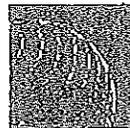
If you need any additional information, please contact this office.

Sincerely,


Colin Anderson
Manager Flight Operations Evaluation
Safety and Regulatory Department
CONTINENTAL AIRLINES, INC.
713-324-8559

Enclosures

Continental



FAX TRANSMITTAL

DATE: January 27, 2006

TO: Mr. Phil Thrash
Aviation Safety Inspector
Federal Aviation Administration
Flight Standards District Office
2625 Bay Area Blvd., Suite #400
Houston, Texas 77058

FROM: Colin Anderson
Continental Airlines
Safety and Regulatory Compliance Dept.
713-324-8559 (FAX: 713-324-8822)

RE: CO 1515 ELP/IAH on January 16, 2006

NOTE: I will send the original copy through the US mail so that you can have clean copies

Please call if you have questions.

Federal Aviation Regulation

Sec. 121.315

Part 121 OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

Subpart K--Instrument and Equipment Requirements

Sec. 121.315

Cockpit check procedure.

- (a) Each certificate holder shall provide an approved cockpit check procedure for each type of aircraft.
- (b) The approved procedures must include each item necessary for flight crewmembers to check for safety before starting engines, taking off, or landing, and in engine and systems emergencies. The procedures must be designed so that a flight crewmember will not need to rely upon his memory for items to be checked.
- (c) The approved procedures must be readily usable in the cockpit of each aircraft and the flight crew shall follow them when operating the aircraft.

▶ **Comments**

▼ **Document History**

Notice of Proposed Rulemaking Actions:

Final Rule Actions:

BEFORE START

The BEFORE START flow will be initiated when the Captain calls for the checklist.

The Captain will call for the checklist after all carry-on baggage is properly stowed, all exterior doors have been closed, and the ground crew is ready for pushback.

Prior to aircraft movement, the Captain will verify that all passengers are seated.

If a pushback is required, the checklist will be completed prior to aircraft movement. In the event a pushback is not required, the checklist will be completed prior to engine start.

When engine start clearance is received, the Captain will call for the appropriate engine to be started.

| F/O CHALLENGE | BEFORE START | CAPT. RESPOND |
|---------------------------|------------------------|--------------------|
| Flight Deck Windows | | LOCKED (F, C) |
| Seat Belt Sign | | ON |
| Door Lights | | OUT |
| Beacon | | ON |
| CDU | | SET |
| Reference Speeds | ___ SET | (F, C) |
| Fuel | ___ REL, ___ ON BOARD, | PUMPS ON |
| Speedbrake Lever | | DOWN DETENT (F, C) |
| Trim | | ___ UNITS, ZERO |

| <u>F/O Challenge</u> | <u>Capt. Respond</u> |
|---|----------------------|
| Flight Deck Windows | LOCKED (F, C) |
| Verify the lock levers are in the locked (forward) position. | |
| Seat Belt Sign | ON |
| Door Lights | OUT |
| Verify door lights are extinguished prior to pushback and/or engine start. Cargo door may be opened for loading late baggage prior to starting engine #2. | |
| Beacon | ON |

CDU..... SET

Verify all required entries to the FMC are set.

- V_1 , V_R , and V_2 should be set on the TAKEOFF REF page.
- Insure the departure runway has been selected on the ROUTE page.
- If VNAV is the pitch mode desired for departure insure entry of appropriate climb restrictions and speed.
- Reduced thrust temperature if appropriate is entered on the NI LIMIT page.
- Verify that the TAKEOFF REF page shows PREFLIGHT COMPLETE.

Reference Speeds..... SET (F, C)

③⑤ External / Internal Reference Speeds

If not already accomplished, position reference speeds. Both pilots will verbally state numerical values for V_1 , V_R and V_2 .

⑦⑧⑨ Reference Speeds

If not already accomplished, select AUTO on the speed reference selector and enter reference speeds on CDU. The ZFW and V-speeds associated with the gross weight will uplink if ACARS is operational. Both pilots will verbally state numerical values for V_1 , V_R , and V_2 as displayed on the MASI.

If the FMC is inoperative, enter the V-speeds manually using the speed reference selector.

Airspeed Cursor

Set the airspeed cursor at V_2 using the speed selector on the mode control panel.

Fuel..... REL, ON BOARD, PUMPS ON

Example: "16.4 Release, 16.4 On Board, Pumps ON."
 Check the fuel on board against the dispatch release GATE FUEL, fuel slip, and weight and balance for agreement. (If the value is less than GATE FUEL, ensure at least MIN FUEL plus TAXI onboard.) Any irregular load / distribution of fuel should be investigated. Ensure the wing fuel tanks are balanced. Check that all required fuel documentation is onboard.

1/27/08

1:15pm

The Right Side engine was opened up by the two mechanics Don, and Frank, about to do a maintenance check. The engine was ~~run~~ on and both Frank and Don went back to the pushback to ask the pilot to crank up the engine and the was running full speed. Frank and Don then went back to sit next to the engine to check for oil spill, Don being on the right side of the engine, Frank on the left. They sat back for about 1 minute as a herd something got through the engine that sounded like a loud pop, as I herd the pop I saw don quickly getting up as if he was going to reach for his hat when the turbine quickly absorbed him and threw him back out, this ~~all~~ happened while I was standing in back of the pushback in the left side of it.

Jesus Brito

RAMP AGENT

OBSERVATION POINT WAS

A/C RIGHT STANDING ON

LEFT SIDE OF PUSH TRACTOR

TRAINING CENTER

31 553 7373
281 553 7373

01/23 '06 11:35 NO. 520 01/03

Nancy Jean Morris

68357

1/20/06

After boarding our aircraft, I was working and standing in first class in the small, modified galley.

I heard a loud, scraping noise as the engines were powered up. The plane shook. It sounded as if there was something very wrong with the engine.

I called the flight deck what had happened and the Captain said we had just ingested someone into our engine (on aircraft right).

We (the flight attendants) told the flight deck we needed stairs back ASAP so we could get the customers off the plane. There was a catering trolley parked at our door to board a wheelchair passenger.

The stairs were brought back and we had everyone exit the plane, advising them to please keep their legs forward as they walked across the ramp.

Nancy Jean Morris

TRAINING CENTER

281 553 7373

1/20/06

JERREY TANNING

I WAS THE FA02 FLIGHT ATTENDANT AND WAS AT THE OVERWING EXITS WHEN THE INCIDENT OCCURED. I HEARD THE LARGE BANG AND FELT THE A/C SHAKE. AFTER I UNDERSTOOD WHY THIS HAD HAPPENED I INSTRUCTED THE PAX ON A/C RIGHT TO CLOSE THE WINDOW SHADES.



1-20-06

At the time of the accident I was between the
exit row & the bulkhead closing overhead bins.
When the accident occurred I looked down & saw the
engine with the cowling open.

Larry Lasky
FA A5456

To: Whom It May Concern
From: J. Chris Burtz
Date: January 16, 2006
Re: Flight 1515 Accident

I was working Operations. After the Captain of Flight 1515 had signed his flight release and had taken his weather and flight papers, I happened to notice the First Officer speaking to him at the bottom of the stairs. The Captain checked the number 2 engine and went on board. I then went on board to ask the flight attendants if they were ready for boarding, and at this point the captain advised me that he wanted a leak checked on the number 2 engine.

As I was returning to Operations, I saw and advised Rose, the lead agent, that I had to return to Ops to call maintenance control due to a possible leak. I then called maintenance control and advised them of the situation. They told me to call Julie's, the contract maintenance, and I did. I spoke with Frank and he said that mechanics from Julie's would be right over.

The flight was already being boarded, and since we had a wheelchair customer, I helped Rose board her onto the PAL lift truck at Gate # B8. I noticed that the number 2 engine was spooling up and the cowling was opened. Two mechanics were checking the engine, and Frank was in front of the aircraft.

All customers, with the exception of the wheelchair customer, were on board. I went into Ops to run final weight sheets, and then I returned to the plane to assist in the boarding of the wheelchair customer from the PAL lift to the aircraft. The engine was still running at this point.

I was standing on the left side of the aircraft by the nose wheel waiting to assist with the wheelchair customer and to give the final weight papers to the crew when I heard a loud bang. A mass of debris was blowing around so I assumed that they had shelled the engine. I asked Frank what had happened and he said that it was Don. I instructed the ramp personnel to move the PAL lift back to the gate and to put the air stairs up. I returned to Ops to call Warren and advised him that he was needed in Ops and explained why. I called Airport Ops and advised them of the situation; they told me that a crash crew and EMS were already en route. SOCC was also contacted.

We deplaned the customers back to the gate area and I returned to Ops where I manned the phones and helped set up Warren's office as a crew area.

Chris Burtz
#01269

Federal Aviation Regulation

Sec. 121.563

Part 121 OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

Subpart T--Flight Operations

Sec. 121.563

Reporting mechanical irregularities.

The pilot in command shall ensure that all mechanical irregularities occurring during flight time are entered in the maintenance log of the airplane at the end of that flight time. Before each flight the pilot in command shall ascertain the status of each irregularity entered in the log at the end of the preceding flight.

Amdt. 121-179, Eff. 10/1/82

▶ **Comments**

▼ **Document History**

Notice of Proposed Rulemaking Actions:

Final Rule Actions:

Expiration Of Dispatch Release

Release authority must be renewed after the expiration of these times.



One hour at an intermediate stop specified in the release. The one hour time period is determined from block-in to block-out.



Six hours at an intermediate stop specified in the release. The six hour time period is determined from block-in to block-out.

Preflight Aircraft Maintenance Procedures

General

The captain must review the Aircraft Maintenance Logbook to ensure all prior discrepancies have been corrected or deferred by maintenance personnel. The logbook should also be checked to ensure sufficient blank pages are available for the intended series of flights away from a station where replacements can be obtained.

Refusal of an Aircraft by the Captain

In the event that a captain questions the acceptability of an aircraft to conduct a flight operation, the captain should immediately contact the Operations Director in SOCC. The captain, dispatcher, Maintenance Control and Operations Director will consult to assess the captain's objection and evaluate corrective measures or alternative courses of action. The captain has the authority to defer a flight when the condition of the aircraft is unsuitable for starting or continuing an operation.

C5 Corrective Action or Deferral

A maintenance corrective action is required any time a discrepancy has been entered by a flight crewmember or maintenance. This will be in the form of a description of the action maintenance personnel used to correct the discrepancy or deferral of the item allowing the flight to continue in accordance with the MEL.

Company maintenance employees taking corrective action will place their signature and employee number in the maintenance action section of the logbook (Block 24 titled "Airworthiness Release Signature"). Contract maintenance employees will utilize their signature followed by their certificate or repair station number.

Flight
Manual

Note:

Note

Pilot
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Pilot Controlled Lighting

If the tower is closed and control of the lighting is not available through the FSS, runway lighting may be turned on by keying your microphone on the frequency designated on the "Additional Runway Information" section of your approach chart. As a generalization, keying 7 times, 5 times or 3 times in 5 seconds will give you all the lights at the highest, medium lowest intensity settings respectively for 15 minutes. Key groups will turn on or turn off, the approach lights, runway lights, REILs and VASIs.

2
FLIGHT OPERATIONS

Post-flight Aircraft Maintenance Procedures

Discrepancies

The captain will ensure that all mechanical irregularities occurring during a flight as well as any irregularities noted during preflight inspections and checks are entered into the aircraft's maintenance log. Although verbal discussions with maintenance personnel are encouraged, verbal reporting of maintenance irregularities is not acceptable. The date placed in the logbook should be the local date at the location where the entry is being written. The captain is required to sign each entry in the maintenance logbook. The captain's signature shall be placed in the signature box. All entries should be written in ink. Black ink is preferred. Red ink should not be used.

Maintenance discrepancies should be as detailed as possible to aid maintenance in correcting the problem as quickly as possible. Limit discrepancies to one per page. Do not remove a page if a mistake is made write "VOID" or similar, leave the page in the logbook and utilize the next page in sequence. The following list provides information which may be helpful to maintenance in many situations:

- Time of occurrence
- Phase of flight
- Altitude
- Airspeed
- Valve positions for A/C and pressurization problems

- The flight crew will cycle the "No Smoking" sign prior to passing 10,000 ft. in the descent as a signal to the cabin crew to prepare the cabin for landing. The flight attendants will make the appropriate PA announcements, stow galley and inflight equipment, perform their safety checks, and take their stations for landing.
- The flight crew will make an automated or direct PA at the appropriate time during the approach to seat the flight attendants. "FLIGHT ATTENDANTS, PLEASE BE SEATED FOR ARRIVAL."

Gate Delays

At all stations, the flight deck crew will advise the gate agent of any known delays and update the agent if the status of the delay changes. At IAH, CLE and EWR, the flight deck will also notify operations of this delay.

At all stations, a gate agent will check with the captain at departure time just prior to closing the main cabin door. The captain will advise if the flight is delayed, why and the approximate length of the delay. The gate agent will coordinate boarding last minute passengers, late connections or clear additional standby passengers.

Maintenance Action at the Gate

A mechanic will advise the captain of his / her presence on the aircraft. The mechanic will remove the logbook alerting the captain the aircraft is not available for departure until the logbook is returned. The captain will communicate with the gate agent if a mechanic is on board or the logbook is off the aircraft.

On minor mechanical problems under five minutes, the gate agent will stay with the aircraft unless time permits the accommodation of last minute passengers.

Aircraft Acceptability Because Of A Maintenance Issue

In the event that a captain questions the acceptability of an aircraft to conduct a flight operation, the captain should immediately contact the dispatcher in SOCC. The captain and dispatcher should consult on the captain's objection and evaluate corrective measures or alternative courses of action. If necessary, the captain, dispatcher, Maintenance Control and Operations Director may conference to assess the alternatives, options available and potential impact to the operation. As a reminder, the captain has the authority to defer a flight when the condition of the aircraft is unsuitable for starting or continuing an operation.

Cabin Service

In the event of and captain will effects of the d

The captain should service deficient resulting down passenger connection with the FSC/F available and th

DEPARTURE

Predeparture

ATC clearances sent to the printer 17-18 minutes p.

- PDC receive Flight crews departure gate clearance message delivery the prior to sche

If the PDC message time, The crew should ATC clearance. I of getting the message printer, or flight to VHF Clearance Deliver

The initial ATC received via PDC Continental's PDC the PDC clear the route at

When crew should non/confusio

A/C #: 0626 LOG: 9088963 TOTAL NUMBER OF DAYS: ATA SYSTEM:

0626 CLOSED LOG 9088963 FLT/CHK 1515 NON ROUTINE CHECK
DELAYED 05:11 DI 16/JAN/06
REPORTED BY CHAVEZ 40337 STA ELP 16 JAN 06 ATA 07100
#2 ENGINE F.O.D.
CORRECTED BY CHAVEZ 40337 STA ELP 16 JAN 06 ATA 07100
A/C O/S W/ETR INGO 1300/17TH.
"FOR EVENT REPORTING ONLY"

RETURN-TO-IUV
GCS100I *** END OF PROGRAM ***

NEXT COMMAND



REVIEW INITIALS *SE*

FORM: 44.0001
DATE: 11-01-00
M&E: 00-0732-3-0110

EMPLOYEE MAKING ENTRY INTO SCHEPTE: *037812*

REPORTED BY: *02758* STATION: *LVA* DAY: *18* MONTH: *12* YEAR: *05*

FLY NO. CHECK: *1228* A/C: *8818512*

EMPLOYEE NO.: *02758*

DISCREPANCY DETAILS:

VOICE RECORDED PER MSB REQUEST

SIGNATURE: *[Signature]*

MAINTENANCE ACTION

ENTER "Y" FOR CORRECTION OR CODE FOR DEFERRAL (SEE GMM 7-02-10 FOR DEFERRAL CODE)

REPORTED BY: *037812* INITIALS: *Y*

MEL / COL. ITEM NO.: *19*

STATION: *ELP* DAY: *18* MONTH: *12* YEAR: *05*

MEL / COL. CONTROL NO.: *70*

CONTRACT MECH. FAA NO.: *25*

27 MID-80 CLEAR ICE CHECK ACCOMPLISHED

25 PLACARDS REMOVED

LOGPAGE: _____ MEL ITEM #: _____

DESCRIPTION: _____

DATE: _____ FLT. NO.: _____

STA.: _____ EMP. NO.: _____

28 CHECK HERE IF ROTABLE PARTS CHANGED DUE TO FAILURE

29 ENTER ROTABLE PARTS CHANGE INFORMATION BELOW

| TRACKING NUMBER ON | M&E SIN OFF | DATE | DATE | DATE |
|--------------------|-------------|------|------|------|
| <i>1144708</i> | <i>3497</i> | | | |
| | | | | |
| | | | | |

30 REMOVE-ONLY PN: *9923779000* SERIAL NUMBER: *3799*

31 REMOVE-ONLY PN: _____ SERIAL NUMBER: _____

32 INSTALLED-ONLY PN: _____ TRACKING NUMBER: _____

REQUIRED FLIGHT CREW ENTRY

| Fit # | FOB | City | Date | Fit # | FOB | City | Date |
|-------|-----|------|------|-------|-----|------|------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

EX'D 2 HRS. EX'D 2 HRS. EX'D 2 HRS. EX'D 2 HRS. EX'D 2 HRS.

INS/IRS DRIFT RATE

| #1 | #2 | #3 | #1 | #2 | #3 | #1 | #2 | #3 |
|----|----|----|----|----|----|----|----|----|
| L | C | R | L | C | R | L | C | R |
| | | | | | | | | |
| | | | | | | | | |

DRIFT NM/HR _____ G/S KTS _____

DIST NM _____

OIL MONITORING

| DATE | STA | FLT NO. | 1 | 2 | 3 | APU | EMPLOYEE NUMBER |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------------|
| <i>03</i> | <i>31</i> | <i>36</i> | <i>30</i> | <i>30</i> | <i>30</i> | <i>30</i> | <i>30</i> |
| | | | | | | | |
| | | | | | | | |

AIRWORTHINESS RELEASE

REFERENCE GENERAL MAINTENANCE MANUAL

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|-----------|-----------|-----------|-----------|-----------|--------------|
| <i>30</i> | <i>40</i> | <i>41</i> | <i>42</i> | <i>43</i> | <i>44</i> |
| | | | | | |
| | | | | | |

21 MID-80 CLEAR ICE CHECK ACCOMPLISHED

ORIGINAL - FORWARD TO AIRCRAFT RECORDS AFTER ENTRY INTO SCHEPTE

* 8 8 1 8 5 1 2 *

Continental Airlines

REVIEW INITIALS *EF*

FORM: 44.0001
DATE: 11-01-00
M&E: 00-0732-3-0110

EMPLOYEE MAKING ENTRY INTO SCEPTRE: 1031782

AC: 8818513

FLY NO. CHECK: 15175

REPORTED BY EMPLOYEE NO.: 07759

STATION: 78

DAY: 22

MONTH: JAN

YEAR: 05

9 FIRM FAULT CODE

QAR Removed for MX CONVENIENCE

SIGNATURE: *[Signature]*

MAINTENANCE ACTION

ENTER "Y" FOR CORRECTION OR CODE FOR DEFERRAL (SEE CHM 7-02-10 FOR DEFERRAL CODE)

ENTER "N" FOR CORRECTION OR CODE FOR DEFERRAL (SEE CHM 7-02-10 FOR DEFERRAL CODE)

16 MEL / CUL. ITEM NO. 19

17 MEL / CUL. CONTROL NO. 20

21 OBSERVED FAULT CODES:

22 CORRECTION OR DEFERRAL: *Replaced QAR per AIRM 3724-05 09/01*

23 AIRWORTHINESS RELEASE SIGNATURE: *[Signature]*

24 CONTRACT MECH. FAA NO. 27 MD-80 CLEAR ICE CHECK ACCOMPLISHED

| DATE | FLT. NO. | STA. | EMP. NO. |
|------|----------|------|----------|
| | | | |
| | | | |
| | | | |

30 CHECK HERE IF ROTABLE PARTS CHANGED DUE TO FAILURE

31 ENTER ROTABLE PARTS CHANGE INFORMATION BELOW

| TRACKING NUMBER ON | MAKE | S/N OFF | REQUIRED FLIGHT CREW ENTRY |
|--------------------|------|---------|----------------------------|
| 1 1777491910 | | | |
| 2 | | | |
| 3 | | | |

32 ENTER EXCEPTION INFORMATION BELOW (ROBBED PARTS)

| REMOVE-ONLY PN | SERIAL NUMBER | TRACKING NUMBER | REMOVE-ONLY PN | INSTALL-ONLY PN | DATE | FLT # | FOB | CITY | DATE | FLT # | FOB | CITY | DATE | EX'D 2 HRS. | EX'D 2 HRS. | EX'D 2 HRS. | |
|----------------|---------------|-----------------|----------------|-----------------|------|-------|-----|------|------|-------|-----|------|------|-------------|-------------|-------------|--|
| | | | | | | | | | | | | | | | | | |

33 Rqrd A/C Checks Date

Fit # _____ Date _____

FOB _____ Date _____

City _____ Date _____

EX'D 2 HRS. EX'D 2 HRS. EX'D 2 HRS. EX'D 2 HRS. EX'D 2 HRS.

INS/HS DRIFT RATE

| #1 | #2 | #3 | #4 | #5 | #6 | #7 | #8 | #9 | #10 |
|----|----|----|----|----|----|----|----|----|-----|
| L | C | R | L | C | R | L | C | R | L |

DRIFT NM/HR _____

GIS KTS _____

DIST NM _____

OIL MONITORING

OIL MONITORING - QUARTS ADDED

| DATE | STA | FLT NO. | 1 | 2 | 3 | APU | EMPLOYEE NUMBER |
|------|-----|---------|----|----|----|-----|-----------------|
| 33 | 34 | 35 | 36 | 38 | 36 | 37 | |

AIRWORTHINESS RELEASE

REFERENCE GENERAL MAINTENANCE MANUAL

| DATE | TIME | STATION | CR | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
| 30 | 40 | 41 | 42 | 43 | 44 |

* 8 8 8 8 8 8 8 8 *

ORIGINAL - FORWARD TO AIRCRAFT RECORDS AFTER ENTRY INTO SCEPTRE

FORM: 443001
DATE: 11-01-80
WABE: 00-0732-3-0110

8818509

Continental Airlines
AIRCRAFT MAINTENANCE LOG

EMPLOYEE MAKING ENTRY INTO SCRIPTURE
REVIEW INITIALS **SE**

FOR SCIFIC LOG NO. **6126** AC **6126** PLT. NO. **31515** STATION **ELI** DAY **11** MONTH **11** YEAR **80**
 10 DISCREPANCY DETAILS **clean discs installed** REPORTED BY **DISTY P D** EMPLOYEE NO. **013719**

9 FIRM FAULT CODE
 MAINTENANCE ACTION
 SIGNATURE: *[Signature]*

11 REPORTED BY **B B B B B** INITIALS: **B B B B B**
 12 ENTER "Y" FOR CORRECTION OF CODE FOR DEFERRAL (SEE QJM 7-62-16 FOR DEFERRAL CODE)
 13 STATION **ELI** DAY **11** MONTH **11** YEAR **80**
 14 MEL / CDL CONTROL NO. **013719**

21 OBSERVED FAULT CODES
 22 COMMUNICATION OR DEFERRAL
 23 AIRWORTHINESS RELEASE SIGNATURE: *[Signature]*

24 MAX DELAY FLIGHT NO. **23** DESCRIPTION
 25 PLACARDS REMOVED

26 CHECK HERE IF ROTABLE PARTS CHANGED DUE TO FAILURE

| | | | | | | | |
|----------------------|----------------------|----------------------|---------|-------------------|------------------|--------------------|--------------------|
| 1 TRACKING NUMBER ON | 2 TRACKING NUMBER ON | 3 TRACKING NUMBER ON | 30 MAKE | 31 REMOVE-ONLY PN | 32 SERIAL NUMBER | 33 TRACKING NUMBER | 34 TRACKING NUMBER |
| | | | | | | | |

27 ENTER EXCEPTION INFORMATION BELOW (POSTED PARTS)

| | | | |
|---------|-------------------|------------------|--------------------|
| 30 MAKE | 31 REMOVE-ONLY PN | 32 SERIAL NUMBER | 33 TRACKING NUMBER |
| | | | |

28 CHECK HERE IF ROTABLE PARTS CHANGED DUE TO FAILURE

| | | | |
|---------|-------------------|------------------|--------------------|
| 30 MAKE | 31 REMOVE-ONLY PN | 32 SERIAL NUMBER | 33 TRACKING NUMBER |
| | | | |

29 ENTER NOTABLE PARTS CHANGE INFORMATION BELOW

| | | | |
|---------|-------------------|------------------|--------------------|
| 30 MAKE | 31 REMOVE-ONLY PN | 32 SERIAL NUMBER | 33 TRACKING NUMBER |
| | | | |

30 R'ord A/C Checks Date

| | | | | | | | |
|--------|------|--------|------|--------|------|--------|------|
| File # | Date |
| | | | | | | | |

31 EXD 2 HRS. EXD 2 HRS. EXD 2 HRS. EXD 2 HRS. EXD 2 HRS.

32 AIRWORTHINESS RELEASE REFERENCE GENERAL MAINTENANCE MANUAL

33 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
| | | | | | |

34 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
| | | | | | |

35 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
| | | | | | |

36 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
| | | | | | |

37 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
| | | | | | |

38 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
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39 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
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40 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
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41 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
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42 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
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43 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
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44 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
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45 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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46 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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47 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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48 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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49 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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50 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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51 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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52 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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53 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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54 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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55 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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56 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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57 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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58 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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59 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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60 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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61 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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62 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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63 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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64 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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65 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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66 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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67 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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68 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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69 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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70 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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71 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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72 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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73 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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74 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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75 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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76 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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77 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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78 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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79 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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80 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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81 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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82 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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83 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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84 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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85 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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86 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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87 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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88 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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89 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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90 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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91 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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92 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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93 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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94 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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95 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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96 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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97 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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98 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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99 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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100 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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101 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
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102 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
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103 OIL MONITORING - QUARTS ADDED

| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
|------|------|---------|----|-----------|--------------|
| | | | | | |

FORM: 440001
 DATE: 11-01-80
 MBE: 00-0732-3-0110



REVIEW INITIALS **SE**

AIRCRAFT MAINTENANCE LOG

| | | | | | | | | | |
|-------------------------------------|--|------|-------------------------------|------|--------------------------|---------|-----|-------|------|
| FOR SCIECC NO. | LOG NO. | AC | FLT NO. | 3 | REPORTED BY EMPLOYEE NO. | STATION | DAY | MONTH | YEAR |
| 8318508 | 6347 | 6347 | 1515 | 1515 | 103783 | 103783 | 10 | 11 | 80 |
| 9 FROM FAULT CODE | 10 DISCREPANCY DETAILS | | 19 MAINTENANCE ACTION | | | | | | |
| 8318508 | The following fault occurred: <i>See the control log entry for the following fault: 103783</i> | | SIGNATURE: <i>[Signature]</i> | | | | | | |
| EMPLOYEE MAKING ENTRY INTO SCRIPTRE | | | DATE: 10/31/80 | | | | | | |

| | | | | | | | | |
|---|-----|--------------------------|--|--|-----------------------|-----|-------|--------|
| FOR SCIECC CODE | ATA | REPORTED BY EMPLOYEE NO. | ENTER "Y" FOR CORRECTION OR CODE FOR DEFERRAL (SEE GMM 7-25-16 FOR GENERAL CODE) | 14 | STATION | DAY | MONTH | YEAR |
| 21 | 21 | 103783 | Y | 103783 | 10 | 11 | 80 | 103783 |
| 22 | 22 | INITIALS: | MEL / CDL ITEM NO. | 12 | MEL / CDL CONTROL NO. | | | |
| 23 | 23 | RELEASE SIGNATURE: | 24 | 24 | 25 | | | |
| 26 CHECK HERE IF ROTABLE PARTS CHANGED DUE TO FAILURE | | | | 27 MID-80 CLEAR ICE CHECK ACCOMPLISHED | | | | |

| 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | | | |
|------------------|---------|------------|-------------|-------|----------|------|----------|-------------------------------|-----|--------|----|----|----|-----|-----------------|
| PLACARDS REMOVED | LOGPAGE | MEL ITEM # | DESCRIPTION | DATE: | PLT. NO. | STA. | EMP. NO. | OIL MONITORING - QUARTS ADDED | | | | | | | |
| | | | | | | | | DATE | ETA | RT NO. | 1 | 2 | 3 | APU | EMPLOYEE NUMBER |
| | | | | | | | | 31 | 31 | 36 | 30 | 30 | 30 | 30 | 30 |

| | | | | | | | | | | | |
|----|--------------------|-----|----------------|----|--------------------|-----|-------------------|----|--------------------|-----|-------------------|
| 1 | TRACKING NUMBER ON | MEL | SIN OFF | 2 | TRACKING NUMBER ON | MEL | SIN OFF | 3 | TRACKING NUMBER ON | MEL | SIN OFF |
| 30 | REMOVE-ONLY PM | 31 | REMOVE-ONLY PM | 32 | INSTALLER-ONLY PM | 33 | INSTALLER-ONLY PM | 34 | INSTALLER-ONLY PM | 35 | INSTALLER-ONLY PM |

28 ENTER EXPIRATION INFORMATION BELOW (POBRED PARTS)

29 ENTER ROTABLE PARTS CHANGE INFORMATION BELOW

30 REQUIRED FLIGHT CREW ENTRY

31 REQUIRED FLIGHT CREW ENTRY

32 REQUIRED FLIGHT CREW ENTRY

33 REQUIRED FLIGHT CREW ENTRY

34 REQUIRED FLIGHT CREW ENTRY

35 REQUIRED FLIGHT CREW ENTRY

AIRWORTHINESS RELEASE REFERENCE GENERAL MAINTENANCE MANUAL

| | | | | | |
|----------|-------|---------|----|-------------|--------------|
| DATE | TIME | STATION | CK | SIGNATURE | EMPLOYEE NO. |
| 10/31/80 | 14:00 | 103783 | SE | [Signature] | 103783 |

* 5 5 1 5 0 5 *

ORIGINAL - FORWARD TO AIRCRAFT RECORDS AFTER ENTRY INTO SCRIPTRE

MAINTENANCE ACTION

EMPLOYEE MAKING ENTRY INTO SCPTRE

FOR SCIPC LOG NO. **8818507** AC **624** FLT. NO. **11683** REPORTED BY EMPLOYEE NO. **817855** STATION **PHX** DAY **15** MONTH **3** YEAR **00**

9 RNM FAULT CODE **4-2 GEN. WASHING - NOT COMPLETED - 42 GEN WASHING** 10 DISCREPANCY DETAILS **UNITS ON**

REPORTED BY **DRPDI** EMPLOYEE NO. **817855** INITIALS: **DRPDI** MEL / CDL ITEM NO. **18** STATION **PHX** DAY **15** MONTH **3** YEAR **00**

21 OBSERVED FAULT CODES: **UNITS ON** SIGNATURE: **[Signature]**

22 CORRECTION OR DEFERRAL **connected ASD - low engine + pit at 2 GEN**

23 MAX DELAY FLIGHT NO. **OK line + volts + hrs normal - PLS 600 -**

24 AIRWORTHINESS RELEASE SIGNATURE: **[Signature]**

25 PLACARDS REMOVED

26 CONTRACT MECH. PAA NO. **26**

27 MID-80 CLEAR ICE CHECK ACCOMPLISHED

28 CHECK HERE IF ROTABLE PARTS CHANGED DUE TO FAILURE

29 ENTER ROTABLE PARTS CHANGE INFORMATION BELOW

| 1 | 2 | 3 | 30 | 31 | 32 |
|--------------------|--------------------|--------------------|----------------|----------------|-----------------|
| TRACKING NUMBER ON | TRACKING NUMBER ON | TRACKING NUMBER ON | REMOVE-ONLY IN | REMOVE-ONLY IN | TRACKING NUMBER |
| | | | | | |
| | | | | | |
| | | | | | |

29 ENTER EXCEPTION INFORMATION BELOW (ROBBER PARTS)

REQUIRED FLIGHT CREW ENTRY

| 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 |
|------|-----|---------|----|----|----|-----|-----------------|----|----|
| DATE | STA | FLT NO. | 1 | 2 | 3 | APU | EMPLOYEE NUMBER | | |
| | | | | | | | | | |
| | | | | | | | | | |

30 Rtd A/C Checks Date **11-5-00**

| Fit # |
|-------|-------|-------|-------|-------|-------|
| FOB | FOB | FOB | FOB | FOB | FOB |
| | | | | | |
| | | | | | |
| | | | | | |

31 AIRWORTHINESS RELEASE REFERENCE GENERAL MAINTENANCE MANUAL

| 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 |
|------|------|---------|----|-----------|--------------|----|----|
| DATE | TIME | STATION | CX | SIGNATURE | EMPLOYEE NO. | | |
| | | | | | | | |
| | | | | | | | |

32 DRIFT NM/HR **L** #1 **C** #2 **R** #3

33 G/S KTS **L** #1 **C** #2 **R** #3

34 DIST NM **L** #1 **C** #2 **R** #3

ORIGINAL - FORWARD TO AIRCRAFT RECORDS AFTER ENTRY INTO SCPTRE

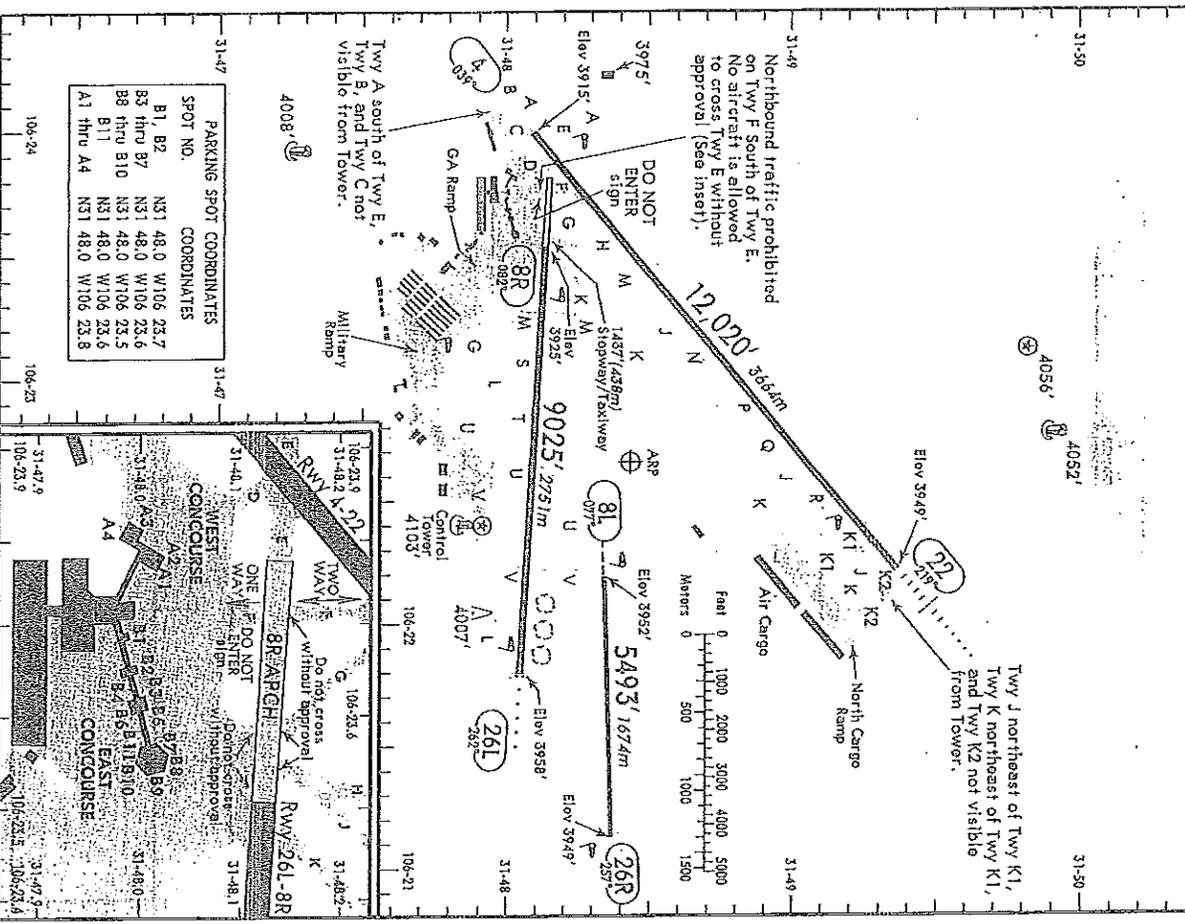
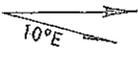


* 8 8 1 8 5 0 7 *

| | | | | | |
|-----------|---|-------------------------|--------|--------|-----------------------|
| D-ATIS | A | EL PASO Clearance (Cpt) | Ground | Tower | EL PASO Departure (R) |
| VOR 111.0 | L | 125.0 | 121.9 | 118.3 | 119.15 |
| 31-51 | | 106-24 | 106-23 | 106-22 | 106-21 |

CAUTION: Rwy 21 at Biggs AAF 2 NM northwest can be mistaken for ELP Rwy 22.

BIGGS AAF



PARKING SPOT COORDINATES

| SPOT NO. | COORDINATES |
|-------------|--------------------|
| B1, B2 | N31 48.0 W106 23.7 |
| B3 thru B7 | N31 48.0 W106 23.6 |
| B8 thru B10 | N31 48.0 W106 23.5 |
| B11 | N31 48.0 W106 23.6 |
| A1 thru A4 | N31 48.0 W106 23.8 |

999-4983

| | |
|------------------|-------------------------|
| UTC=MDT+6 | Elev 3956' |
| UTC=MST+7 | |
| ATIS | 120.0 |
| CAL OPS | 129.92 |
| GATE COORDINATES | N 31 48.0 W 106 23.6 |
| TERMINAL OPS | (915) 781-0338 |

GATE AND RAMP NOTES

1. OPS located under B-9.
2. Pushback/Powerback: Clearance Required from Ground Control.
3. J-5-2-3

NOISE ABATEMENT CONSIDERATIONS

1. Standard Operating Procedures.

ARRIVAL CONSIDERATIONS

FO.Q.A. ALERT

FO.Q.A. data shows unstabilized approaches (high sink rates below 500 ft. AGL) for runways 8/26. Careful planning of your approach is required to fly a stabilized approach as defined in the flight manual.

1. Use caution when landing on RW 22. Do not confuse with parallel runway at Biggs AAF.
2. Use caution when landing on RW 26L. Do not confuse with 26R which is a general aviation runway.

DEPARTURE CONSIDERATIONS

1. 7200' terrain approximately 5 miles west of the airport.
2. Note IFR take-off procedure on ELP 10-9A page.

ENGINE OUT DEPARTURE CONSIDERATIONS

1. **RUNWAY 22:**
 - A. ALL ENGINE PROCEDURE: Standard Operating Procedures.
 - B. ENGINE FAILURE PRIOR TO 8000' MSL: Climb on runway heading to 4200' MSL. Turn LEFT heading 120°. Cleanup on schedule.
 - C. ENGINE FAILURE AFTER 8000' MSL: Then as assigned by ATC. Standard Operating Procedures.
2. **RUNWAY 26L:**
 - A. ALL ENGINE PROCEDURE: Standard Operating Procedures.
 - B. ENGINE FAILURE PRIOR TO 6000' MSL: Immediate LEFT turn heading 120°. Cleanup on schedule. Then as assigned by ATC.
 - C. ENGINE FAILURE AFTER 6000' MSL: Standard Operating Procedures.
3. ALL OTHER RUNWAYS: Standard Operating Procedures.

AIRPORT NOTES

1. Contract maintenance.



Cessna
Textron Company



JULIE'S AIRCRAFT SERVICE, INC.

EL PASO INTERNATIONAL AIRPORT
6805 BOEING DRIVE
EL PASO, TEXAS 79925-1105

February 18th, 2006

02 18 06
11:12 AM

B
02 18 06

Larry G. York
Acting Principal Avionics Inspector
CONTINENTAL CERTIFICATE MANAGEMENT OFFICE
2625 Bay Area Boulevard
Suite 400
Houston, TX 77058-1568
(281)461-2400
(281)461-2456 Fax

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
RE: FILE 2006SW270055

Dear Mr. York,

I am responding to your letter dated February 3, 2006 which I received on February 10, 2006. I will fully cooperate with the Federal Aviation Administration investigation.

Julie's Aircraft Service, Inc.'s on-call maintenance technicians do not have "run-up" or "taxi" authorization or training from Continental Airlines, nor from any other Airline company operating Boeing 737 aircraft at the El Paso International Airport. Our dispatched on-call maintenance technicians do not have, and have never had direct access to Continental Airlines Aircraft Maintenance Manuals (AMM) or CALA General Maintenance Manuals Section 05-77-27, Engine Run Procedures (GMM) and therefore rely on the aircraft Captain's expertise for conducting Continental Airlines proper procedures for aircraft engine "run-ups".

Julie's Aircraft Service, Inc. has never declined any offers from Continental Airlines for any type of training. The accident which occurred on January 16, 2006 at the El Paso International Airport had much to do with a lack of safety training from Continental Airlines. Our on-call maintenance technicians have never been given training on "walk-around" inspections from Continental Airlines pertaining to any of Continental Airlines many aircraft model types. We were never trained on the use of; or advised by Continental Airlines of the safety restraint equipment/system available from the Boeing Aircraft Company.

Julie's Aircraft Service, Inc. has provided FAR Part 121 Air Carrier on-call maintenance service for over twenty (20) years without an accident. In our entire history of providing such service we have never received an FAA letter of investigation. Our company ceased all FAR Part 121 Air Carrier on-call maintenance service beginning January 16th, 2006 due to the horrific nature of this accident and the resulting devastating affect on our current employees.

Most Sincerely,

Thorleifur Juljusson
Thorleifur Juljusson
Company President

AIR CHARTER → AIRCRAFT SALES → AVIONICS DEPT → MAINTENANCE DEPT → PARTS DEPT
(915) 772-2900 (800) 433-3259 FAX (915) 779-8822
VISIT OUR WEB SITE: www.jascessna.com

Federal Aviation Regulation

Sec. 91.13

Part 91 GENERAL OPERATING AND FLIGHT RULES

Subpart A--General

Sec. 91.13

Careless or reckless operation.

(a) *Aircraft operations for the purpose of air navigation.* No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

(b) *Aircraft operations other than for the purpose of air navigation.* No person may operate an aircraft, other than for the purpose of air navigation, on any part of the surface of an airport used by aircraft for air commerce (including areas used by those aircraft for receiving or discharging persons or cargo), in a careless or reckless manner so as to endanger the life or property of another.

▶ Comments

▼ Document History

Notice of Proposed Rulemaking Actions:

Final Rule Actions:

section 91.9 of the Federal Aviation Regulations (FAR), 14 C.F.R. Part 91.² The Administrator alleged in his order, which was filed as the complaint in this proceeding, that on March 29, 1990, a maintenance worker was injured by jet blast when respondent's Boeing 727 aircraft, Delta Flight 606, made a turn on a taxiway following push back from a gate at LaGuardia Airport, New York.³ The law judge modified the sanction from a 30-day suspension of respondent's ATP certificate to a 15-day suspension.⁴

According to the maintenance worker, on the day in question he was working fifteen feet above the ground, on a flatbed, preparing for long-term storage of an Eastern Airlines L-1011 aircraft that was parked adjacent to the gate and across from the jetway used by Delta Airlines. The worker recounted that at the time of respondent's push back he was at the nose of the L-1011, covering the left pitot tubes with tape and plastic. He testified that he heard an aircraft start up and then he felt warm air. He turned around and saw a Delta 727 aircraft, two

²FAR § 91.9 [now recodified as § 91.13(a)] provides as follows:

"§ 91.9 Careless or reckless operation.

No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of others."

³The Administrator specifically alleged in his order that respondent "applied engine power in such a way as to cause injury to a nearby maintenance worker."

⁴The Administrator has not appealed the sanction modification.

hundred or less feet away, with all three engines running, and with the "exhaust pipes looking right at me." (TR-27).⁵ Believing he did not have enough time to get out of the way, he braced his foot against the control panel of the flatbed and held on to a pitot tube.⁶ He described the blast as "tremendous," "loud," and "hot," and asserted that he was "tossed about," causing him to twist his back. The worker immediately reported the incident to both the Delta Airlines station manager and to his supervisor at Eastern Airlines. He testified that because later that day he began to experience back pain, he sought medical attention. He was subsequently retired on disability as a result of the back injury he claims to have sustained.

The gist of respondent's defense is that the maintenance worker was not in the area during the push back and that his injuries are feigned. Neither respondent or his crew recalled seeing a worker on the flatbed, although the first officer did recall noticing the orange covers on the pitot tubes of the L-1011. In any event, they explained that the taxi instructions they received from the tower that day were unusual, in that,

⁵An FAA inspector testified that the Boeing 727's engines are approximately 13 feet off the ground and the pitot tubes on the L-1011 are about 17 feet off the ground. The worker is 5'8" tall.

⁶He admits that jet blast is a "fact of life" at a congested airport such as LaGuardia, but he claims he has never been hit with as much power as he felt on this day. (TR-84). Joint Exhibit 7, an excerpt from a Delta Operating Manual, warns crews that "[a]ircraft are to be pushed back and positioned in such a manner to preclude jet blast from affecting hangar structures, service road areas, or ground support vehicles and personnel."

instead of being instructed, following push back from the gate, to take the taxiway to their left, they were told to execute a 180-degree turn and follow a different routing to the runway. The crew testified that they were confused and distracted by this unexpected instruction, which respondent had his first officer confirm before he executed the turn. Both he and his first officer asserted that they looked around the area and saw no one.

Both also testified that even if they had seen⁷ this worker on the flatbed next to the L-1011 they would have still executed the 180-degree turn because their aircraft was far enough away from the front of the other aircraft to not present a problem -- the first officer estimates they were at least 300 feet away from the L-1011, and respondent estimates he would have been at least 200 feet away. The law judge found, as a matter of credibility, that the maintenance worker was in fact injured as a result of the jet blast associated with the 727's turn following the push back. He concluded that the amount of power used by respondent during the operation must have been excessive.

Respondent contends on appeal that the law judge's determination that he utilized excessive engine power in the operation of the aircraft is not supported by a preponderance of the evidence. In addition, he claims that the law judge's exclusion of certain deposition testimony was so detrimental to his defense as to warrant reversal. The Administrator has filed

⁷ According to the FAA inspector who investigated the incident, before executing the turn the 727 and the L-1011 were "nose-to-nose." (TR-98).

a brief in reply, urging the Board to affirm the initial decision.

Upon consideration of the briefs of the parties, and of the entire record, the Board has determined that safety in air commerce or air transportation and the public interest require affirmation of the Administrator's order, as modified by the law judge with regard to sanction. For the reasons that follow, we deny respondent's appeal.

In the Board's view, there is ample support for the law judge's determination that respondent's operation of his aircraft carelessly endangered the maintenance worker, who, the law judge found, was in fact on the flatbed at the time of respondent's push back and should have been observed by him. Respondent offers us no persuasive reason to disturb the law judge's acceptance, as a matter of credibility, of the maintenance worker's testimony as to his location during the incident. See Administrator v. Smith, 5 NTSB 1560, 1563 (1986). Respondent further argues that assuming the worker was present, the power used to execute the turn would not have endangered the worker, because one of respondent's experts calculated that the aircraft would have been some 285 feet away from the worker. We do not share respondent's belief that his witness' calculations are unassailable. Those calculations were based on an interview with a wing walker conducted two years after the incident, in which he told respondent's expert that he had put the nose gear of the 727 on the centerline of the taxiway nearest the gate before leaving

the area. However, when this wing walker was interviewed by the FAA within weeks of the incident, he admitted that he had only pushed the 727 back until it was just short of that taxiway.⁸ According to the FAA inspector's calculations, if the aircraft was disengaged from the tow when it was short of the taxiway, and in light of the fact that respondent would have to move the aircraft forward, towards the L-1011, in order to gain sufficient momentum to make the turn, it is likely that the 727's aircraft's engines were within 100 to 140 feet of the L-1011 after the turn had been completed. In any event, it was within the province of the law judge, as the trier of fact, to reject the distances calculated by the various experts, and credit the worker's testimony that he was hit by a tremendous jet blast. The FAA's calculations are also more consistent with the testimony of the injured worker, the wing walker's post-incident statement, and even respondent, all of whom observed that the 727 was about 200 feet from the L-1011.

Respondent's admission that while executing the 180-degree turn he added power to the number 1 engine at an EPR [engine pressure ratio] value of between 1.2 and 1.3 is supportive of the conclusion that he used excessive thrust in the circumstances, in violation of FAR section 91.9. (TR-263; see also Vol. II, TR-71). The Delta Operating Manual (Joint Exhibit 2) states that "to get the aircraft moving from a stop, careful application of

⁸This witness testified that the 727 was within "a couple hundred" feet of the L-1011.

additional thrust is required...If necessary to turn shortly after brake release, allow the airplane to gain enough momentum to carry it through the turn at idle thrust."⁹ This same exhibit instructs that idle thrust is adequate for taxiing under most conditions, and if more than idle thrust is necessary to meet taxi requirements, symmetric thrust on Engines 1 and 2 is recommended. Even respondent's own expert witness, a Delta 727 pilot for 12 years, admitted on cross-examination that if the maintenance worker was 200 feet away on a fifteen-foot flatbed and respondent utilized an EPR value of 1.3, he would "definitely" have been concerned for the worker's safety. In fact, he testified, he would not under any circumstances, use an EPR value of 1.3. (Vol. II, TR-68) (Emphasis added). The law judge could fairly view this evidence as establishing that respondent, by using more than idle thrust to execute the turn, when he should have known that the worker was on the flatbed, failed to exercise the degree of care required of an airline

⁹The Delta Airlines Operating Manual further specifies that if the engine power setting of a B-727 aircraft is at idle, at a distance of 100 feet from the exhaust nozzle the exhaust temperature would be 30 to 50 degrees and velocity would be 15 to 25 knots. At start of taxi-roll, temperature would be 90 to 95 degrees and velocity would be 35 to 50 knots. At a distance of 200 feet from the exhaust nozzle, the exhaust temperature would be 15 to 30 degrees and velocity would be 5 to 20 knots. At start of taxi-roll, temperature would be 75 to 90 degrees and velocity would be 10 to 35 knots. Ambient (outside) air temperature and velocity are also to be factored into the calculations. See Exhibit A-16. The record establishes that the temperature that day was 69 degrees fahrenheit, and there was a northwesterly wind of 9 knots. These figures appear to provide ample support for the maintenance worker's account to the effect that the jet blast was loud, hot, and strong enough that he had to hold on to keep from being blown off the fifteen-foot flatbed.

transport pilot because he executed the turn at an engine power level that potentially endangered either persons or property within an area he should have known would be placed at risk from his aircraft's jet blast.

The evidentiary ruling respondent challenges involves, as we have already noted, the maintenance worker's claim that he suffered a back injury as a result of this incident. During a deposition taken in the course of the maintenance worker's litigation against Delta, and in his testimony before the law judge, the maintenance worker denied that he had had any previous back injury. Respondent made a proffer of evidence that the maintenance worker's physician, if permitted to testify, would have stated that the worker had been treated for back pain prior to the incident which is the subject of this proceeding. Respondent believes that this evidence would have established that the maintenance worker's claim should have been rejected. We find respondent's position unavailing.

The only question before the law judge was whether respondent's actions carelessly created the potential for endangerment to the worker, not whether the worker was in fact injured by any alleged excessive application of engine power by respondent. Administrator v. Fay and Takacs, NTSB Order No. EA-3501 at 8 (1992); Administrator v. Kline, 1 NTSB 1591, 1593 (1972). In order to make that determination, the law judge only needed to decide if the worker was present where he said he was during the push back, and if so, whether he was subjected to