

Factual Report – Attachment 17

FAA Interview Summaries

OPERATIONAL FACTORS

DCA19MA086

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A. Interview: John Ryan, Federal Aviation Administration (FAA)

Date: September 11, 2019

Location: via telephone

Time: 1405 EDT

Present: David Lawrence, Bill Bramble - National Transportation Safety Board (NTSB); Andrew Runyon – Atlas Air; Larry Ward – FAA; Rich Lee – Boeing; Tyson Howard – International Brotherhood of Teamsters (IBT)
Representative – Matt Picciotti, FAA Counsel

During the interview, Mr. Ryan stated the following information:

His name was John Albert Ryan, and he was the FAA PRIA [Pilot Records Improvement Act of 1996] Program Manager. His background included 41 years of government service, with the first 13 years as a military personnel officer and company commander. He then had an opportunity to work for the FAA, and spent his first 13 years with the FAA in airman certification as an examiner. He then began work for AFS 620 and began working on PRIA, which was about 16 years ago. He was a flight instructor for 15 years as well. He also had written articles for Flying magazine and flight instruction books.

When asked to summarize the PRIA program, he said it was a three phase background check for pilots. The first phase was for FAA records, the second phase was for records from previous employers, and the third phase was for NDR [National Drivers Register] driver's license records in the state the applicant was registered in.

When asked how the 5-year limitation was determined as an appropriate time on review of a pilot's background, he said the FAA did not determine that since Congress was the one who wrote the statute.

When asked if an operator could look beyond the five years mandated by PRIA, he said not legally. The 8000.88 guidance provides a list of sanctions to a POI [principal operations inspector] limiting release of information for privacy concerns.

He said related to section 3.1 of the AC [Advisory Circular 120-68H] which talked about pilot privacy concerns, he wrote that into the AC to help put pilot's minds at ease since they may be

nervous about PRIA records sharing. The primary concern was when a company received records, those records were protected from being used or forward to anyone other than the operator. He even addressed issues with the POI seeing the records since there were some operators who wouldn't even allow their POI to see the records, so he wrote limitations on the POI to consider the same privacy issues as the company. When asked what a POI would typically look for when reviewing PRIA records as part of his required surveillance of an operator, he said he did not entirely know but would be looking to make sure PRIA was being utilized by the operator. Based on his conversations with other POIs, they would go and look at a percentage of pilot records to ensure PRIA was being done. If those inspectors had any questions, they would call him up and he could look in real time to see if the operator was following PRIA.

When asked how PRIA ensured that a pilot had honestly and accurately provided the information to an operator regarding his background, he said PRIA depended on the accuracy and honesty of the pilot who is making the application to a new carrier.

When asked how an operator knows who all the appropriate recipients are to send PRAI request for information to, he said that information was provided by the pilot. He said the AC had a provision for best practices in chapter one, and the hiring carrier should query all possible avenues of records, even a Part 91 operator which is not required by PRIA, or anywhere else records may exist. Pilots application or resume, yes, the information provided by the pilot. Better business practices, hiring carrier should query all avenues of records. An example would be an inspector who left the FAA to go work for a carrier, and how they would handle PRIA records, and that was addressed in the AC. The appropriate recipients of PRIA request would be the 121's, 125's, and the 135's.

When asked if the only Part 121, 135 or 125 operators the hiring carrier would know to send PRIA records requests to would be those carriers disclosed by the pilot applicant, he said that would be correct.

When asked if he had seen a trend in pilot applicants failing to disclose past employers, he said very rarely. A pilot may work for a carrier for a few days but withdraws from training and they do not stay with carrier, and could cause a problem since the carrier does not know where to report that. That is also addressed in the AC.

When asked if the FAA was seeing a trend in pilots with training difficulties not disclosing that information to hiring carriers, and maybe being found out at a later date, he said no, he would not say that was a trend, and it very rarely happened. He said they may not find out because the company chose to keep that information to themselves.

When asked how a voluntary withdrawal from a training program was handled as a requirement for disclosure in PRIA, he said nothing in PRIA addressed that. His advice to pilots would be if they worked for a company 3 or 5 days and never completed employment paperwork, never received a paycheck, they might not be considered an employee. Some carriers don't consider the pilot an employee until they complete the training program, but his advice would be to go ahead and report it since it won't go against them. They might have had an emergency at home or something, but it should not be held against them.

When asked if a failure of a type ride or proficiency check should be reported, he said yes. It would no doubt generate some type of training form or document in a pilot's record and those are specifically required by PRIA to be included.

When asked about the transition to PRD [Pilot Records Database], he said that came about after the Colgan accident where a pilot did not report all their failed check rides. PRD came into being because of that. Failed check rides were a major part of PRD since they were not a part of PRIA. If a carrier wanted to check on failed check rides, there was a form they could use and send to the airman certification branch and obtain those records under FOIA [Freedom of Information Act]. That information could be found in the AC appendix 5 and the AC section 3.8.1.

He said the implementation of PRD had been out for a while, but had not been released for general use, number of carriers logging in to use. Three were a number of carriers and pilots able to log in and start using it.

When asked for a carrier under AQP if there were equivalent thresholds like for a maneuver's validation failure requiring a report, he said he honestly did not know since there were no provisions specific to AQP in the AC.

When asked what he used as statutory intent to transfer to the guidance when he wrote the AC, he said he basically used common sense, wrote sections, and asked questions of very experience inspectors and legal friends. He wrote probably wrote 90% of AC himself. Revision H to the AC was being held back until PRD was implemented, which will include more details about PRD but most of the AC will be the same.

When asked if he had anything else to add, he said if there was a particular PRIA needed for a pilot, he could provide that to the investigation.

The interview concluded at 1435.

B. Interview: Chris Morris, Federal Aviation Administration (FAA)

Date: September 11, 2019

Location: via telephone

Time: 1440 EDT

Present: David Lawrence, Bill Bramble - National Transportation Safety Board (NTSB); Andrew Runyon – Atlas Air; Larry Ward – FAA; Rich Lee– Boeing; Tyson Howard – International Brotherhood of Teamsters (IBT)
Representative – Matt Picciotti, FAA Counsel

During the interview, Mr. Ryan stated the following information:

His name was Christopher Reed Morris, and he was the FAA PRD [Pilot Records Database] program manager for Flight Standards. His background included flying as a Part 135 corporate

pilot, and he then came to the FAA 16 years ago. He was a POI for general aviation operations in Oklahoma, was an instructor at the FAA Academy for 5 years, and spent 5-6 years developing knowledge and practical test prior to coming to AFS 620.

When asked about an overview of PRD, he said it was first introduced in the G version of the AC [Advisory Circular 120-68H]. PRD was mandated by Congress in 2010 after a couple of accidents that had to do with the availability of pilot records. The agency had been working to develop PRD ever since, and it was on two tracks, one of which was rulemaking. PRD was intended to serve as a clearinghouse for pilot records; the FAA records and the records generated by industry. That was the end goal. In the meanwhile, they had been developing the application on the technical side of it. In addition to rulemaking, there were a lot of PII [personal identifiable information] and security concerns since verifying information over the internet had turned out to be quite a challenge. That was the reason for the delay in implementation of PRD. In the meantime, they had made the FAA portion of PRD available on a voluntary basis, which occurred almost 2 years ago in 2017. Currently operators only have access to FAA records through PRD. They do not currently collect any records from industry. Those operators have to collect that PRIA information through the legacy process.

When asked if operators gaining FAA records through PRD only see 5 years, he said they are getting full record sets for certification data, including medical records, accident and incident history, enforcement records, and unsatisfactory practical check rides not Part 121 proficiency checks. If the pilot took a Part 61 certification check ride that was unsatisfactory, that would be shown to them through PRD, but only for 2010 and after. That was because the FAA began maintaining those digital records in the airman registry in 2010.

When asked how the NDR [National Drivers Register] background check would be looped into PRD, he said some of that was involved in the current rulemaking for PRD and he could not go into details. Presently, what is available is just an indication, a field an airman can update to question their own record, the record itself was not coming through PRD.

He said there were four stages of implementation of PRD, and they were in stage 3, which was voluntary use. Stage 4 was next, and would include industry records. The AIT folks creating the application have worked as far as they could on how to store and feed the records back, but have to wait until rulemaking finishes to steer final solution on the best way to collect industry records and feed them back to the PRD.

When asked how he envisioned an operator like Atlas and others would feed their information into PRD so a carrier could look at those industry records, he said it was a great question, but he could not discuss it since it would be described in rulemaking. The PRD rulemaking was a priority project at OMB, and they were expecting it to get published by the Fall sometime and everyone could get a look at it.

When asked if the intent of PRD records would be limited to 5 years like PRIA [Pilot Records Improvement Act of 1996], he said that when Congress developed the requirement for it back in 2010, the agency notified all industry stakeholders that a part of the vision was record keeping

from that point forward to be entered into PRD. They instructed all Part 121 operators that from that point on they should retain the airman records with the intention of loading into PRD.

When asked if he had anything else to add, he said he could not think of anything.

The interview concluded at 1505.

C. Atlas Air POI Email

From: Torgerson, Anne (FAA) [REDACTED]
Sent: Monday, October 21, 2019 10:28 AM
To: Lawrence David [REDACTED]
Cc: Hempen, Patrick (FAA) <[REDACTED]> Keenan, David (FAA) <[REDACTED]>
Lusch, Patrick (FAA) <[REDACTED]>
Subject: NTSB Request 19-193

Hi Capt. Lawrence,

This is in response to NTSB Request 19-193. Please see response below.

Event: Atlas Air, Trinity Bay, TX Atlas Air Flight 3591

1) Please describe in general the FAA oversight of the Atlas Part 121 operating certificate (office, Inspectors, surveillance guidance, etc.).

The Atlas Air Inc. Certificate Management Team (CMT) is part of the DFW Certificate Management Office (CMO), SW-07. The three Principal Inspectors are located within the Cincinnati Flight Standards District Office (FSDO) as are a number of the CMT's Aviation Safety Inspectors (ASIs). Inspectors based there are mainly airworthiness (AW) inspectors assigned to the certificate, but that also includes the Operations (Ops) Front Line Manager (FLM), and one unit Aviation Safety Assistant. The remaining ASIs are remotely sited across the United States, including New York, Connecticut, California, Ohio, Indiana, New Jersey, and Texas. The AW FLM is based in Texas, as are the remaining administrative support staff for the CMT, including the CMO Manager and Assistant Manager.

The CMT has FAA oversight responsibility for three 14 CFR Part 121 Air Carriers: Atlas Air Inc. (UIEA), Polar Air Cargo LLC (P5CA), and Southern Air Inc. (Q2SA). Atlas Air and Southern Air are in the process of an A502 merger, with Atlas Air ultimately being the surviving carrier. This merger began in January 2017 and currently has an anticipated Single Operating Certificate (SOC) date of 31 August 2020. The Polar certificate is not involved in the merger and will remain as a separate entity. All three carriers are owned by a single parent company, Atlas Air Worldwide Holdings. These are three separate carriers, each with their own 14 CFR part 119 management structures, Safety Assurance System (SAS) program, Aviation Safety Action Programs (ASAP) programs, Operations Specifications (Op Specs), etc. Due to the merger and past practices of previous CMTs, the manual systems are both separate and intermingled, with Atlas, Polar, Southern, Atlas-Polar, Atlas-Southern, and Atlas-Polar-Southern manuals being the result.

At the time of the Atlas Air Flight 3591 accident, the Ops side of the CMT consisted of the Principal Operations Inspector (POI) assigned oversight of all three carriers; a B747 Aircrew Program Manager (APM) and Assistant Aircrew Program Manager (AAPM); and a B767 APM and AAPM assigned to the Atlas certificate. In addition, there is a B737 and a B777 APM for Southern, an ASAP Manager (who is assigned to all three certificates), and one Geographic Ops Inspector. There is also a Cabin Safety Inspector (CSI) and a Dispatch Safety Inspector (DSI) assigned to the CMT as shared resources with other carriers. Starting in August of 2019, two Assistant Principal Operations Inspectors (APOIs) and one additional Geographic Ops Inspector have been added to the certificate.

Oversight is conducted utilizing the Safety Assurance System (SAS); the Flight Standards Information Management System (FSIMS), consisting of FAA Order 8900.1; FAA Notices, bulletins, ADs, Advisory Circulars, etc. Assignments for surveillance are contained in the SAS, with recommendations for Inspector assignment and instructions provided by the Principal Inspectors. The actual work assignments are the responsibility of the FLMs. A review of the surveillance results by the Principals create surveillance assignments and areas of added surveillance based upon the risks uncovered during the inspections as well as any risks discovered by other means such as ASAP, VDRPs, and Hotline Complaints. Additional surveillance may be indicated by these inputs and put forth by the Principal Inspectors.

2) As POI, what is your role in the PRIA review process at Atlas?

My involvement as the POI with an Operator of this size's PRIA process is limited outside of the certification phase. That would consist of verifying that a number of required processes and procedures are in place for the satisfactory conduct of the PRIA program by the carrier. This process is outlined in FAA Advisory Circular (AC) 120-68H with PRIA Guidance for FAA Inspectors found in the FAA's Order 8000.8. The latter includes a PRIA Air Carrier Basic Compliance Checklist. To date, I have not been personally delved into the PRIA process at Atlas Air.

3) Describe what FAA surveillance (if any) is involved in the PRIA documentation obtained from new hire applicants at Atlas.

I do not recall any Atlas CMT involvement with PRIA documentation that has been obtained for new hire applicants in at least the last two years. During that time, I have not recommended assigned surveillance on the PRIA program that I recall. The allocation of available assets have been directed at items that were deemed to be a higher risk.

4) As POI, are you aware of any issues at Atlas related to the accuracy of new hire applicants? Describe.

I am not aware of any previous discrepancies or issues with the PRIA documentation at Atlas Air that I can recall. Frequent interaction with the flight crews, either new hire or recurrent, as well as the direct training programs, are functions of the particular APMs and AAPMs and are not a routine function of the POI. Added surveillance would target the program and not the validity and accuracy of the information provided by the pilot.

5) Did you know the accident Captain and/or FO? Describe.

I did not know the Captain nor the First Officer in any capacity, nor did I recognize them by name upon being given their identities after the accident flight.

6) Were you aware of any training concerns related to the accident FO? Describe.

On September 26, 2017, I received an email from Kevin O'Reilly, Director, Training Center Operations for Atlas Air. The email stated that he was forwarding a letter and supporting document on behalf of Captain Joseph Diedrich. Captain Diedrich is the Senior Director and Fleet Captain for the B747/B767 Flight Operations Department. The attached letter was notification that Atlas Air new hire First Officer Conrad Aska had an unsatisfactory performance during his initial type-rating practical and had failed the check ride. The letter stated that UIEA Air Crew Program Designee (APD) Billy Peavley had conducted the check on September 22, 2017. The FAA B767 APM assigned to the certificate, Alex Alexander, was present and had observed the event. The accompanying Pilot Training / Check Grade Sheet for Mr. Aska showed unsatisfactory performances in the following areas: Non-Precision Approach, Steep Turns, CRM/TEM, and Judgment.

This type of notification is required whenever an unsatisfactory check ride occurs. I have received approximately one-hundred of these notifications over the course of the last two years during my tenure as the POI. I quickly read the content of the letter and saw that no further involvement was necessary on my part. The individual APM for the aircraft program involved had not only observed the event, but had been copied in on the letter as well. Inspector Alexander would take specific action for any follow-up if such action were required. I heard nothing further concerning this matter after this correspondence from either the company nor from the Inspector. I was reminded of this email only after a name search of the flight crewmembers, as I did not recall any mention of First Officer Aska or of the Captain in any previous correspondence.

7) Are you aware of any issues at Atlas related to pilot staffing and/or proficiency and experience of new hire applicants? Describe.

Three years ago as the Assistant POI on the Southern Air Certificate, I was present at a presentation being made by executives of Atlas Air Worldwide Holdings to the check pilot group that was attending. At that time, the lack of experienced pilots in the near future was discussed as an issue that the company, and the industry, had been experiencing for some time. Since that time, the subject has come up on numerous occasions and in numerous discussions among the management, the training staff, the pilot group, and with the FAA. It was stated that the minimum experience level that they could demand for new hires had dropped considerably, and that pilots that have never flown anything larger than a small, twin-engine turboprop were currently being hired to fly B747s on international routes.

It was indicated that due to the lack of experience in larger aircraft, the failure rate, as well as the increased need for additional training following unsatisfactory check rides, had increased. I have been told that additional time spent in OE (Operating Experience) for new hires has also increased. I have not heard any accusations from flight crews or from the training department that performance standards have been lowered, or that those that have satisfactorily passed their check rides did not meet FAA standards.

Atlas has suffered a loss of pilots to other operators whose pay scales, benefits packages, and schedules were apparently more attractive to them, and have at times stated that it was difficult getting new hires to even show up for some of the initial new hire classes. The no-show pilots had said that they had accepted more lucrative or attractive job offers elsewhere. Atlas has experienced staffing issues for existing flights in the past and at times have had difficulty meeting the demands of the continuous worldwide flight schedules. They state that this is especially true in light of having increased the number of pilots on supplemented crew flights to aid in reducing pilot fatigue.

I have no definitive data that correlates incidents in the aircraft to low experience or a lack of proficiency among the flight group. However, that specific issue has not been directly investigated to try to determine an answer to that specific question. Lack of experience by pilots entering the Air Carriers at this level is an issue that has been recognized and discussed industry-wide and by the FAA in national forums, and is an area of concern to all.

Regards,

Anne

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