EPISODE 259

[EPISODE]

[0:00:07] IP: Hello, and welcome to episode 259 of AvTalk. I am Ian Petchenik, here, as always with –

[0:00:16] JR: Jason Rabinowitz. Hello, everyone. Hello, Ian. For those wondering, the hotdogs were delicious this weekend.

[0:00:23] IP: Yes, they were.

[0:00:24] JR: I had to open with that, because it's the most important thing we will cover this week.

[0:00:29] IP: Absolutely. Thanks for stopping by for a hotdog. For those that didn't listen to last week's episode, Jason flew from New York on Spirit Airlines, and enjoyed a hotdog with me, and then flew home on United. How was the trip, Jason?

[0:00:44] JR: It was great. Spirit was fine. It was great. I had the big front seat. We blocked in 35 minutes early into O'Hare, which is always fun, even though we practically landed in Milwaukee. You picked me up. We enjoyed some food. We enjoyed some drinks. I flew back on United on a 737-800 into some of the absolute worst weather I have ever seen in New York, and we blocked in eight minutes early.

[0:01:10] IP: You can't beat that.

[0:01:11] JR: Pretty great, right? I think we approached LaGuardia at the absolute peak of the worst part of the storm, which was a little angst. I thought we might end up in Dulles, or Philly, or somewhere else, but thankfully, it happened to be that the winds were blowing straight down the runway, and we did the 13 ILS approach. I think it was ILS for LaGuardia, and that was it. We blocked in early. Thank you very much to all of the ramp porters at LaGuardia out there in that absolute disgusting weather ready to receive us, because that's not always a guarantee at

LaGuardia, really any airport. I was very thankful to get out and back with no delays, whatsoever, on a pretty crappy day. A win in general.

[0:01:56] IP: Absolutely. Well, a good time was had by all, and there has been no shortage of aviation news over the past week. We begin in Indonesia. This was an incident that happened a few months ago, and we found out about it, because the Indonesian accident investigators released their preliminary report on a particular flight by Batik Air, in which both pilots were asleep for nearly 30 minutes on the flight deck.

[0:02:34] JR: Man, this is an interesting one. To be clear, it is not the first time we have seen something like this happen. It has happened before. There are other occasions where pilots just zoned out and forgot they needed to do things. I think the most infamous example in the US was the Northwest pilots who just kept flying.

[0:02:51] IP: They just kept going.

[0:02:53] JR: Just kept going on the way to Minneapolis for half an hour. In this case, both pilots, the pilot flying and the pilot not flying just fell asleep for 210 nautical miles, where I believe 28 minutes. I think what's most interesting and the thing I love the most about this is thankfully, nothing happened. They woke up. They got back on track. They landed in Jakarta without issue. But when they woke up, they told air traffic control that they experienced radio communication problems, which is just the perfect correct way to say, “We were asleep and could not talk to you over the radio, because we were having radio communications problems, because we were asleep.” It's just technically correct is the best kind of correct. This is, what a great way to put, “We both fell asleep.”

[0:03:48] IP: The pilot sleeping on the flight deck is not the entire issue here, because that happens –

[0:03:53] JR: Controlled rest is a thing.

[0:03:55] IP: Controlled rest is a thing. That's within regulations, where one of the pilots can take rest while the other pilot performs the necessary duties. Most important, the pilot who's not

taking controlled rest is supposed to stay awake the entire time. That didn't happen here, because the captain took controlled dressed, woke up, said to the first officer, “Hey, do you want to rest?” First officer says, “No, I'm good.” Then the captain goes back to sleep. After that, the first officer fell asleep, and then they were both sleeping for almost a half hour before the captain woke up, said, “Uh-oh.” Woke up the first officer and then they went and landed the plane.

The interesting thing here is the timeline of rest laid out by the Indonesian investigators, because one of the pilots, in my personal opinion, has a very valid reason, I think, for being fatigued. That opens up a whole wider discussion about pilot rest and when you shouldn't or should not be operating an aircraft. But the first officer has one-month-old twin babies at home and just moved.

[0:05:10] JR: Yeah, that sounds like a very good reason to be tired. You might even have some personal experience with this very scenario.

[0:05:16] IP: I have deep, deep personal experience with this exact scenario, so I know where that guy is coming from. Maybe he should have taken the captain up on his controlled rest offer. But the captain was on rest for the 35 hours prior to the first flight. The incident flight where they fell asleep was actually the second flight of the day. The first flight of the day that the crew operated departed Jakarta at 3.14 in the morning.

[0:05:44] JR: Ooh.

[0:05:45] IP: Batik Air is one of those airlines where the plane wakes up early and the plane goes to bed late.

[0:05:50] JR: If there's an hour of the day, one of their aircraft is flying in it.

[0:05:54] IP: Yeah. This flight departed at 3.14 in the morning, landed at 7 in the morning. The crew did the turnaround, had a cup of soup, that, I'm not surmising that. It says so in the report, they both had a cup of noodles and then they operated the flight back to Jakarta, where they fell asleep on their way. The pilot in command before the first flight of the day was on rest for 35

hours. On the day before the incident flight, he woke up at 5.30 in the morning and stayed awake until 8 PM, then woke up at 10 PM and left for the airport to operate a 3.15 AM flight.

[0:06:39] JR: That's a long time between leaving for the airport and the departure of that flight, too. I hadn't realized that before, but that's a very long stretch.

[0:06:47] IP: They put in the report that he leaves for the airport at 1 in the morning. He woke up three hours before he left for the airport.

[0:06:55] JR: Gotcha. I mean, this is hard. It is difficult. I've asked a friend of mine, who's a pilot who flies transatlantic flights, how do you manage your sleep schedule? Because departing the US East Coast, let's say 7 PM arriving Europe at maybe let's say, 6 AM local time and then having to then get rest and then operate a flight the next day, it has got to screw with you and you've got to be very, very careful about managing your sleep schedule before and after your flights. It's actually a very mentally difficult thing to do and get right. In this case, it doesn't seem like all the pieces were in the right place here.

[0:07:34] IP: We've had a few pilots on the show before who we've talked to about that. I think Mark Vanhoenaker was one of them, and Ken Hope, who is a retired captain now. He told us that when he was flying and wasn't going to be away from home for an extended period of time, he just wouldn't go off home time. He would sleep –

[0:07:53] JR: Yeah. That makes sense.

[0:07:56] IP: - on his home schedule. It would be the middle of the day in Osaka, or Shanghai, or whatever, and he would be locked in a hotel room fast asleep. It is certainly very difficult. The Indonesian investigators are looking into Batik Air, and they say all Indonesian carriers to ensure that they have proper rest guidelines in place for their crews and to ensure that safety measures are being taken if crews are reporting that they are fatigued. That's, I guess, the good that's coming out of that to make sure that that is in place.

[0:08:34] JR: Yeah. To be clear, this is not an issue unique to Indonesia, even though Indonesia has a less than stellar safety history, as far as airlines are concerned. This is an issue that could happen anywhere in the world with any airline in the world.

[0:08:47] IP: And has. I mean, this is certainly not the first time that anything like this has happened.

[0:08:51] JR: No. Maybe I know the pilot unions would never allow something like this, but maybe there should be some sort of technology in the flight deck that is monitoring pilots and making sure they are both not asleep at the same time. I'm pretty sure there are cars on the market that do this, that look at your eyes to make sure you're not nodding off. If you're nodding off, they, I don't know, they shake the steering wheel, or yell at you, or splash some water on your face. Maybe we need that on airplanes.

[0:09:17] IP: Means your wiper fluid. Yeah.

[0:09:19] JR: I mean, you're much more likely to end up, I don't know, dead in a car if you fall asleep a lot quicker than if you're piloting an aircraft. But at the end of the day, the results could be catastrophic on an aircraft. There really isn't much in the way of preventing two sleeping pilots for sleeping for much longer than 28 minutes, until some sort of alarm goes off, where at that point, it might be too late to do anything about it.

[0:09:43] IP: Yeah. I think your prediction that the pilot's unions would be against this.

[0:09:49] JR: Yeah, I don't think pupil, or iris tracking to make sure pilots are paying attention. It is something they'll go for, given their prior history of everything.

[0:09:58] IP: Let's move on to the airspace in between Australia and New Zealand and talk about LATAM flight 800, which this week experienced “a technical event” that led to “strong movement.” That's really all we know so far. Everything else has been hearsay on what happened. A passenger said that the pilot said this. Who knows the veracity of that? LATAM has said it's a technical event, strong movement, and that's all that they've said so far.

The Chilean DGAC is leading the investigation, because this happened in international waters. The state of registration takes precedence on the investigation, so that is the Chilean investigators. New Zealand investigators are supporting the investigation and they have seized both the flight data recorder and the cockpit voice recorder, which should provide much more information than the breathless reporting, talking to as many passengers as you can to say, “We were scared. It was scary,” as many ways as you possibly can.

[0:11:13] JR: Yeah. Keeping in mind that they had every right and reason to be scared and concern, because there were some serious injuries that aircraft. Passengers were, who were not buckled into their seatbelt at the time, because you should always be buckled into your seatbelt no matter what you're doing, no matter what is happening on the aircraft. They were ejected out of their seats and a lot of people ended up hitting the cabin ceiling, which is visibly damaged. There are lacerations and probably broken bones, or sprains. I'm not sure what the end result was, but people did get hurt and people were probably mentally scarred from this.

This is the exact issue that at least on social media, I do not touch. I haven't touched this one once, because I don't think I can do anything with it beyond what the mainstream media has. We only have the third-hand reports from passengers that the pilot said this over the PA, where nothing has actually been substantiated. We don't actually know if this was a technical event, or if this was some clear air turbulence that when the pilot looked down at the displays, he just didn't get a good view of it, or wasn't able to see what the whole thing that was going on, because the loss of altitude, I guess, or gain in altitude. I'm not quite sure.

It was so dramatic that maybe they just, it looked like the equipment maybe combined with sun glare, or something like that wasn't working. We will wait until the New Zealand authorities get the readout on the black boxes. I assume the New Zealand authorities would pass that to the Chilean authority and then they would announce what they found. I don't know. But I would say, this, some preliminary report will be due within the month, I assume.

[0:12:53] IP: Yeah. I mean, if all goes according to general timelines, we should have something, probably by the end of April, that gives us an idea of what happened. Looking at the ADS-B data, it's difficult to say, obviously, over water, sometimes coverage is variable and in this case, coverage was variable, but it also looks like, we have coverage during the time period, if

you're following along with the timeline given by the passengers, that when something happened, and there's not really a whole lot in the data to really look at. It's difficult to say. But this is an interesting thing and we can work our way into a story that we're going to talk about later on, where we talk about extreme deviations in altitude.

It doesn't take much of a deviation in altitude for people who are not buckled in to hit the ceiling. I think, Jason, I use this example when we were talking before, the pax, maybe even a day before, where put a marble, or something in a Coke bottle. You don't have to move it up and down very far to get the marble to move. But if you shake it hard enough, the marble is going to move pretty violently. It doesn't necessarily have to be a huge change in altitude. It can just be very fast. I think that's one of the things that will be very interesting to see what does the flight data recorders say, because there's much, much more data recorded on the flight data recorder than is sent in the ADS-B data.

[0:14:29] JR: Yup. We'll see. When those boxes are read and released to the public, hopefully, within a month, we will provide an update.

[0:14:38] IP: Yes. Very keenly aware of the investigation into this one. It's Boeing time.

[0:14:43] JR: Oh, man. This section's longer than usual.

[0:14:47] IP: I feel like, we need a – I don't even know. Do we need – I don't want to call it a jingle, but some musical lead in, because remember when we had our weekly MAX updates for a while, on the MAX coming back into service and things like that? We got into a rhythm. I feel, unfortunately, we're going to have – we've reached that point now. What do we do? Do we do music? Do we do a thing? I don't know.

[0:15:14] JR: Let's just read the news and talk about it.

[0:15:17] IP: All right. Fine.

[0:15:19] JR: Things have gotten weird this week. There's some, I would say, political infighting, or really back and forth between, now we have the DOJ involved, the Department of Justice with

the FAA and the NTSB and members of Congress and then IATA is somehow involved. Let's start from the top, Ian. What's going on with DOJ?

[0:15:41] IP: Let's sort it out. Let's talk about new investigations, before we recap what's happening in the existing investigations. A few days ago, the Department of Justice confirmed that it is conducting an investigation into Boeing. I think the first statement out of this came from Alaska Airlines basically saying, “They're not looking at us. We did nothing wrong.” Here's a quote from Alaska Airlines. “In an event like this, it's normal for the DOJ to be conducting an investigation. We are fully cooperating and do not believe that we are a target of the investigation.” Okay. Good. Good to hear.

[0:16:15] JR: Yeah. I'm pretty sure Alaska wanted to take the aircraft with all the bolts installed. So, let’s look elsewhere.

[0:16:22] IP: The Department of Justice is investigating the incident regarding the missing bolts, as part of the continuing – I don't think investigation is the right word. Their ability to monitor Boeing's work towards –

[0:16:39] JR: Boeing was not yet completely off the hook from the last time the DOJ had been investigating it.

[0:16:44] IP: It was taking me a while getting there. Yeah. As part of the deferred prosecution agreement.

[0:16:48] JR: Yeah, exactly. Back with the original MAX grounding and the, let's say, lack of criminal culpability placed on Boeing at the time, there was a deferred prosecution agreement. If I didn't control F here and look that term up, I'm afraid to see how many episodes back that was. Basically, it meant nobody was going to prison and/or jail at Boeing, because as long as Boeing adhered to this agreement, they would not look the other way, but they would determine that, okay, Boeing's learned its lesson. Nobody needs to go to prison. Let's all move on with our lives.

Well, that agreement was in its waning ending days before the Alaska door plug blew off and maybe Boeing violated that deferred prosecution agreement by building some really not great airplanes.

[0:17:42] IP: The DOJ has convened a grand jury and has begun contacting passengers, crew, and others as part of their investigation. The problem with conducting a criminal investigation in conjunction, or at the same time as a safety investigation is that the safety investigators have a problem with this. What's less surprising is that the airline industry's trade group and the most outspoken president of that trade group in some time, Willie Walsh, also has a problem with that.

Basically, what IATA has said today is, “This investigation is premature. You shouldn't be doing this. It will chill the safety investigations. There should be no criminal investigation into whether or not this event was criminal. There shouldn't be an investigation into that.” The NTSB, when Jennifer Homendy was in front of Congress last week, she addressed this in a way as well, saying that the criminal investigations can sometimes hamper the ability to conduct a safety investigation, because people will lawyer up and then not talk to anyone; safety investigators included. The point is well taken, I think, that it can pose a problem. On the other hand, if Boeing was in fact not adhering to the agreement of its deferred prosecution agreement, then you've got a problem there, too.

[0:19:25] JR: It's a real problem. A lot of people were very upset that nobody at Boeing faced any real consequence for its deliberate action regarding the 737 MAX and MCAS to omit details from airlines and admittedly deceived in the open regulators that, what was the term? The Jedi mind trick? We have the Jedi mind trick, the regulators and airlines, to not pay attention to MCAS, that this isn't the thing we need to worry about. A lot of people, including myself, were upset that nobody at Boeing paid the price here, paid any criminal price to let Boeing off the hook here. If that agreement is still enforceable and they are able to find some criminal action here, which I honestly don't think they will, that would send a very dangerous message to pretty much anyone in any business saying, you could do whatever you want and if you're important enough or big enough, we're not going to come after you, even if we have an agreement that we will come after you if you keep doing the thing that you sold us that you weren't going to keep doing.

I think the DOJ has to do what it's doing. It has to look at Boeing, at its actions to see if there is any criminal culpability, because Boeing is already let off the hook once. It probably shouldn't let that happen again.

[0:20:43] IP: I think that the investigation at this point, because they were still party to that deferred prosecution agreement by two days, mind you. It was scheduled to expire on the 7th of January. The door plug blew out on the 5th of January. I mean, it's in process now. IATA's words were a bit breathless, but I think their point's well taken. However, I think this particular instance is one of extenuating circumstances.

[0:21:13] JR: Yes. Episode 102, by the way –

[0:21:16] IP: There you go.

[0:21:16] JR: - is when we first talked about the deferred prosecution agreement.

[0:21:18] IP: Link in the show notes.

[0:21:20] JR: Here we are in episode of 259, somehow talking about the same thing.

[0:21:24] IP: Time is a flat circle.

[0:21:26] JR: It is.

[0:21:27] IP: Let's talk about the letter that the National Transportation Safety Board sent to Congress today. As we talked about last week, NTSB Chair, Jennifer Homendy, gave testimony to the Senate last week. As part of that testimony, it came out that the NTSB was a bit upset with Boeing's participation in the process thus far. The senators for the Commerce, Science and Transportation Committee asked the NTSB for follow-up by today on whether or not Boeing was participating in the investigation, what they needed, and how things were going. They did send that letter today.

As part of that, we get a more comprehensive timeline, I think, than what we've had so far about what the NTSB requested from Boeing, when they requested it, and what Boeing has said in its response to those requests. Some highlights from the NTSB letter is, one, the NTSB still doesn't know who actually opened the door plug and who put it back in. They just don't know that yet.

[0:22:36] JR: We talked about that last week, where the very lawyerly response to the NTSB was, if the door plug removal was undocumented, then there would be no documentation to share. Indeed, there is still no documentation to share, because it's very clear that Boeing has no idea who did that work. There is no record of it. There's no information. The NTSB has basically, had to go with a shotgun approach here and interview anyone who possibly could have either done the work, or know someone who could have done the work. It's a bit complicated in that apparently, the lead person who would know the most about this is on medical leave and hasn't been available to be interviewed at any point, which is pretty unfortunate. I hope that person recovers.

It's a combination here of Boeing not exactly going out of its way to provide necessary information, and also, information seemingly just not existing, which is extremely problematic. We already talked about that last week.

[0:23:38] IP: Yeah. The timeline is that on the 9th of January, the NTSB first said, “Hey, can you give us the documents that would give us the information about who made the door work?” They also asked for security camera footage of the facility, and they said that the footage was overwritten, so that's not going to be helpful. At the beginning of February, Boeing finally gave the NTSB names of individuals who may, and that's their emphasis, may provide insight. The team went on. They were going to interview all of those folks beginning in March, and they still didn't know who had done the work. The NTSB requested all of the names. Boeing finally provided the list of the names after the testimony from Jennifer Homendy in front of the Senate last week.

Boeing has no records of any of this work performed. This is where the NTSB gets into addressing the criminal investigation side of things. The NTSB says that they have no interest in punishing anyone. They want to speak to these people to learn about Boeing's quality assurance processes and safety culture. They only want to identify the deficiencies, so that they

can recommend safety improvements. This is something we've said over and over and over again, the NTSB always says, “So accidents like this never happen again.”

With the NTSB, they're basically doubling down on just, we don't want to know necessarily who did this. We just need information about how it happened. If anybody has any information, if you did the work, if you saw who did the work, just please tell us. I mean, the NTSB is begging anyone who works for Boeing who might have the information. Just email us at this point.

[0:25:24] JR: Yeah. It goes on to say that, and I guess I will quote here, the letter from Jennifer Homendy says, “I have become increasingly concerned that the focus of the names of the individual frontline workers will negatively impact our investigation and discourage such Boeing employees for providing NTSB with information related to this investigation. To that end, I have instructed NTSB to utilize our authority to protect the identities of the door crew and other frontline employees who came forward with information relevant to the investigation.”

There's probably a valid point there that perhaps, some Boeing employees who may know something about the work here don't want to come forward, because they fear retribution, or punishment, or something from Boeing. But the NTSB is pretty clear here that, “If you know something, we will protect you. Just let us know, because we only want to investigate. We do not punish. We do not do any criminal investigation.” But there's been a lot of focus on this list of names, and they really want to reinforce that it's not for anything other than the investigation.

[0:26:29] IP: Appended to the letter to –

[0:26:32] JR: Is another letter.

[0:26:33] IP: - the senators is another letter. This is a letter that the NTSB sent to Boeing, which is interesting, in that it basically tells Boeing to stop talking about this to other people in a way that could be prejudicial to the investigation.

[0:26:56] JR: More or less. Yeah. Basically, the letter says, “Shut up. Stop talking. Help us out with the investigation, or we will move you as a party to the investigation,” which is something that has happened in the past. I can't recall any specifics, but I do know that some parties have

been removed from investigations in the past. If they talk to media about things they shouldn't be, or making conclusions, or speaking publicly about the investigation in ways that the NTSB may not like, as it damages the entire investigation. Not great that the NTSB has to send this to Boeing. It's a very sternly worded letter saying, basically, saying, “Hey, stop it.”

[0:27:36] IP: This is definitely a grandma with a yardstick of a letter. Behave. Stop rough housing in the house. Okay, so we've talked about the DOJ. We've talked about the NTSB. Let's talk about the FAA. The FAA performed a six-week quality audit on both Boeing and Spirit AeroSystems. Jason?

[0:27:59] JR: Yes.

[0:28:00] IP: How many – because the audit comprised individual components. There were 89 individual audit components. How many did Boeing fail?

[0:28:11] JR: 33. It failed 33 out of 89 individual audits during an FAA examination. We don't have the details of everything that transpired. This comes from a New York Times report. They somehow got their hands as the New York Times often does. Some slides that were presented either by Boeing, or the FAA, and none of the information that we have from this report is outright damning, or crazy, or outlandish. It really focuses and also on Spirit AeroSystems, the FAA conducted 13 product audits for Spirit AeroSystems and six of those resulted in passing grades. Seven were failed by Spirit AeroSystems, which is essentially Boeing at this point.

There were some interesting things, like a worker on the Spirit AeroSystems line using a hotel keycard to check a door seal, according to documents described by the findings. Another one was, they were using Dawn's soap and a cheese cloth to wipe down something, or other. What was it?

[0:29:18] IP: That was the door seal again, I think.

[0:29:19] JR: That was the door seal again. Yeah.

[0:29:20] IP: The door seal.

[0:29:21] JR: Yes. There it is. The door seal was then cleansed with a wet cheese cloth, noting that the instructions were vague and unclear about what actions were supposed to be taken. That's really the outcome of this New York Times report about the report, since we don't have the report is that such damning things were happening. It's that workers on the line, even with everything going on right now, even knowing that these inspections would be going on, were doing things in the manufacturing process that were obviously, blatantly not procedure and not something that Boeing, or Spirit would have directed their employees to do. They were doing what they needed to do to get the work done, because the instructions given to them were vague and unclear and processes were not followed. You can jump to the conclusion, or you'd be forgiven to jump to the conclusion that that is how mistakes are made, or that is how quality escapes happen.

[0:30:17] IP: I think you're right. Stand deal. I think if you look at his statement that they put out to all of the folks at Boeing yesterday, he thinks you're right, too. I'm quoting him now. “The vast majority of our audit non-compliance is involved not following our approved processes and procedures.”

[0:30:36] IP: But the question is why? Why are the employees not following processes and procedures? Is it because they don't have the tools needed to do it? They don't have the training needed to do it? Or they just want to do it a faster way, which we know is bad. You should not do that. You should follow the instructions given to you, but maybe they're unclear. That is the stuff that this FAA investigation will look into. That Boeing is going to have to, and Spirit is going to have to very quickly figure out and come up with a plan, because you can't have people on the line building airplanes with hotel key cards and cheese cloth. It's not good.

[0:31:14] IP: Yeah. You don't want Dawn’s soap to be the thing that really make sure that your door seal gets put into place.

[0:31:21] JR: Surely, there is a 100 times more expensive industrial bubbly thing that can get the job done.

[0:31:28] IP: There you go. Just a reminder that Boeing needs to have its 90-day compliance plan ready on May 29th. It's currently at the 13th of March. That's the DOJ, the NTSB, and the FAA. Let's now talk about how the airlines are feeling about this. We've gotten an interesting situation where United has now confirmed. Scott Kirby, the CEO of United, has now asked Boeing to stop building MAX-10s for them, because the aircraft's not certified. They don't know when it will be. Instead, build MAX-9s, because those are certified and they need the airplanes. Kirby says, “If and when the MAX-10 gets certified, we'll convert them back to MAX-10s.” Meaning, the orders, not the pre-built 737 MAX-10s.

[0:32:16] JR: We'll just slot in an extra section in the fuselage.

[0:32:20] IP: I mean, that's not what he's saying. Kirby also confirmed discussion with Airbus on a possible A320neo order to back-fill missing 737 expense.

[0:32:28] JR: Yeah. Good luck with that.

[0:32:30] IP: We talked about this middle February, beginning of February that Kirby had visited France to chat with Airbus, but they have no production space. Although, if the MAX-10’s out long enough, who knows? Maybe you end up on that timeline.

[0:32:46] JR: Yeah, it's not great. United built a lot of its future fleet plans around the MAX-10. It now lacks that premium domestic aircraft that it was supposed to replace the 757. The 757 can't keep going forever, as much as we like to believe that. Just look what happened to American 76 and 75. You really didn't want to book one of those towards the end. If they were operating at all, they were probably six hours late. That will eventually, probably happen to United's fleet. It tried to renew its fleet here, but things are not going according to plan. The MAX 9 is not what the airline wanted. But it's smart. Instead of Boeing churning out MAX 10s for United that may not fly for years, they’ll be able to take something, which is better than nothing.

[0:33:31] IP: Something is better than nothing. For its part, Delta thinks it'll be 2027 when they get their MAX 10s. We'll see if Ed Bastian’s right. We'll see if Delta's timeline is correct. At this point, I can't imagine anybody's confident in any timelines.

Let's talk about some issues that are also things that happened last week to Boeing aircraft. I mean, it was a rough, rough week. Well, for Boeing and for United, because some of these things just seem to have happened to United aircraft. What do we want to go with?

[0:34:12] JR: Let's go with the –

[0:34:12] IP: Spoilers?

[0:34:12] JR: - stuck rudder thing. Okay, let's go with spoilers first.

[0:34:14] IP: We'll do the rudders. Wait, your choice. Your choice.

[0:34:17] JR: Well, let's do the rudders. That has a nice overlap between both United and Boeing right now, since –

[0:34:23] IP: There you go.

[0:34:26] JR: This one was interesting. It was an incident that I described as flying under the radar, because I had no idea this happened. I don't think anyone knew it happened, until the NTSB issued a preliminary report about an incident that happened on February 6, to a United 737 MAX 8 aircraft landing at Newark. No good NTSB reports happen at Newark. Everything touching Newark is just bad. What happened here was that the aircraft had landed. To keep the aircraft on the central line, the pilots used the rudders, the foot pedals that control the rudders to keep the aircraft on the central line. They didn't work.

The pilot flying was unable to move the pedals to move the rudder. The first officer also, or I'm not sure if the first officer was flying, or the captain was flying, but neither pilot was able to get the rudder to work initially. They had to use the tiller to keep the aircraft using the nose wheel on the runway, basically. What was troubling about that is that the airline took the aircraft out of service, as you would do if there's a rudder issue, and they dispatched it on a test flight, and they were able to reproduce the same exact issue at altitude, that the rudder stopped responding to input as if it was basically jammed. The foot pedals would not move, the rudder

would not move. For some period of time, the issue resolved itself. The aircraft landed. They promptly took it out of service, notified the NTSB and said, “What is going on here?”

What turns out to have happened is an issue that has happened to the 73s, but the NG before the MAX. This is not a new issue to the MAX. This is a resurfacing of an old issue, where basically, there is some rollout guidance servo in the rudder assembly, which is disabled by United specifications for the aircraft that apparently is there if an airline needs it, but United doesn't need it on the aircraft. When it was cold soaked by the NTSB in testing, what are the conditions to replicate this to happen? It restricted movement of the rudder, which is a real problem, because this has happened before on the NG and the MAX apparently, has an identical rudder control system to the NG.

Theoretically, anything that would have happened to the NG would happen to the MAX. It totally, I had heard people say that, “Hey, I thought this was supposed to be resolved in the MAX. This wasn’t supposed to be an issue anymore.” Because the 73 has an unfortunate history of accidents caused by rudder issues, the rudder hard over issues, I think from the nineties come to mind. In this case, the rudder just wouldn't move at all under the correct circumstances.

This one was troubling. It could have led to a pretty bad accident here. Thankfully, it did not. The pilots were able to keep it under control. But I was very surprised to see this NTSB preliminary report pop up, having never heard of this before.

[0:37:25] IP: I think the NTSB has either gotten better about publishing the reports, making sure that they're being broadcast out there, or we're just seeing more investigations that are taking – the NG was taking on more investigations. Yeah, this one caught me off guard, too.

[0:37:46] JR: Yeah. One more thing. I think that they called soaked the part for one hour. I just want to read the rest of the couple sentences. I quote here. “That testing found that the torque to move the servos output crank arm was significantly beyond the specified design limits, because the servo output crank arm is mechanically connected to the rudder input torque tube. The restricted movement of the servos output crank arm would prevent the rudder pedals from moving.”

Basically, what they're saying is this part locked up under cold conditions, which is a problem, because flying at altitude is very cold. Even though this part wasn't in operation, it prevented everything else from operating as it should.

[0:38:27] IP: Not great.

[0:38:28] JR: No.

[0:38:30] IP: Let's talk about some wiring then. Because we've got runners and we've got spoilers.

[0:38:37] JR: We got runners that won't move when you need them to move, and spoilers that are moving too much when you don't want them to move at all. What happened, Ian?

[0:38:46] IP: There are wires running throughout the aircraft. This –

[0:38:53] JR: Fascinating.

[0:38:54] IP: Specifically, the 737 MAX. Those wires do all sorts of things. But if they're not placed in the right place within the aircraft, they can chafe. As anyone who's ever done a long distance run, or sat on a bicycle, or just sat in an office chair for far too long, nose chafing can be a problem. In this case, the chafing led to the wire bundles causing uncommanded spoiler deployments in-flight.

[0:39:26] JR: That's not great.

[0:39:28] IP: Not great. The FAA has issued a draft rule that would mandate inspections to make sure that the wire bundles are properly placed and that any of the wire bundles would be moved as necessary. It sounds like, this is going to affect Sean Broderick from Aviation Week is reporting 860 aircraft, 737 MAX aircraft built before mid-2022 when this was sussed out.

[0:39:59] JR: Yeah. This has been kicking around for a while. Some airlines have already done the inspections, or want credit for the inspections that they've already done for this, since

Boeing notified airlines quite a while ago. I did want to point out from the Aviation Week article that it says, Boeing learned of the issue when an operator reported multiple unusual spoiler deployments during several flights on one aircraft. That's according to the FAA draft airworthiness directives.

This doesn't seem like it affected any more than one aircraft multiple times apparently, but there is no apparent evidence that this is actually impacted more than just this one aircraft, but that's why inspections are needed.

[0:40:42] IP: Yeah. Hopefully, inspections go quick and there is no more chafing.

[0:40:46] JR: That's good. That's good.

[0:40:49] IP: Wow. We're not even done with the good, bad stuff. I don't even know. Let's move through this quickly, because these are just some updates. United tire falls off. Not great. A United 777 departing San Francisco lost on the main left landing gear, the right-side rear tire. There are a lot of tires on a 777, or a lot of wheels, and they lost the wheel. They diverted to Los Angeles. Everyone was fine. Luckily, the tire and wheel assembly that came off did not hit anyone. It did damage a few cars in the employee parking lot in San Francisco, but no one was injured, so that's good. The aircraft made it just fine. I'll also mention a 777 departing Sydney the other day. It suffered hydraulically. That aircraft returned safely to Sydney. It's a real bad, bad week for United.

[0:41:42] JR: There was also that the 73 MAX 8 operated by United that fell into a ditch.

[0:41:46] IP: In Houston.

[0:41:48] JR: In Houston. Still not quite sure if there was an actual gear collapse after it wandered into that ditch.

[0:41:54] IP: From what I saw of the removal of the aircraft, no, the gear itself did not actually collapse, because they were able to pull the aircraft right out of there.

[0:42:03] JR: Out of service for a little while. United and Boeing's aircraft have had a rough week or two. The 777 incident was just poor timing. This happens. I think it happened to another aircraft this week, too. I'm not even totally sure, but it's not that huge a deal. As long as no one on the ground is injured, plane goes in the air. It probably could have continued on to its ultimate destination and dealt with that issue there. It would have even been a lighter load on the remaining wheels, now that I think about it. It's happened before. It'll happen again. It's just a lot of attention being paid to United right now. They've had a terrible, not so great week. But my flight was early, so all –

[0:42:44] IP: That's all that matters. What else do we have? Ah, so we've talked about the Pratt & Whitney engine issues in the recent past. Historically, we've talked about Rolls-Royce Trent issues, but that has come back up in a story that personally impacts me negatively in some way, because it touches on Chicago, I guess.

[0:43:04] JR: Bit of a stretch, but I'll allow it.

[0:43:06] IP: Yeah. We got there eventually. Air New Zealand is pausing its Auckland-Chicago flight for the IATA summer season. This is the March through October season. Because of the lack of available aircraft. They expect to for the foreseeable future, it sounds like, have about three 787s down for maintenance, because of Rolls-Royce Trent engine availability, reliability and spare parts issues. Rolls-Royce for it part says, “Hey, like everybody else, the supply chain is very difficult at the moment. We're very, very sorry.”

It sounds like, this is more of a supply chain issue than an engine specific issue, but it also sounds like, Air New Zealand seems like they might not be as happy as they could be with the reliability of the Trent engines that are on their 787s.

[0:44:03] JR: Yeah. It's too bad Air New Zealand doesn't have GE engines on its 787s, because I know a guy who could get you any part you need from a 787-8, if only it was a GE-powered aircraft, because we – Yeah, see where I went with this one.

[0:44:20] IP: I like it. That's good.

[0:44:22] JR: C&L Engine Solutions, A C&L Aviation Group Company, whoever they might be, this week announced that they will be parting out the first ever GE-powered 787 aircraft. This one caught my attention, not because it's a 787 being parted out, because it's not the first. We actually saw last year, I believe two ex-Norwegian 787s being parted out, because just simply nobody wanted them. Norse didn't want them. Nobody wanted them. Those were Rolls-Royce-powered engines. But this is the first GE-powered 787 to be disassembled in the US and the first time a new 787 will be disassembled anywhere in the world.

The word new is doing a lot of heavy lifting there, but this is not an aircraft that has just come off the line yesterday, and this company didn't snatch it up and say, “We're going to take it apart right when Boeing was done fixing it.” No. This is, one of the terrible teens from almost a decade ago at this point? I think its first flight was – I actually don't know offhand, but it was line number 17, which is right in there in the terrible teen era of the 787s, where nobody wanted these aircraft. This aircraft is actually 7.5-years-old. The first of very few flights was September 26, 2016. It was originally destined for Royal Air Maroc, who promptly said, “Absolutely not. Get this aircraft away from me. I want nothing to do with it.” They were too heavy, the performance was trash compared to the specifications that the 787 was supposed to be able to deliver and just nobody took this aircraft.

After Royal Air Maroc said no, Boeing took it back, then Crystal Luxury Air took control of it for a good while and then I don't think ever operated. Never did anything with it. Then it went to a trust service in the Bank of Utah and I'm getting all this from plainspotters.net. It bounced back and forth between Victorville and Roswell, but never got a chance to operate, even as a head of state aircraft, as some of the other terrible teens 787s ended up. No, this one with virtually no hours on it, whatsoever, will be parted out. They quote to say, “Disassembling a virtually two 787 aircraft having only a few ferry cycles has never been done before.” Yeah, that's true. If you need some 787 parts of the GE variety as well, contact these guys, because they're going to have some fun pulling this thing apart.

[0:46:57] IP: I mean, I could use a new desk maybe.

[0:47:00] JR: Yeah.

[0:47:01] IP: I'd do one of the wings.

[0:47:01] JR: It's not out of the realm of possibility that any of the, whatever that they can't sell, I guess, the fuselage. We don't really know what they're going to do with a carbon fiber fuselage, because you can't really recycle it, as far as I know. Maybe it will become a keychain.

[0:47:15] IP: Lots and lots of keychains. All right, let's close up the show with some quick notes. Jason, you flagged this one. Not a new issue, but a reminder that airplanes really want to be in the air and not sitting on the ground.

[0:47:31] JR: That's true. This comes to us from Flight Global. Operators of early A380s are being instructed to check internal wing rib feet. Didn't know that was a thing. For cracking linked interestingly to long-term storage periods. The A380 has a notorious history for wing route and wing route cracks and cracks developing early on in its life cycle. In this case, it is attributed to the aircraft being stored during COVID for a bit longer than they typically would have been, which has caused some actual issues.

It says, the proposed checks cover about 100 of the earliest A380s up to MSN 109. These would be the A380s that were subject early on to the wing structure issues that we know and love to talk about so much for a decade at this point. This is not a new thing, but it's been exacerbated by these aircraft being in the desert and then pulled back into service after so many years.

I guess, in a roundabout way, those China Southern A380s that never stopped operating throughout COVID and went to, what's it called? That whatever they intend to do with it out of London, I guess it wouldn't affect this aircraft.

[0:48:47] IP: Global Airlines. Yeah.

[0:48:47] JR: Global Airlines, because it never spent any significant time. As far as I know, not operating like a lot of other A380s, like Etihad's A380s. They're progressively putting those back into service. Interesting. Airplanes just want to fly, but we already knew that.

[0:49:02] IP: We already knew that. But I think it's a good reminder. To close the show, something that is very common in Europe, in so much as it has a name called Eurobiz, is coming to an ultra-low-cost carrier in the US? I'm confused.

[0:49:21] JR: Sure, why not? Why not? We all know and love, and I just flew last week in Spirit's big front seat. Still, I think the best value product in the US. Maybe less so these days, now that Breeze exists with its product. But it is very common for European airlines to not have a premium front of cabin different seats. We are very spoiled here in the US, that even our small regional jets have a true first-class seat that is different from economy. It's usually a bit wider, a bit more reclined. In Europe, that's not really a thing. I think the only airline in Europe that really did that was Aeroflot. We don't talk about Aeroflot anymore. Or maybe Turkish. Turkish also does it.

Most airlines in Europe, whether it's BA, or Air France, or KLM, the front of cabin is just a regular row of economy, maybe some extra legroom, but it's just a normal economy seat. Now Frontier is getting in on the Eurobiz craze. It will be converting the first two rows of its aircraft to block the middle seat, just like you would see in BA Club Europe. It is not a great value proposition. Typically, I have not been able to find one of these flights for under a $100 after the initial introductory $50 period. Even that's a lot. But it makes sense. These are extra legroom seats. They go for a cost already. I can't help but wonder how often are passengers proactively actually selecting and paying for the middle seat in the first two rows. Probably not all that often, unless you're flying as a trio, or a couple and that's all that's left. If the airline can make more money blocking than then selling them, why not, right?

[0:51:05] IP: All right. We'll see how that works out for Frontier.

[0:51:08] JR: Yeah. Could be fun.

[0:51:11] IP: I still don't think so.

[0:51:12] JR: Still flying Frontier.

[0:51:14] IP: There you go. This has been a busy week. It has also been episode 259 of AvTalk. I am Ian Petchenik, here, as always with –

[0:51:28] JR: Jason Rabinowitz. Thanks for listening.

[END]