



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

July 30, 2019

The Honorable Susan M. Collins
Chairman, Subcommittee on Transportation, Housing and
Urban Development, and Related Agencies
United States Senate
Washington, DC 20510

Dear Chairman Collins:

Thank you for your July 18 letter, cosigned by Ranking Member Jack Reed, inquiring about the progress the Federal Aviation Administration (FAA) is making to safely return the Boeing 737 MAX fleet to service in the United States. I appreciate the Committee's continued focus on this matter and understand the many concerns of stakeholders, the public, and Congress.

The FAA is using two independent paths to determine when the 737 MAX can return to service. The first and primary path is our own certification process, which requires Boeing to apply for approval of their design changes to the 737 MAX flight control system. The FAA's certification decision will be based on a combination of document review, risk analysis, engineering evaluations in simulators, and aircraft flight testing.

The second path is the appropriate disposition of recommendations from the Technical Advisory Board (TAB). The TAB was initiated to review the maneuvering characteristics augmentation system (MCAS) software update and system safety assessment to determine sufficiency for the airplane's eventual return to service. The TAB is comprised of FAA Chief Scientists and experts from the U.S. Air Force, the Volpe National Transportation Systems Center, and the National Aeronautics and Space Administration (NASA)—none of whom were involved in the original certification of the 737 MAX. The TAB launched on May 6, 2019, and continues its independent review of the proposed software update and associated training requirements, as well as the new system safety assessment related to the design change. The FAA will address all the TAB's return-to-service recommendations before lifting the grounding order. Other TAB recommendations will be addressed in the longer term.

To be clear, the FAA will lift the 737 MAX grounding order only when it is safe to do so.

While the FAA hopes to achieve near simultaneous approval from the major civil aviation authorities around the world, ultimately the United States and each country that grounded the 737 MAX will make its own determination based on its local requirements and processes. We continue to be in frequent communication with the international aviation safety community and are working closely with them to address their concerns and keep them informed of our progress.

We will continue to offer assistance to any and all countries to support their return to service decisions.

The FAA also will continue to engage with operators and pilot unions to ensure awareness of 737 MAX return to service activities. All training that results from the 737 MAX design changes will be approved by the FAA and incorporated into each operator airline's training program. In addition, the TAB will review the certification of the modified software, prior to final approval. We are also working with our colleagues from the European Union, Canada, and Brazil to address their concerns.

The FAA appreciates the Subcommittee's sustained support of our safety mission over the years. Congress has acknowledged the need for a system safety approach to ensure our aviation system remains as safe for air travelers as possible. Meeting the demands of the evolving aviation safety system requires our workforce to have new or enhanced skills in this area. Moreover, the current labor demand for qualified aviation personnel from pilots to engineers exceeds supply of qualified, trained personnel.

As you know, the FAA is working closely with the TAB, Secretary Chao's Special Committee, the Office of Inspector General (OIG) for the Department of Transportation, and Congress to facilitate their respective reviews relating to the 737 MAX. We welcome and take seriously all recommendations aimed at improving the safety of the National Airspace System and remain committed to working with all partners to fully address the intent of their safety recommendations. With respect to the 2015 OIG audit you specifically referenced, the FAA believes a pending revision to Order 8100.15B, Organization Designation Authorization, will close out the OIG's remaining recommendation and will address a systems-level approach to oversight and provide a methodology to target resources based on risk.

Additionally, I signed a memorandum directing the establishment of the Aviation Safety Organization (AVS) Organization Designation Authorization (ODA) Office on March 5, 2019. AVS has created this office and is in the process of selecting staff. We are developing processes and procedures for the office to conduct this important mission. No substantive changes to the existing ODA program have been made as a result of standing up this office, but the FAA will keep the Committee apprised of any substantive changes to the ODA program.

I hope you find this information helpful and that I have addressed your current concerns. We have sent an identical letter to Ranking Member Reed.

If I can be of further assistance, please contact me or Philip Newman, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,

A handwritten signature in black ink, appearing to read "DK Elwell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Daniel K. Elwell
Acting Administrator



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