

National Transportation Safety Board

Office of the Chair

Washington, DC 20594



March 13, 2024

The Honorable Maria Cantwell

Chair

Committee on Commerce, Science, and Transportation

United States Senate

254 Russell Senate Office Building

Washington, DC 20515

The Honorable Ted Cruz

Ranking Member

Committee on Commerce, Science, and Transportation

United States Senate

512 Dirksen Senate Office Building

Washington, DC 20515

Dear Chair Cantwell and Ranking Member Cruz:

Thank you for the opportunity to appear before the Committee last week to discuss the National Transportation Safety Board's (NTSB) needs, challenges, and critical safety mission, and the progress on our investigation into the January 5, 2024, in-flight structural failure of Alaska Airlines flight 1282 (Alaska 1282).

At that hearing, you asked whether we have gotten timely access to the documents, the information, and the witnesses we need. Specifically, you asked that I inform the Committee in writing no later than today whether Boeing has provided documentation on the work to open, reinstall, and close the door plug and a list of 25 door crew employees.

As you know, the Boeing 737-9 aircraft that flew as Alaska Airlines flight 1282 (registration N704AL) underwent rivet repairs at Boeing's Renton, Washington, facility in September 2023 prior to delivery to Alaska Airlines. The door plug that failed during Alaska 1282's incident flight was opened so that this rivet repair work could be performed.

To date, we still do not know who performed the work to open, reinstall, and close the door plug on the accident aircraft. Boeing has informed us that they are unable to find the records documenting this work. A verbal request was made by our investigators for security camera footage to help obtain this information; however,

they were informed the footage was overwritten. The absence of those records will complicate the NTSB's investigation moving forward.

NTSB investigators first requested documents that would have contained this information from Boeing on January 9, 2024. Shortly thereafter, we identified the door crew manager and were advised that he was out on medical leave. We requested status updates on February 15, 2024, and February 22, 2024, after which we were advised by his attorney that he would not be able to provide a statement or interview to NTSB due to medical issues.

On February 2, 2024, Boeing gave NTSB names of individuals who *may* provide insight regarding the work performed to open, reinstall, and close the door plug in September 2023. The team continued its investigative work.

Needing to prepare for interviews in Renton beginning March 3, and still unaware of who completed the door plug work, NTSB investigators requested from Boeing the names of *all* employees who reported to the door crew manager in September 2023. The intent of this request was to help inform our efforts to uncover who may have been involved with, and who may have information on, the opening, reinstallation, and closure of the door plug on the accident aircraft. This request was made via email on March 2.

That list was provided to NTSB following the hearing on March 6 at 2:00 pm EST. However, this list did not identify which personnel conducted the door plug work. After NTSB received this list, I called Boeing Chief Executive Officer David Calhoun and asked for the names of the people who performed the work. He stated he was unable to provide that information and maintained that Boeing has no records of the work being performed.

It is important to note that the NTSB is not in any way seeking the names of employees who performed the work on the door plug for punitive purposes. We want to speak with them to learn about Boeing's quality-assurance processes and safety culture. Our only intent is to identify deficiencies and recommend safety improvements so accidents like this never happen again. In fact, our nation's aviation record is so safe precisely because of our well-established culture of non-punitive reporting.

I have become increasingly concerned that the focus on the names of individual front-line workers will negatively impact our investigation and discourage such Boeing employees from providing NTSB with information relevant to this investigation. To that end, I have instructed NTSB to utilize our authority to protect the identities of the door crew and other front-line employees who come forward with information relevant to the investigation. We will also continue to actively encourage

anyone who can provide our investigators with information relevant to this investigation to please reach out at witness@ntsb.gov.

Additionally, today NTSB sent Boeing the enclosed reminder of the regulatory restrictions to which Boeing has agreed as a party to the NTSB investigation. For the public to perceive the investigation as credible, the investigation should speak with one voice — that being the independent agency conducting the investigation. Releasing investigative information without context is misleading to Congress and the public and undermines both the investigation and the integrity of the NTSB, which is recognized as the world’s leading accident investigation agency.

The NTSB investigation, as with all our investigations, seeks to determine the probable cause of this accident and issue safety recommendations to prevent it from reoccurring. Our only goal is to ensure the increased safety of the flying public.

We greatly appreciate the Committee’s attention to this investigation, and to the many other critical safety investigations currently underway. Please do not hesitate to contact me personally with any questions or concerns, or to contact Mr. Christopher Wallace, Chief of Government and Industry Affairs, at (202) 314-6007.

Sincerely,

[Original Signed]

Jennifer Homendy
Chair

National Transportation Safety Board

Office of Aviation Safety

Washington, DC 20594



March 13, 2024

Ms. Elisabeth Martin
Vice President, Enterprise Safety and
Mission Assurance
The Boeing Company
elisabeth.c.martin@boeing.com

Re: NTSB Investigation No. DCA24MA063
Boeing 737-9 (N704AL) Accident
January 5, 2024
Portland, Oregon

Dear Ms. Martin:

Given the extremely high level of public and media interest in this accident, I thought it prudent to send this reminder of the regulatory restrictions, outlined below, to which Boeing has agreed as a party to the National Transportation Safety Board (NTSB) investigation. For the public to perceive the investigation as credible, the investigation should speak with one voice—that being the voice of the independent agency conducting it.

The NTSB has used a party system for decades because we have found that it is the most effective investigative process for major transportation accidents and crashes in all modes. Although we rely on parties to help expedite the fact-finding phase of an investigation, no outside entities participate in our analysis. Only the NTSB may determine the probable cause of an accident and issue safety recommendations designed to prevent future accidents.

Pursuant to Title 49 *Code of Federal Regulations (CFR)* section 831.11, Boeing was designated as a party to this investigation because it manufactured the Boeing 737-9, N704AL, involved in the accident and because Boeing could provide suitable qualified technical assistance during the NTSB's investigation. As stated in 49 *CFR* 831.13 and referred to in the Certification of Party Representative (hereafter referred to as the "party agreement"), which Boeing signed, parties to an NTSB investigation are restricted from releasing any investigative information without the NTSB's express approval. This includes both on- and off-the-record statements and interviews.

Before the NTSB's adoption of the final report regarding this accident, only appropriate NTSB personnel are authorized to publicly disclose investigative information and, even then, the disclosure is limited to factual information verified during the course of the investigation. The party agreement and the guidance to which it refers prohibit party participants or their respective organizations from providing opinions or analysis of the accident outside of the participants in the investigation.

By signing the party agreement, party participants and their organizations agree to comply with the NTSB's requirements and acknowledge that engaging in conduct that is prejudicial to the investigation or otherwise inconsistent with the NTSB's policies or instructions may lead to the loss of party status.

Boeing signed the party agreement on January 7, 2024. Accordingly, Boeing must take all reasonable steps to ensure that investigative information is protected from public release. As explained above, failure to abide by these requirements may lead to removal of Boeing's status as a party to the investigation.

Any questions on the party agreement or on the restrictions contained in 49 *CFR* 831.13 may be directed either to Mr. John Lovell, the NTSB's investigator-in-charge of this investigation, at 202-314-6388 or john.lovell@ntsb.gov or to the NTSB's Media Relations Office at 202-314-6100.

Sincerely,

[Original Signed]

Timothy J. LeBaron
Director