

(Eight Pages to Follow)

Cryptome Administrator: John Young

Cryptome Email Change: New address: cryptome[at]earthlink.net. It would help to start the subject line with "Cryptome."

Tel: (US) 212-873-8700

Fax: (US) 212-787-6102

Mail: 251 West 89th Street, New York, NY 10024

August 28, 2008 (Via Facsimile)

Re: Cryptome: Follow Up correspondence relating to ACARS function, the undersigned, Air Canada, Transport Canada and the Transportation Safety Board of Canada.

Dear Mr. Young,

Please find the following eight documents presented in chronological order.

- 1.) Cadors Number: 2004O1800 - Occurrence Date: November 1, 2004.
- 2.) Internal correspondence from Transport Canada Air Carrier Inspector dated October 24, 2005.
- 3.) Internal correspondence from Transport Canada Air Carrier Inspector dated April 2, 2007.
- 4.) Graph referenced in correspondence dated April 2, 2007 - (ie #3 above)
- 5.) Correspondence from the Office of the Minister of Transport - May 10, 2007.
- 6.) Cadors Report Number 2007O0798 - Occurrence Date - May 13, 2007 (I believe this is UTC time)
- 7.) Correspondence from Transport Canada's "Accountable Manager" (CAIRS) - April 28, 2008.
- 8.) From the Transportation Safety Board of Canada - May 15, 2008.

I believe these documents relate to the ACARS anomaly and documentation previously submitted.

Sincerely,



Kevin Gauthier

12-53rd St.

Wasaga Beach, Ontario

L9Z 1W8

Telephone: (705) 429 3097

Faxsimile: (705) 429 3097 (on request)

Email: rockev@rogers.com

Record #1

Cadors Number: 200401800

Reporting Region: Ontario

- Occurrence Information -

Occurrence Type: Incident
 Occurrence Time: 0145 Z
 Fatalities: 0

Occurrence Date: 2004/11/01
 Day Or Night: night-time
 Injuries: 1

Canadian Aerodrome ID: CYYZ
 Occurrence Location: YYZ
 Country: CANADA

Aerodrome Name: Toronto/Lester B. Pearson Intl
 Province: Ontario
 World Area: North America

Reported By: Transportation Safety Board
 TSB Class Of Investigation: 5

AOR Number:
 TSB Occurrence No.: A04O0308

- Event Information -

Other operational incident

- Aircraft Information -

CDN Registration: C-FPWD
 Flight #:
 Aircraft Category: Aeroplane
 Make: AIRBUS
 Year Built: 1991
 Engine Make: CFM INTERNATIONAL
 Engine Type: Turbo fan
 Phase of Flight: Unknown
 Owner: AIR CANADA
 Operator Type: Commercial

Foreign Registration:
 Country of Registration: CANADA
 Model: A320 211
 Amateur Built: No
 Engine Model: CFM56-5A1
 Gear Type: Land
 Damage: No Damage
 Operator: AIR CANADA (5262)

- Detail Information -

User Name: Donaldson, John

Date: 2004/11/05

Further

Action No

Required:

O.P.I.:

Narrative: Initial information from T.S.B. Initial Notification (#A04O0308): After initiation of pushback from the gate at Toronto (LPPIA) (CYYZ), the nose wheel tow bar attachment lug failed and the Air Canada Airbus A-320-200 series aircraft (C-FPWD) aircraft rolled backward. A Flight Attendant struck their head and was unable to continue duties. The gear was inspected; the nose landing gear attachment bracket was tested and new gear tow lug attachments were installed.

8

Day, Terry

From: Day, Terry
Sent: Monday, October 24, 2005 11:59 AM
To: Gignac, André
CC: Clark, Cheryl
Subject: Ministerial Correspondence re: Letter from Air Canada First Officer Kevin Gauthier

André,

As discussed, FO Gauthier's submission quite articulately relates the account of him having identified a legitimate ramp safety concern to his employer, and having subsequently experienced a less-than-receptive response from the company. His letter does not request any specific response or action from the addressees (TC, TSB, ICAO and the Flight Safety Foundation), although he does note at the end of his letter that he has an undisclosed third party handling the distribution of the letter including its attached documentation, and that he is in consultation with "appropriate legal counsel". I should add that, at the end of the letter, he adds two other issues which he says are of concern to the pilot group rather than just himself - poor food quality and lack of rest facilities.

My assessment of FO Gauthier's situation is that, notwithstanding having experienced a number of unrelated scheduling issues with the employer, he did submit a legitimate safety concern via an Air Safety Report in Dec 2003, in good faith and through proper channels.

Gauthier may very well have identified the real cause of the A320 parking rollback incidents Air Canada experienced in the Spring of 2004; not only that, he had reported the hazards to his company in plenty of time for the incidents to have been avoided. He is now unfortunately on medical leave (GDIP) with stress, hypertension and sleep problems, and actually has asked both Air Canada and ACPA "to initiate a process which would dissolve my relationship with Air Canada." I will add parenthetically that his scheduling issues appear for the most part to have originated from errors made by Crew Scheduling, i.e., he has legitimate, defensible grounds for his actions. Also, he went through one incident of having been docked four days' pay by the then A320 Chief Pilot, who admitted later that he had no grounds to do so other than to "get his attention". That's not related to the ramp safety issue *per se*.

We should follow up with Air Canada's investigation and corrective action re: FO Gauthier's ASR (note that he was advised by Air Canada Flight Safety that he would receive a copy of the final report from the ASR, but hasn't received it to date). To that end, I have attached a short RDIMS document with bulleted points for the Minister's initial response to FO Gauthier, which should indicate that he appears to have identified a legitimate safety concern, and that TC will investigate and get back to him with an answer.

Cheers,

Terry Day

Air Carrier Inspector / Inspecteur des transporteurs aériens
(613) 990-8538 | facsimile / télécopieur (613) 998-8237 | TTY / ATS (613) 990-4500
dayt@tc.gc.ca
Transport Canada | Place de Ville (AARXD) | Ottawa, Ontario K1A 0N5
Transports Canada | Place de Ville (AARXD) | Ottawa (Ontario) K1A 0N5
Government of Canada | Gouvernement du Canada



POINTS FOR
MINISTERIAL RESPON:

Day, Terry

From: Day, Terry
Sent: Monday, April 02, 2007 10:36 AM
To: Clark, Cheryl
Cc: Lerner, Brad
Subject: FW: Roll-Backs & Premature Opening of Cabin Door

Cheryl,
Here's the data that Christina forwarded me concerning rollbacks, for your use in the Gauthier file as appropriate.

Cheers,

Terry

-----Original Message-----

From: Christina.Lee@aircanada.ca [mailto:Christina.Lee@aircanada.ca]
Sent: Friday, March 30, 2007 3:44 PM
To: Day, Terry; Lerner, Brad
Cc: 'James Dunnett'; 'Mario Guillemette'
Subject: Roll-Backs & Premature Opening of Cabin Door

Good day Terry,

As referenced in the above noted email from Captain Lerner on March 13, 2006, he requested to provide information on below 3 questions. Please see attached graph provided by Flight Safety to address the question #1.

Please call Captain Guillemette for clarification on the graph; he would like an opportunity to explain the background on this graph to better assist you with our data. Captain Guillemette will be available on Monday April 2, 2007 to discuss, or any time on or after April 11, 2007. He can be reached at 514-720-9311 or Mario.guillemette@aircanada.ca.

1. Can you provide the specific numbers of roll-backs (parking brakes not set properly or as per SOPs) that have occurred during each of the past 4 years?
2. Can you provide the specific numbers of premature opening of cabin doors that have been reported in each of the last 4 years?
When aircraft arrives at a gate, flight crew will set a parking break and follow a shut down checklist. Flight Crew will receive visual confirmation that the chucks are in place. Flight Crew will turn off the seatbelt sign to indicate the aircraft has come to a complete stop. Once the bridge is connected to the aircraft, the cabin door is open from outside. This procedure prevents any premature opening of cabin doors.
3. Did any of the above two cases ever occur coincidentally?
No.

Please contact Captain Guillemette if you require any further information.

Best Regards,
Christina

From: Mario Guillemette [mailto:mario.guillemette@aircanada.ca]
Sent: Friday, March 30, 2007 3:14 PM
To: Christina.Lee@aircanada.ca
Cc: bill.curtis@aircanada.ca
Subject: info for aircraf movement

Good afternoon Christina,

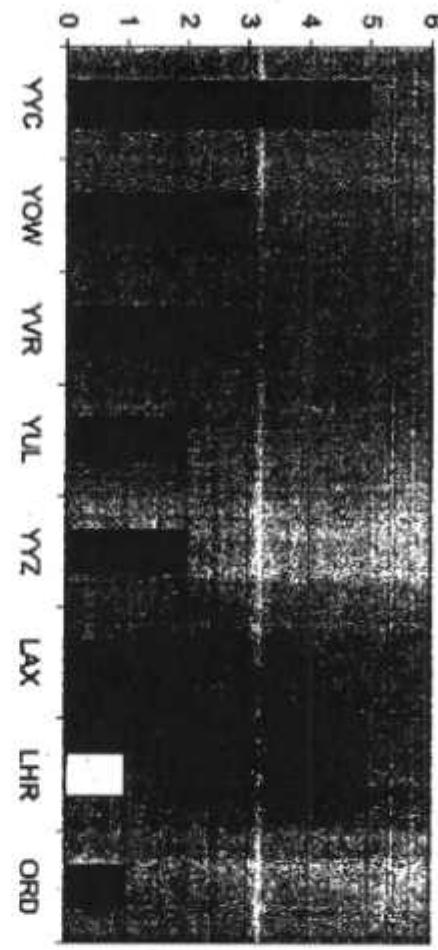
Attached you will find the info we discussed.

5/24/2007

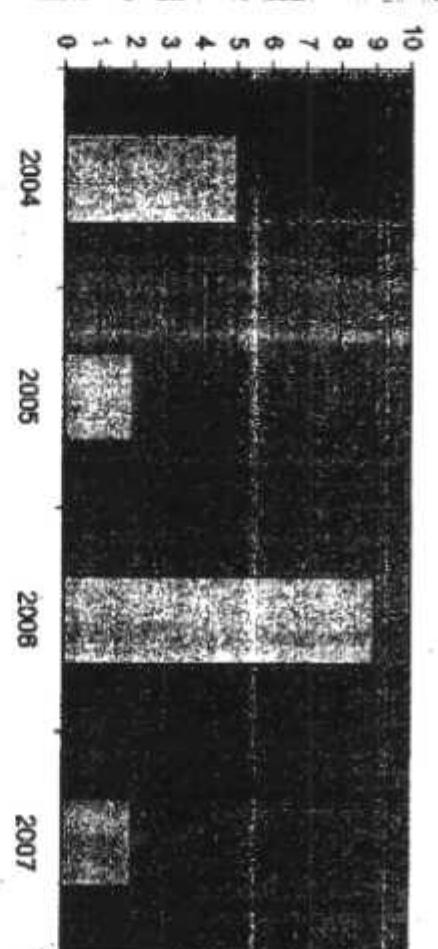
3
(2)

Rollbacks by Station

(2004 - Present)

**Rollbacks by Fleet Type**

(2004-Present)

**Rollbacks by Year**

Main Identity

From: <Minister of Transport>; <Infrastructure and Communities / Ministre des Transports>; "de l'infrastructure et des Collectivités" <MINTC@tc.gc.ca>
To: <rockev@rogers.com>
Sent: May 10, 2007 4:42 PM
Subject: Air Canada

Mr. Kevin Gauthier
rockev@rogers.com

Dear Mr. Gauthier:

Thank you for your correspondence of February 14, 2007, to the Honourable Lawrence Cannon, Minister of Transport, Infrastructure and Communities, regarding the safety of Air Canada's procedures. The Minister has asked me to reply on his behalf.

Departmental officials have reviewed the information provided in your e-mail, and have attempted to identify specific safety concerns related to Air Canada's parking brake setting and door-opening procedures. The review has indicated no deficiencies that violate the Aeronautics Act or that compromise public safety.

As I indicated to you in my letter of January 22, 2007, the department is satisfied that Air Canada has instituted appropriate responses regarding the issue of rollbacks. Based on further analysis of the currently approved procedures, as well as Air Canada's ongoing monitoring, we believe that there are no outstanding concerns that need to be addressed.

With respect to door-opening procedures, we have been unable to establish that premature opening of the cabin door is either an ongoing or latent problem resulting from Air Canada's approved procedures. Furthermore, we have been unable to establish a safety issue regarding the relationship between the procedures respecting door opening and parking brake setting.

As the foregoing demonstrates, no evidence exists to suggest that Air Canada's approved procedures are being disregarded or that unsafe practices are in any way condoned or overlooked by the carrier. We are confident that the company's standard operating procedures are satisfactory, and that its management is undertaking all reasonable steps to ensure that employees consistently and properly apply these procedures.

In closing, given the results of our review, no further action on this matter is required. I am confident that Air Canada has addressed all safety-related issues adequately. Allow me to assure you that Transport Canada will continue to monitor the carrier's activities, and, if the need arises, will take appropriate action to ensure that safety is not compromised.

I trust that the foregoing has clarified the Minister's position with respect to this matter. Again, thank you for writing.

Yours truly,

Andrew Walasek
Special Assistant - Ontario

10/05/07

Record #1

Cadors Number: 200700798

Reporting Region: Ontario

- Occurrence Information -

Occurrence Type: Incident
Occurrence Time: 2214 Z
Fatalities: 0

Occurrence Date: 2007/05/13
Day Or Night: day-time
Injuries: 0

Canadian Aerodrome ID: CYYZ

Aerodrome Name: Toronto/Lester B. Pearson Intl

Occurrence Location: Toronto/Lester B. Pearson Intl
(CYYZ)

Province: Ontario

Country: CANADA

World Area: North America

Reported By: Transportation Safety Board

AOR Number:

TSB Class Of Investigation:

TSB Occurrence No.:

- Event Information -

Other operational Incident

Collision on ground

- Aircraft Information -

CDN Registration: C-FITL

Foreign Registration:

Flight #: ACA856

Aircraft Category: Aeroplane

Country of Registration: CANADA

Make: BOEING

Model: 777 333ER

Year Built: 2007

Amateur Built: No

Engine Make: GENERAL ELECTRIC

Engine Model: GE90-115B

Engine Type: Turbo fan

Gear Type: Land

Phase of Flight: Parked

Damage: Minor

Owner: AIR CANADA

Operator: AIR CANADA (5262)

Operator Type: Commercial

- Detail Information -

User Name: Donaldson, John

Date: 2007/05/17

Further Action

No

Required:

O.P.I.:

Narrative: The Air Canada Boeing B-777-333ER aircraft (operating as flight ACA856) was still at the gate, preparing to depart on a scheduled IFR flight from Toronto (LPPIA) (CYYZ) to London (Heathrow) International Airport, England (U.K.) (EGLL). A miscommunication between the flight crew and the ground crew resulted in the aircraft's brakes being released prematurely. The unchoked aircraft rolled back about 15 feet with the unoccupied tractor and tow bar attached. The loading bridge scraped along the side of the fuselage and ultimately punctured a small hole in a non-pressurized part of the fuselage (behind the L-1 door). The passengers and crew were transferred to a replacement B-777-333ER aircraft while the minor damage was repaired and the aircraft returned to service. The operator is dealing with this incident through their SMS program.



Print - Close Window

Subject: CAIRS FILE XC-4427
Date: Mon, 28 Apr 2008 13:49:32 -0400
From: "Taylor, Jennifer" <TAYLOUJ@tc.gc.ca>
To: rockev@rogers.com
CC: "CAIRS / SSQAC_National" <CAIRS_NCR@tc.gc.ca>

> Dear Mr. Gauthier:
>
> As you are aware, your submission regarding your affidavit was
entered into the Civil Aviation Issues Reporting System (CAIRS) and assigned
reference number XC-4427.
>
> At the outset, please note that the mandate of the Transport Canada,
Civil Aviation Directorate, is to ensure that the appropriate framework
and oversight programs are in place for the safe operation of the
Canadian aviation system. We review every CAIRS submission to determine
compliance, or lack thereof, with Canadian Aviation Regulations (CARs),
which form the basis for safety regulation in the Canadian aviation
system.
>
> As you are no doubt aware, with the recent implementation of Safety
Management System (SMS) regulations, an increased onus has been placed
on certified aviation companies concerning their proactive management of
the risks that are associated with their operations.
>
> In previous correspondence with you we indicated that we were
satisfied that Air Canada was dealing in an appropriate manner with your
expressed concerns. We have since confirmed that Air Canada's
corrective action plan has been effective in managing the number of roll-back
incidents.
>
> At this time I consider the safety matters relating to roll-backs to
be effectively managed by the company, and I will not be re-examining
the factors relating to roll-back incidents. Nevertheless, Air Canada's
SMS is being closely monitored and if additional incidents
indicate that this issue needs to be readdressed, Transport Canada will ensure
that appropriate action is taken.
>
> I would like to take this opportunity to thank you for sharing your
views, as all comments we receive are appreciated.
>
> Sincerely,
>
>
> Jennifer J. Taylor
> Director
> National Operations
> Civil Aviation

Transportation Safety Board
of CanadaBureau de la sécurité des transports
du Canada

200 Promenade du Portage
Place du Centre - 4th Floor
Gatineau, Quebec
K1A 1K8

Our file Reference

15 May 2008

Mr. Kevin Gauthier
12 - 58th Street
Wasaga Beach, Ontario
L9Z 1W8

Dear Mr. Gauthier:

This is further to your telephone conversation and FAX to me, dated today. I note the attached response letter from Transport Canada (TC), dated 28 April 2008, whereas Ms. Jennifer Taylor, Director, National Operations, stated to you that she considers that "*the safety matters relating to roll-backs*" are adequately managed, and that TC considers the matter closed. The TSB is of the opinion that the TC response is appropriate and that any investigation from our part is not warranted.

As discussed with you this morning, the TSB is an independent agency created to advance transportation safety through the investigation of occurrences in the marine, pipeline, rail and air modes of transportation. More detailed information on our mandate may be found at
<http://www.tsb.gc.ca/en/common/mandate.asp>.

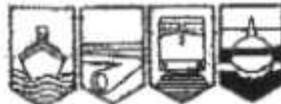
As you will discover on visiting the above site, the TSB Air Branch is required to conduct investigations into aviation occurrences, make findings as to their causes and contributing factors, identify safety deficiencies evidenced by transportation occurrences, make recommendations to eliminate or reduce those deficiencies and report publicly on the findings.

In closing, I wish to re-iterate to you that the TSB has the power to investigate any situation or condition where it believes that the safety of passengers in federally-regulated transportation systems is endangered. I believe that safety actions already taken by TC, along with the related responsibilities of the operators for safety under their Safety Management System, are adequate to mitigate the risks you insist still exist. Therefore, I believe this issue has been satisfactorily handled and that no further correspondence with you is warranted.

Sincerely,

Réal Levasseur
Chief, Head Office Operations
Air Investigations Branch

cc: Ms. Jennifer Taylor, Director, National Operations, Transport Canada



Canada