



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

Aviation Litigation Division
Southwest Team
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Fort Worth, Texas 76177
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**U.S. CERTIFIED MAIL, RETURN-RECEIPT REQUESTED
and FIRST-CLASS MAIL**

February 6, 2023

United Airlines, Inc.
ATTN: Mr. Scott Kirby
Chief Executive Officer
233 South Wacker Drive
Chicago, Illinois 60606

RE: United Airlines, Inc., FAA Case No. 2021GL330014

Dear Mr. Kirby:

Based upon the following facts and circumstances, it appears that United Airlines, Inc., hereinafter, "United," has violated the regulations of the Federal Aviation Administration (FAA) for the following reasons:

1. United is an air carrier, holder of air carrier certificate number CALA014A, and authorized to conduct operations in air transportation or air commerce under 14 C.F.R. part 121.
2. United's Continuous Airworthiness Maintenance Program (CAMP), which contains United's maintenance procedures, is approved in its Operations Specifications (OpSpecs) paragraph D072.
3. United's CAMP includes General Maintenance Manual (GMM) 05-00-10 which is applicable to all aircraft types operated by United.
4. United's GMM 05-00-10 Section E - "Maintenance Schedule," includes GMM Section 05-35-70 - "Maintenance Schedule Program".
5. United's GMM 05-35-70 Section 3, B states: "The maintenance schedule program is comprised of individual maintenance requirements." Section 3. B 1 states: "The individual maintenance requirements are identified as '*Maintenance Specifications*.'"
6. UAL's Maintenance Specifications includes *Certification Maintenance Requirements* (CMR), which are periodic tasks, established during the design certification of the airplane as an operating limitation of the type certificate.

7. United's Maintenance Specification Manual B-777-31-4-7010 contains 31-CMR-01, which requires United to "Operationally check Fire Warning System using the Fire/Overheat Test Switch," (hereinafter referred to as the *Fire Warning System check*) at least once every 24-hours, on all United Airlines B-777 aircraft.
8. The B-777-31-4-7010 manual states that the Fire Warning System check, referenced in paragraph 7 above, is to be performed by the flight crew; however, there is no maintenance task card in the CAMP program to record its completion by the flight crew.
9. Prior to June 29, 2018, United's B-777 Pre-Flight Check List contained the Fire Warning System check required by B-777-31-4-7010 and 31-CMR-01.
10. As the Fire Warning System check, 31-CMR-01, is a maintenance task, it does not appear in the Boeing Flight Manual.
11. United's Technical Operations is responsible for ensuring that the B-777 Fire Warning System check is accomplished under the UAL CAMP.
12. On or about June 29, 2018, United removed the Fire Warning System check from its B-777 Pre-Flight Check List.
13. United's Flight Operations management failed to coordinate with Technical Operations the removal of the Fire Warning System check from the B-777 Preflight Check List.
14. From June 29, 2018 through April 19, 2021, the Fire Warning System check was not performed as required by B-777-31-4-7010 and 31-CMR-01.
15. From June 29, 2018 through April 19, 2021, a period of approximately 1,025 days, United operated its B-777 aircraft on 102,488 flights.
16. For each flight referred to in paragraph 15 above, United operated the aircraft contrary to its OpSpecs and approved CAMP.
17. For each flight referred to in paragraph 15 above, United's inspection program did not ensure that the B-777 aircraft were released to service in an airworthy condition and had been properly maintained for operation.
18. For each flight referred to in paragraph 15 above, United operated the aircraft in an unairworthy condition.
19. On April 19, 2021, an FAA Aviation Safety Inspector (ASI) in the United Airlines Certificate Management Office (UAL-CMO) determined that the Fire Warning System check was not being performed by United's flight crew.

20. On April 19, 2021, at or about 8:30 am Pacific Standard Time (PST), 10:30 am Central Standard Time (CST), the UAL-CMO ASI phoned United's FAA Liaison located in Chicago, Illinois providing details of her finding.
21. On April 19, 2021, at or about 2:30 pm PST (4:30pm CST), United's FAA Liaison called the CMO ASI and advised her that the Fire Warning System check had been removed from the B-777 Flight Manual on June 29, 2018.
22. United's FAA Liaison sent an email to the UAL-CMO principal inspectors on April 19, 2021, at 5:52pm PST (7:52 pm CST) stating the Flight Operations Department initiated Pilot Bulletin 1-21-101, to reintroduce the requirement for the Fire Warning System check as it appeared prior to its removal on June 29, 2018. United published this bulletin at 5:57 pm PST, (7:57 pm CST).
23. On April 19, 2021, between the time 4:30 pm CST, and 7:57 pm CST, United knowingly initiated the operation of the following six (6) aircraft without first accomplishing the required B-777 Fire Warning System check or grounding the aircraft:

Aircraft	Flt. #	Departure	Destination	ACT Dep CDT
N2748U	871	SFO	TPE	16:56
N27015	297	EWR	SFO	17:44
N2250U	2588	BIF	SFO	18:28
N2136U	829	EWR	BOM	19:11
N78003	201	HNL	GUM	19:33
N2142U	2829	NRT	HKG	19:38

24. For each aircraft referred to in paragraph 23 above, United knowingly failed to comply with its approved CAMP when United failed to conduct the Fire Warning System check as required by United's Maintenance Specification Manual B-777-31-4-7010 and 31-CMR-01.
25. For each flight referred to in paragraph 23 above, United knowingly operated the aircraft contrary to its OpSpecs, paragraph D072, including its approved CAMP.
26. For each flight referred to in paragraph 23 above, United's inspection program did not ensure that the aircraft were released to service in an airworthy condition and properly maintained for operation.
27. For each flight referred to in paragraph 23 above, United intentionally operated the aircraft in an unairworthy condition.

By reason of the foregoing, it appears that United failed to comply with the following Federal Aviation Regulations:

- a. 14 C.F.R. § 119.5(g), in that no person may operate as a direct air carrier or as a commercial operator without, or in violation of, an appropriate certificate and appropriate operations specifications.
- b. 14 C.F.R. § 119.5(I), in that no person may operate an aircraft under this part, part 121 of this chapter, or part 135 of this chapter in violation of an air carrier operating certificate, operating certificate, or appropriate operations specifications issued under this part.
- c. 14 C.F.R. § 121.153(a)(2), in that except as provided in paragraph (c) of this section, no certificate holder may operate an aircraft unless that aircraft - Is in an airworthy condition and meets the applicable airworthiness requirements of this chapter, including those relating to identification and equipment.
- d. 14 C.F.R. § 121.367(c), in that each certificate holder shall have an inspection program and a program covering other maintenance, preventive maintenance, and alterations that ensures that - Each aircraft released to service is airworthy and has been properly maintained for operation under this part.

Pursuant to 49 U.S.C. § 46301(a)(1), United is subject to a civil penalty not to exceed \$34,146 for each violation of the Federal Aviation Regulations. Under 49 U.S.C. § 46301(a)(2), a separate violation occurs for each flight involving the violation. After careful consideration of all available information, we are willing to accept **\$1,149,306.00** in settlement of this matter.

We will take no further action for a period of 30 days after your receipt of this letter to afford United an opportunity to submit the suggested amount in settlement or furnish additional information pursuant to the procedures described in the enclosure.

Please direct all communications to **Annjenet Chennault, Attorney, Aviation Litigation Division –Southwest Team, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, Texas, 76177, telephone: 817/222-5071.**

Taneesha Marshall
Acting Assistant Chief Counsel
for Aviation Litigation

By:

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Enclosures: Information Sheet and Reply Form
Instructions for Electronic Payment

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Civil Penalty Letter in the matter of United Airlines, FAA Case No. 2021GL330014 has been sent this date by U.S. Certified Mail, Return-Receipt Requested and First-Class Mail to:

United Airlines, Inc.
ATTN: Mr. Scott Kirby
Chief Executive Officer
233 South Wacker Drive
Chicago, Illinois 60606

Via Email:

James Conneely, Esq.
Lead Attorney
Government and Regulatory Affairs
United Airlines, Inc.
Email: James.conneely@united.com

Date: February 6, 2023