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APPENDIX 16

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, DC

INTERVIEW TRANSCRIPT
WAYNE RATHAN
NOVEMBER 20, 1996
(21 pages)

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APPEARANCES:
TERRY STACEY, TWA
LU LIEBER, FBI, NY
STEPHEN KIAPACH, FAA
CHARLES HALE, IAM
DENNIS SANTIAGO, IAM
LOU BURNS, AIRLINE PILOTS ASSOCIATION
SCOTT E. METCALF, FBI, NY

I N D E X

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WITNESS

PAGE

WAYNE RATHAN

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E X H I B I T S

IDENTIFIED

RECEIVED

None

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1 P R O C E E D I N G S

2 MR. WIEMEYER: Let's start off -- My name is Norm
3 Wiemeyer. I work for the National Transportation Safety Board.

4 I'd like to start off by asking you some basic
5 administrative-type questions, so that when a transcript comes
6 out we'll be able to keep track of everything.

7 If you would give us your name and please spell your
8 last name.

9 MR. RATHAN: My name is Wayne Rathan. My last name
10 is R-A-T-H-A-N.

11 MR. WIEMEYER: What's your address, please?

12 MR. RATHAN: 2515 --

13 MR. WIEMEYER: Zip Code?

14 MR. RATHAN: Zip Code is 10468.

15 MR. WIEMEYER: And the phone number?

16 MR. RATHAN: 718-584-5459.

17 MR. WIEMEYER: And by whom are you employed?

18 MR. RATHAN: Ogden Aviation Services.

19 MR. WIEMEYER: And how long have you been --

20 MR. RATHAN: About 12 years

21 MR. WIEMEYER: And what is your job --

22 MR. RATHAN: Fueling supervisor.

23 MR. WIEMEYER: And how long have you held that
24 position?

25 MR. RATHAN: For about eight years --

1 MR. WIEMEYER: Okay. Did you have an occasion to
2 work TWA Flight 800 as a supervisor on July 17th?

3 MR. RATHAN: (Inaudible.)

4 MR. WIEMEYER: What was your association with --

5 MR. RATHAN: On the date of the accident --

6 MR. WIEMEYER: (Inaudible)?

7 MR. RATHAN: Yes, I was.

8 MR. WIEMEYER: (Inaudible.)

9 MR. RATHAN: It was about a week before that. I
10 think it was about a week and a couple of days before that --
11 and I told my boss --

12 MR. WIEMEYER: When you did observe the airplane -- a
13 fuel leak, how did you identify which aircraft it was?

14 MR. RATHAN: It was aircraft 17119.

15 MR. WIEMEYER: Where was it at the time you
16 observed --

17 MR. RATHAN: The fuel leak was coming between --
18 number 1 and number 2 engine and the -- flap. The aircraft was
19 flying also -- flap -- I'm not sure what -- the name of that
20 flap, but -- I'm not sure what that piece is, but it was
21 missing for a couple of weeks -- the aircraft --

22 MR. WIEMEYER: It's on the left side of the aircraft?

23 MR. RATHAN: It's on the left side of the aircraft.

24 MR. WIEMEYER: Where was the airplane parked when you
25 observed this?

1 MR. RATHAN: I believe Gate 27 or 29 --

2 MR. WIEMEYER: Were you working that flight --

3 MR. RATHAN: No.

4 MR. WIEMEYER: How did you become aware of it?

5 MR. RATHAN: That same day, my wife and my kids was
6 flying to Chicago with a TWA flight and I dropped them
7 upstairs. On the way down, it so happened I had to pass
8 underneath the aircraft, and while I was walking underneath the
9 aircraft, I felt something dropped on me, and right away it
10 smelled like fuel, so I took my hand and I smelled it and I saw
11 it was fuel, and I double checked. I went back and I just
12 looked up and I saw where it was leaking from. I put my hands
13 again, just to make sure it was fuel, and that's when I noticed
14 it was fuel.

15 MR. WIEMEYER: Okay. Can you be as specific as you
16 can in telling us where the fuel was coming from?

17 MR. RATHAN: It was coming from that piece of the
18 flap that was missing. It was coming exactly from right in the
19 middle of that piece of the flap. Piece of the flap was
20 missing for some reason. That's exactly where it was coming
21 from.

22 MR. WIEMEYER: Okay. Have you, in your experience,
23 run across other aircraft that were leaking from time to time

24 MR. RATHAN: No.

25 MR. WIEMEYER: This is the first one.

1 MR. RATHAN: This is the first time.

2 MR. WIEMEYER: Okay. I don't have anything else.

3 MR. STACEY: Terry Stacey, 747 captain with TWA.

4 Have you observed this type of -- or flap missing on
5 other aircraft?

6 MR. RATHAN: No.

7 MR. STACEY: When you -- You say you were coming back
8 downstairs. Would you describe that --

9 MR. RATHAN: Like I said, I believe -- I'm not sure.
10 The aircraft was parked in either Gate 27 or 29, that aircraft
11 17119, and I came from Gate 22, and I had to walk from Gate 22
12 all the way over to Gate 29, because that's where my supervisor
13 has his van parked, so I had to walk underneath the aircraft to
14 get there.

15 MR. STACEY: Okay. So did you know this aircraft
16 number first or --

17 MR. RATHAN: No. I notice it after, because soon as
18 I see a piece of the flap missing also and I saw the leak -- I
19 wasn't there too long. I saw the leak and I called my
20 supervisor. I told him. He radioed in for the TWA maintenance
21 to come out. At that time, I left. I don't know what happened
22 after that time, but that's when I noticed the aircraft was
23 17119.

24 MR. STACEY: Do you know if your supervisor knows
25 what happened after that time?

1 MR. RATHAN: He told he did. He told me that he
2 called TWA mechanics and they came out, but, like I said, I was
3 not there, so I don't know what happened after that.

4 MR. STACEY: Okay. Thanks.

5 MR. KIAPACH: Steve Kiapach, FAA. How are you?

6 MR. RATHAN: All right.

7 MR. KIAPACH: The amount of fuel that -- You know,
8 when you say --

9 MR. RATHAN: Oh.

10 MR. KIAPACH: -- on your hand, did you think that
11 there was any on the ground?

12 MR. RATHAN: Oh, yes, there was fuel on the ground.

13 MR. KIAPACH: How big of a puddle, would you say?

14 MR. RATHAN: A small puddle, not big.

15 MR. KIAPACH: And how many drops would you say?

16 MR. RATHAN: It wasn't leaking that much. I'd say a
17 drip every maybe two seconds, about three seconds, around that.
18 It wasn't a bad leak, you know, but it was fuel. I know it was
19 coming off of the wing, you know.

20 MR. KIAPACH: And TWA was contacted?

21 MR. RATHAN: That's what my supervisors told me.
22 That -- Like I said, I left at the time. I know I did show it
23 to him and he saw the fuel himself and he -- I was there when
24 he called them on the radio, but I don't know what happened
25 after that.

1 MR. KIAPACH: Okay. Thank you very much.

2 MR. BURNS: Hi. Lou Burns, TWA, 747 captain,
3 representing ALPA.

4 Do you recall who your supervisor was that day?

5 MR. RATHAN: Yes. Richie Ortiz.

6 MR. BURNS: Ortiz. Okay.

7 This puddle you observed on the ground, at some point
8 in your training a puddle becomes a fuel spill and something
9 has to be done about it.

10 MR. RATHAN: Yes.

11 MR. BURNS: Right? This was not --

12 MR. RATHAN: No, no.

13 MR. BURNS: Was this at that point?

14 MR. RATHAN: No.

15 MR. BURNS: Thank you. That's all I have.

16 MR. HALE: How you doing?

17 I'm Charlie Hale with the IAM.

18 Am I correct in presuming that you only saw this fuel
19 leak that one particular time?

20 MR. RATHAN: That's it. Just that one particular
21 time, but I noticed the aircraft had been flying with that
22 piece of the flap missing for several days. It wasn't only
23 that day I saw the piece of flap missing.

24 MR. HALE: Um-hum.

25 MR. RATHAN: But the leak was just that day. I don't

1 know if they fixed it after that day, but it was just that day
2 I noticed the leak.

3 MR. HALE: Could you explain to me what phase of the
4 fueling was going on when you saw the leak?

5 MR. RATHAN: You mean, if we was fueling the aircraft
6 at the time?

7 MR. HALE: Yes, was the truck hooked up or --

8 MR. RATHAN: At the time, we had a problem. The
9 aircraft was not accepting fuel at the time. So at that time,
10 we was not fueling. The truck was hooked up, but we was not
11 fueling at the time.

12 MR. HALE: When you say that it wasn't taking the
13 fuel --

14 MR. RATHAN: What happened was he pumped for such-
15 and-such gallons and the aircraft shut down automatically.

16 MR. HALE: All right.

17 MR. RATHAN: He was almost done, but he was short, I
18 think, a couple of thousand pounds, but for some reason, the
19 aircraft shut down automatically, and at the time he was
20 waiting for a TWA mechanic to come out to do whatever they had
21 to do, you know, so the aircraft could take fuel.

22 MR. HALE: And after that, they were able to get the
23 whole fuel load on?

24 MR. RATHAN: That, I don't know, 'cause, like I said,
25 I left at the time. I don't know what happened after that.

1 MR. HALE: You said you saw this on the ^{9TH} (7th) which
2 was a considerable amount of time from the incident.

3 MR. RATHAN: Yes.

4 MR. HALE: How do you keep track of maybe if
5 something like that could have been repaired or something like
6 that? How do you track that?

7 MR. RATHAN: Oh, we don't keep track of that.

8 MR. HALE: So it could have been repaired --

9 MR. RATHAN: It could have been repaired, yes.

10 MR. HALE: -- prior to that.

11 MR. RATHAN: But I know the flap wasn't repaired. I
12 know the flap wasn't, but the fuel leak, I don't know if it was
13 repaired or not. I only noticed it that one day, and that was
14 it.

15 MR. HALE: So on the ^{9TH} (7th) was the only day that you
16 saw it.

17 MR. RATHAN: Yes, sir.

18 MR. HALE: And you never verified if it was ever
19 repaired or anything after the ^{9TH} (7th).

20 MR. RATHAN: No, sir.

21 MR. HALE: Okay. Thank you very much.

22 MS. LIEBER: I'm Lu Lieber with the FBI.
23 How are you?

24 MR. RATHAN: Hi.

25 MS. LIEBER: The fueling process, as far as the

1 number of pounds of fuel that goes into the tanks --

2 MR. RATHAN: Um-hum.

3 MS. LIEBER: -- okay? -- who specifically makes the
4 request for the amount?

5 MR. RATHAN: TWA. We get the fuel sheet from -- or
6 whatever, fuel -- on the aircraft. TWA is the one who gives us
7 --

8 MS. LIEBER: Is that from load control --

9 MR. RATHAN: It's from load control, yes.

10 MS. LIEBER: -- the mechanics, the flight attendants?
11 I mean, who actually --

12 MR. RATHAN: It's from load control.

13 MS. LIEBER: From load control.

14 MR. RATHAN: Yes.

15 MS. LIEBER: On any other occasion -- anyone else,
16 other than load control, made a request for fuel --

17 MR. RATHAN: Are you talking about that specific day
18 or are you just talking about any other aircraft?

19 MS. LIEBER: Well, in general, or it could be that
20 day.

21 MR. RATHAN: No, unless the captain. Bad weather,
22 they want extra fuel. You know, they'll tell us to give them
23 extra fuel, and sometimes, we do, you know. If they want the
24 extra fuel, we do, without getting a load sheet.

25 MS. LIEBER: Okay. Has there ever been a time, to

1 the best of your knowledge, where, other than the captain and
2 other than load control, where there was a request for a
3 different amount of fuel?

4 MR. RATHAN: No.

5 MS. LIEBER: No.

6 Okay. The other thing I want to ask you is with
7 regard to communication while you're on the tarmac, what's your
8 means of communicating with another individual --

9 MR. RATHAN: Through radio, through --

10 MS. LIEBER: -- fueler?

11 MR. RATHAN: Through the -- You mean, the fuelers?

12 MS. LIEBER: Right.

13 MR. RATHAN: We have to go to them personal and talk
14 to them.

15 MS. LIEBER: Okay. Is there anyone, a supervisor or
16 a fueler or anyone who uses any other means of communication,
17 other than just verbally?

18 MR. RATHAN: Telephone.

19 MS. LIEBER: Telephone? Do you use radios?

20 MR. RATHAN: Yes, we use radios, too.

21 MS. LIEBER: Okay.

22 MR. RATHAN: But not with the fuelers, only with our
23 supervisors.

24 MS. LIEBER: With the supervisors.

25 MR. RATHAN: Yes.

1 MS. LIEBER: Can anyone else listen to your
2 frequency? Like let's say if you're fueling at TWA --

3 MR. RATHAN: Yes.

4 MS. LIEBER: -- is it just the fuelers --

5 MR. RATHAN: Oh, yes.

6 MS. LIEBER: -- or can anyone -- can a TWA employee
7 also listen to --

8 MR. RATHAN: That I don't know, but I don't believe
9 so, unless they somehow is hooked up to a frequency, but I
10 don't believe so.

11 MS. LIEBER: So if you have to communicate then with
12 a mechanic, say, for example, there's a problem with the
13 aircraft accepting fuel, how would you communicate to an
14 individual?

15 MR. RATHAN: Well, TWA, we have a radio of theirs.
16 They give us a radio at the beginning of the shift, and if we
17 do have a problem with one of the aircrafts or whatever it is,
18 we'll call them on their radio. We have a frequency for them.

19 MS. LIEBER: Okay. You mentioned, I believe, that
20 Mr. Ortiz contacted a TWA mechanic.

21 MR. RATHAN: Yes.

22 MS. LIEBER: Okay. Did he tell you that he did that?

23 MR. RATHAN: Well, I was there when he called them on
24 the radio, and he told me he had already tried calling them
25 twice before that and they didn't come out yet, but he was

1 there waiting for them to come out, but I was there when he did
2 call them on the radio, but, like I said, I don't know what
3 happened after that, if they came out or if they --

4 MS. LIEBER: So you weren't present --

5 MR. RATHAN: No.

6 MS. LIEBER: -- when the mechanics came out.

7 MR. RATHAN: No. No.

8 MS. LIEBER: Okay. Did Mr. Ortiz -- and I know this
9 is hearsay, it's not first-hand -- but did Mr. Ortiz tell you
10 what the mechanics said to him once they did come out?

11 MR. RATHAN: Yes, he told me that they came out and
12 they looked at it, and that was it. They didn't really do
13 nothing about it.

14 MS. LIEBER: Did he mention there was an exchange of
15 words or --

16 MR. RATHAN: No, he didn't tell me anything -- 'Cause
17 I was concerned, and I was concerned to see if they did come
18 out and what they did about it, and I did ask him at the end of
19 the night, and he told me they came out and they didn't really
20 do anything about it.

21 MS. LIEBER: Okay. Thank you very much.

22 MR. WIEMEYER: I have no follow-ups. Does anyone
23 else? Terry?

24 MR. STACEY: How did you -- Why is July the (7th) a
25 significant date? How did you remember that it was July the

1 7th.

2 MR. RATHAN: Because the FBI was here so many times
3 asking me questions, and I just remembered it. You know, it's
4 something I saw that day and it just --

5 MR. STACEY: But did something else significant
6 happen on July the ^{9TH} (7th) that caused you to remember that?

7 MR. RATHAN: Only my wife and my kids was going to
8 Chicago. That's it--

9 MR. STACEY: That was on --

10 MR. RATHAN: Yes.

11 MR. STACEY: That was on July the ^{9TH} (7th)?

12 If you had a request or if you became aware of a
13 request to put less fuel in a tank than was on the fuel slip or
14 that was designated for it, can you give us any of the reasons
15 for that?

16 MR. RATHAN: The reasons for that? Not really. But
17 I know they did have the problem with that aircraft, too, that
18 -- I think it was the reserve tank. The day after, Richie
19 Ortiz told me also the day after the maintenance guys was not
20 putting 3.4. You know, it takes 3.4 to be filled, and they was
21 only putting less than that. I don't know why they was putting
22 less than that in the tank.

23 MR. STACEY: On the day after what day?
^{9TH}

24 MR. RATHAN: On the day after July (7th).

25 MR. STACEY: So the day after -- On July the ^{10TH} (8th) --

1 MR. RATHAN: Um-hum.

2 MR. STACEY: -- Mr. Ortiz said that TWA put in less
3 than 3,400 pounds in the reserve tank.

4 MR. RATHAN: That's what he told me. He told me
5 instead of putting 3,400, they was only putting 2,400 into that
6 tank.

7 MR. STACEY: Did he say why or did you have any
8 explanation as to why?

9 MR. RATHAN: Well, I thought that the reason why they
10 was doing that is because if they go over the 2,400, maybe
11 it'll start leaking again.

12 MR. STACEY: Which tank was that?

13 MR. RATHAN: The number 1 reserve.

14 MR. STACEY: So the number 1 -- you believe the
15 number 1 reserve tank was leaking and this was falling down the
16 wing or something, dripping off the --

17 MR. RATHAN: I didn't see it falling down the wing.
18 All I noticed that it was dripping down from the flap, from --
19 you know -- the -- edge flap?

20 MR. STACEY: Would you say that a leak in the number
21 1 reserve tank could get to that point.

22 MR. RATHAN: Yes.

23 MR. STACEY: Could do that.

24 Do you have any reason to believe that -- or any
25 documentation of -- Never mind.

1 So let me see if I have this correct. So the day
2 after, on July the (8th)¹⁰, Mr. Ortiz indicated to you that they
3 put less than 3,400 pounds --

4 MR. RATHAN: Yes.

5 MR. STACEY: -- in the tank, and he believed it was
6 to -- so that it would not leak.

7 MR. RATHAN: Yes, that's correct.

8 MR. STACEY: You know what he -- hearsay. Would you
9 know what he based that upon?

10 MR. RATHAN: Not really.

11 MR. STACEY: In your experience of fueling a 747,
12 have you ever put in less than 3,400 pounds in one reserve
13 tank?

14 MR. RATHAN: Never did. Those tanks are always full.

15 MR. STACEY: And in your experience, you have never
16 observed -- this was the first time you ever observed a leak

17 MR. RATHAN: Yes.

18 MR. STACEY: Okay. Do you think that the flap had
19 any problem to do with the leak?

20 MR. RATHAN: My opinion, I think, yes, because there
21 was a reason why they took the flap down. That piece of the
22 flap was missing, and I don't know why they took it down, and
23 that's where the leak was coming from.

24 MR. STACEY: Okay. Thanks.

25 MR. KIAPACH: On July (7th) when your family was going

1 on a trip, that day, do you remember which side of the truck
2 the pumper was on?

3 MR. RATHAN: The left side.

4 MR. KIAPACH: And that's -- the leak was on.

5 MR. RATHAN: Yes.

6 MR. KIAPACH: Could it be that -- you know -- it was
7 a bad connection at the truck?

8 MR. RATHAN: No, it was way off from the truck, you
9 know. Where the flap was missing, it was way off from where
10 the truck is hooked up.

11 MR. KIAPACH: I have nothing else.

12 MR. WIEMEYER: Anybody else?

13 MS. LIEBER: Yes, I have one question.

14 I just want to verify something. You said your
15 children -- your family was going to Chicago.

16 MR. RATHAN: Um-hum.

17 MS. LIEBER: Is that right?

18 MR. RATHAN: Yes.

19 MS. LIEBER: Do you remember what day of the week
20 they were going to Chicago? Was it Saturday, Sunday, Monday,
21 Tuesday? Have any idea what day of the week it might have
22 been?

23 MR. RATHAN: I believe it was a Tuesday, and I
24 believe that Tuesday is July 9th. I've been saying July 7th
25 I think it was July 9th. It was a Tuesday. I know it was

1 Tuesday.

2 MS. LIEBER: Thank you very much.

3 MR. WIEMEYER: Anybody else?

4 Okay. Thank you very much, sir. Appreciate your
5 help.

6 (Whereupon, the interview was concluded.)

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WAYNE KAHAN

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PG 16	L 6	9 th
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PG. 18	L 2	10 th