



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Ave. S.E.
Washington, D.C. 20590

November 6, 2009

Karen P. Gorman, Esq.
Deputy Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, DC 20036-4505

Re: OSC File No. DI-08-1733 (Henderson)

Dear Ms. Gorman:

This letter responds to your recent e-mails of September 24 and October 23, 2009, concerning the status of corrective actions at the Federal Aviation Administration's (FAA) Certificate Management Office (CMO) for United Airlines, described in Secretary LaHood's August 28, 2009, letter to the Associate Special Counsel, concerning disclosures made by Cheryl Henderson, an Aviation Safety Inspector at the CMO. You asked that the Department respond to your e-mail in letter form. You also asked to be informed of the status of proposed disciplinary actions in this matter.

Regarding disciplinary actions, as we advised in our e-mail response on October 21, 2009, the Office of Inspector General (OIG) provided FAA items of proof to use in its consideration of appropriate administrative action against Mr. Krum and Mr. Crutcher on September 11, 2009. These items of proof included interview transcripts, emails and other documents to support the statements in the OIG's Report of Investigation. FAA completed its review of these items and has proposed five day suspension actions for both individuals. FAA has issued the proposed suspension to Mr. Krum and intends to issue the proposed suspension to Mr. Crutcher when he returns from annual leave.

With respect to a determination about whether emergency door batteries are life limited parts, FAA has determined that the emergency door batteries are service limited parts, not life limited parts. Service limited parts are not required to be tracked as a regulatory matter, but as a practical matter the air carrier must ensure that they are within the service limits. This determination does not change the OIG's finding that Mr. Krum failed to take appropriate action to determine whether United Airlines was required to maintain a tracking system for emergency door batteries. There was enough conflicting documentation between the manufacturer and the airline that Mr. Krum had an obligation to address the concern and either correct the airline or the manufacturer. The OIG does not expect to conduct further investigative work on this matter and will therefore, not make further recommendations.

Please don't hesitate to contact me if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith S. Kaleta". The signature is fluid and cursive, with the first name "Judith" being the most prominent.

Judith S. Kaleta
Assistant General Counsel for General Law