



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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November 22, 2004

David Heymsfeld, Democratic Chief of Staff

Mark and Barbara Fetherolf
1090 North Ocean Boulevard
Palm Beach, FL 33480

Dear Mr. and Mrs. Fetherolf:

Thank you for your March 24, 2004, letter regarding Federal Aviation Administration (FAA) Deputy Chief Counsel James W. Whitlow's response to my inquiry on your behalf. I agree that Mr. Whitlow's response was unsatisfactory.

My office contacted Mr. Whitlow to follow up on the specific questions posed in your letter regarding why Santa Barbara Aerospace's (SBA) status was suspended, why it was subsequently reinstated, and why the determination that there was insufficient evidence to suspend SBA's status was made after the suspension rather than before.

To research these questions, Mr. Whitlow spoke with Mr. Monroe P. Balton, Regional Counsel for FAA's Western Pacific Region. Mr. Balton was Deputy Regional Counsel of that Region at the time SBA's certificate was revoked, and remembers the situation in question. According to Mr. Whitlow, Mr. Balton recalls that the emergency revocation of SBA's status was based on the FAA inspector's determination that SBA lacked qualifications necessary to hold the certificate.

Although Mr. Whitlow was unable to find records indicating the specific deficiencies that were identified by the inspector, the most common reasons for this type of determination are a lack of key or qualified personnel, or the absence of accurate and updated manuals. The lack of an adequate record-keeping system is another, less common, reason for this type of determination. According to Mr. Balton's recollection, the emergency revocation of SBA's status was not based on any misconduct (e.g., falsification of records) by SBA.

According to Mr. Whitlow, it is not uncommon for a certificate to be revoked due to lack of qualifications, and then subsequently reinstated once the certificate holder makes the necessary personnel or manual changes to show that they have the

qualifications to possess a certificate. Mr. Whitlow now believes this could explain why SBA's status was revoked and then reinstated.

I hope this sheds some light on the FAA's interaction with SBA prior to the crash of Swissair flight 111. I have also forwarded this information to the Department of Transportation Office of Inspector General (OIG), and asked the OIG to try to confirm this information as they continue their work on this issue.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'J' and 'M' followed by a horizontal line.

John L. Mica
Chairman
Aviation Subcommittee