

2070234

Mail Control Number

2070234

Action Office: AS-1

Division: AS-1

cc: C, GA, MD

Lanier, RE, TDA

Date Received 5/29/2007
Date of Letter: 5/23/2007
Response Due: 6/28/2007

From: Rutecky, Rich
Organization:
Subject: Son of Richard M. Rutecky, who was killed in the crash of Chalk's Ocean Airways Flight 101 in Miami, Florida, on December 19, 2005, submits questions and concerns regarding his father's death.

Notation(s):

Recs:

Notes: Exec Sec rec'd on 5/30/2007. COB.

Action: If you are not the correct action office, return this letter to MD-5 immediately. If you want action assigned to another office, return this letter to MD-5.

Signature: If you decide that the response to this letter should not be signed by the Chairman or that it should not be answered, coordinate your decision with the Chairman's office. If you respond to this letter with a direct reply, send a copy to MD-5 with the Mail Control Number and writer's name clearly noted. If you handle this letter by telephone or decide that no response is necessary, notify MD-5 by e-mail so the Mail Control can be closed.

*Use the space below for routing/reviewing/concurrence
Route to Members only if their concurrence is required.*

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REC'D MAY 30 2007
MC 2070234

May 23, 2007

Mr. Mark Rosenker
Chairman, National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Mr. Rosenker,

Subject: Upcoming Chalk's Flight 101 NTSB Hearing

It has been well over a year since the crash of Chalk's Flight 101 off the coast of Miami Beach that killed my father. In that time span parallel to handling the estate and legalities surrounding my father's death my older sister has given birth to what would have been his first granddaughter and my wife and I are pregnant with what would have been his first grandson. With each smile from seeing my niece or the ultrasounds of my son comes some internal sadness knowing he'll never get to see them and more so, they will never have the opportunity to get to know him.

Throughout this investigatory process over the last sixteen months, we have continued to try to understand how such a tragic event could have ever happened, how it could be prevented from happening again, and how people and/or entities that engage in unethical behavior are made accountable for their negligent and criminal actions related to air disasters.

I don't presume to know how the hearing will unfold, what probable cause will be established by the NTSB, and what safety recommendations will be made, but I do know that my sisters and I have questions that we need answers to. As I have been told many times since that fatal day from friends, colleagues, and air industry professionals: "Wings just don't fall off planes". Following are my questions:

- 1) Were there interviews conducted with the Director of Maintenance for Chalks, Roger Nair? If so will his comments be made public? If not –how could an investigation be complete without this content?
- 2) Were there interviews conducted with the maintenance personnel working at Chalk's? If so will their comments be made public? If not –how could an investigation be complete without this content?
- 3) Was anyone at the FAA, either locally or nationally, interviewed as part of this investigation? If so will their comments be made public? If not –how could an investigation be complete without this content? It appears that some of the maintenance practices used including improper riveting around the failed wing spar would be noticed by inspectors and reported. Are their any records of this? How could all of the other aircraft have similar fatigue and yet no record of this through internal maintenance and/or FAA inspections?
- 4) Were there any discussions with anyone regarding additional maintenance requirements due to the repowering of the aircraft?
- 5) Will the safety recommendations include the lack of air-worthiness of the existing 50+ year-old aircraft Chalk's is still trying to fly? Looking at the number of cycles and environment these aircraft performed under at what point does fatigue of these aircraft become such an issue that they will never be air-worthy? If they are some how allowed to fly again after repairs, will the engineer of record for the repairs be held criminally accountable for any further fatalities?
- 6) Will the recommendations to the FAA include the inclusion of the Aging Aircraft provisions for smaller commercial aircraft? The FAA has a responsibility to the public consumer, and as

such any aircraft used for commercial flights should be included, however small. How did the provision get passed without including smaller aircraft anyway? Who was responsible for that? I hold whoever is responsible for the exclusion of this provision for smaller commercial aircraft equally accountable for the death of my father.

- 7) If the NTSB finds that Chalk's and/or their key management were negligent in their safety and maintenance responsibilities, will there be any recommendation to the FAA for a public sanction and or fine? Today, Chalk's management is using the civil litigation settlement where the requirement was no admission of liability as an instrument to declare their innocence.
- 8) Will the NTSB hold the FAA accountable for their lack of oversight involving Chalk's? How exactly is it that 50+ year-old planes have the same maintenance requirements as the first day they came out of the factory? If a DC-8 carrying 80-100 people crashed due to a mid-air break up would the investigation be treated any differently? It's difficult left feeling that my dad was a number, an "acceptable risk".
- 9) Will any of the safety recommendations include FAA better supporting pilot whistle blowing? Looking at the documentation from the investigation including one of the pilot's resignation letters I do not understand why the pilots would not contact proper authorities outside of the company to insure public safety, in fact, I would think they have a moral obligation to do so at some point. Also, I would think charges that pilots being asked to fly planes in unsafe conditions due to management pressure should be treated with the utmost sense of urgency by the NTSB and the FAA and my hope is that this is fully addressed in the hearing.

My sisters, my wife, and I will be in attendance at the hearing hoping to get answers to these questions. We sincerely appreciate all that the staff members of the NTSB have done throughout this process and hope that the information obtained will some how help our family find closure regarding the our father's untimely death.

Respectfully,

A large black rectangular redaction box covering the signature of Rich Rutecky.

Rich Rutecky
Son and Co-Personal representative of the Estate of Richard M. Rutecky, Sr.