



National Transportation Safety Board

Washington, DC 20594

Office of Aviation Safety

Mr. John S. Hoff
Hoff Law Group
135 South LaSalle Street
Suite 3300
Chicago, Illinois 60603-4134

July 23, 2015

Dear Mr. Hoff:

Thank you for your September 29, 2014, letter regarding the February 20, 2013, accident involving a Beechcraft Corporation Premier 1A, N77VG, at Thomson-McDuffie Airport, Thomson, Georgia (National Transportation Safety Board [NTSB] Accident Number ERA13MA139). During the accident sequence, the airplane touched down on runway 10, and the pilot subsequently attempted a go-around. The airplane lifted off near the departure end of the runway, and its left wing then struck a utility pole owned by Georgia Power. In your letter, you contend that there are “incomplete or improper conclusions, inadvertent misstatements and incomplete statements of fact” in the NTSB’s factual report.

You assert that the statements in the factual report that “the FAA [Federal Aviation Administration] had no knowledge of the poles as potential obstructions” and “there were no depictions or mention of possible obstructions on associated aeronautical charts” are not accurate. NTSB staff reviewed the material in our accident docket and found the 2012 Georgia Department of Transportation inspection report you referenced in your letter. As you indicated, this report was provided to the FAA, and it noted that an obstruction existed 2,200 ft from runway 28’s displaced threshold. The review also revealed that aeronautical instrument charts issued by the FAA show an obstruction immediately past the end of runway 10. In light of this information, the NTSB has amended its factual and brief reports.

You also assert that the statement in the factual report that “following an aeronautical study after the accident, the FAA changed the glidepath angle for the 28 PAPI [precision approach path indicator] to 3.5 degrees” is inaccurate. A review of the documents you submitted indicates that you are correct that this statement is inaccurate. Accordingly, the NTSB has changed its factual and brief reports. In addition, an errata sheet has been issued for the Survival Factors Group Chairman’s factual report, and it will be added to the public docket for this accident. A copy of the errata sheet is enclosed.

You also state that the report does not contain any facts “regarding the crew’s failure to coordinate on the use of required checklists for the before landing, balked landing, and go-around phases of the subject flight” and ask that this information be added to the factual report. However, as noted in our brief report, the use of a copilot was not required by federal regulations; therefore, the pilots were not required to coordinate on the use of required checklists. The report explains that the captain’s failure to follow flight manual procedures for an antiskid failure in flight and to immediately retract the lift dump during the go-around caused the accident

and that checklist usage was not causal or contributory to the accident. Therefore, we have not made any changes to the factual report related to this issue.

You also contend that "Richard Trammell was not the only operator of the accident aircraft." However, the NTSB determines the operator of a flight based on the available information about the flight; this determination is not a legal interpretation. Generally, for 14 *Code of Federal Regulations* (CFR) Part 91 flights, the operator is the pilot-in-command (PIC). Given the information we received from the PIC, Richard Trammell, and The Vein Guys's staff, we believe Richard Trammell was the operator of the accident airplane and, as a result, we have not made any changes to the factual report related to this issue.


We noted that the Operational Factors Group Chairman's factual report states that the Pavilion Group was a subsidiary of The Vein Guys. However, a review of our Operational Factors Group Chairman's interview summaries indicates that, at the time of the accident, the Pavilion Group was an independent company owned by the owner of The Vein Guys. We have prepared an errata sheet for that factual report, and it will be added to the public docket. A copy of the errata sheet is also enclosed.

Lastly, you contend that "the accident flight was not operated purely under 14 CFR Part 91." The NTSB notes that the accident airplane was not listed on a Part 135 operating certificate, and the operator had no operations specifications that would have required the flight to have been operated under Part 135. Therefore, we have not made any changes to the factual report regarding the flight's operation. If you continue to have concerns about the legality of the flight's operation, please contact the FAA for its interpretation.

We have posted the revised reports in the NTSB's website and enclosed copies of them. In addition, we have added documents showing the revisions to the reports, as well as a copy of your letter, to the public docket for this accident.

NTSB staff appreciates you contacting us about these concerns so that we could improve the accuracy of our reports.

Sincerely,


John DeLisi
Director

Enclosures:

Revised ERA13MA139 Factual Report
Revised ERA13MA139 Brief Report
Survival Factors Errata Sheet
Operational Factors Errata Sheet