

STATEMENT OF PARTY REPRESENTATIVES
TO NTSB INVESTIGATION

Aircraft Identification:

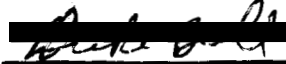
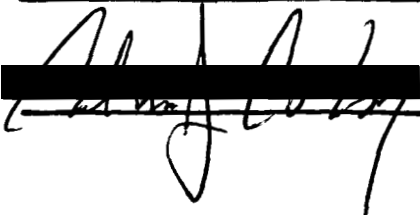
Registration Number N956C
Make and Model Avid Flyer
Location Madison, Iowa
Date 9/4/96

The undersigned hereby acknowledge that they are participating in the above-referenced aircraft accident field investigation (including any component tests and teardowns or simulator testing) on behalf of the party indicated adjacent to their name, for the purpose of providing technical assistance to the National Transportation Safety Board.

The undersigned further acknowledge that they have read the attached copy of 49 CFR Part 831 and have familiarized themselves with 49 CFR §831.9, which governs participation in NTSB investigations and agree to abide by the provisions of this regulation.

It is understood that a party representative to an investigation may not be a person who also represents claimants or insurers. The placement of a signature hereon constitutes a representation that participation in this investigation is not on behalf of either claimants or insurers and that, while any information obtained may ultimately be used in litigation, participation is not for the purposes of preparing for litigation.

By placing their signatures hereon all participants agree that they will neither assert nor permit to be asserted on their behalf, any privilege in litigation, with respect to information or documents obtained during the course of and as a result of participation in the NTSB investigation as described above. It is understood, however, that this form is not intended to prevent the undersigned from participating in litigation arising out of the accident referred to above or to require disclosure of the undersigned's communications with counsel.

<u>SIGNATURE</u>	<u>NAME (Printed)</u>	<u>PARTY</u>	<u>DATE</u>
	<u>DUKE BALL</u>	<u>Greencastle Aero Club Ltd</u>	<u>9/5/96</u>
	<u>Calvin Colony</u>	<u>"</u>	<u>"</u>
_____	_____	_____	_____

Continued on reverse

Title 49 - Transportation

CHAPTER VIII-NATIONAL TRANSPORTATION SAFETY BOARD

Effective: June 14, 1979

NATIONAL TRANSPORTATION SAFETY BOARD

PART 831-AIRCRAFT ACCIDENT/ INCIDENT INVESTIGATION PROCEDURES

Sec.

- 831.1 Applicability of part.
- 831.2 Responsibility of Board.
- 831.3 Authority of Director.
- 831.4 Nature of investigation.
- 831.5 Request to withhold information.
- 831.6 Right of representation.
- 831.7 Investigator-in-charge.
- 831.8 Authority of Board representatives.
- 831.9 Parties to the field investigation.
- 831.10 Access to and release of aircraft wreckage, records, mail, and cargo.
- 831.11 Flow and dissemination of accident information.
- 831.12 Recommendations.

Authority: Title VII, Federal Aviation Act of 1978, as amended, 72 Stat. 781, as amended by 78 Stat. 821 (49 U.S.C. 1441 et seq.); and the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 et seq. (49 U.S.C. 1901 et seq.).

§ 831.1 Applicability of part.

Unless otherwise specifically ordered by the National Transportation Safety Board (Board), the provisions of this part shall govern all aircraft accident or incident investigations, conducted under the authority of Title VII of the Federal Aviation Act of 1958, as amended, and the Independent Safety Board Act of 1974. Rules applicable to aircraft accident hearings and reports are set forth in Part 845.

§ 831.2 Responsibility of Board.

(a) The Board is responsible for the organization, conduct and control of all accident investigations involving civil aircraft, or civil and military aircraft, within the United States, its territories and possessions. It is also responsible for investigation of accidents which occur outside the United States, and which involve U.S. civil aircraft or civil and military aircraft, at locations determined to be not in the territory of another state (i.e., in international waters).

(b) Certain field investigations are conducted by the Federal Aviation Administration (FAA), pursuant to a

request to the Secretary of the Department of Transportation, effective February 10, 1977 (see appendix to Part 800 of this chapter),¹ but the Board determines the probable cause of such accidents. Under no circumstances shall investigations conducted by the Board be considered joint investigations in the sense of sharing responsibility. However, in the case of an accident or incident involving civil aircraft of U.S. registry or manufacture in a foreign state which is a signator to Annex 13 to the Chicago Convention of the International Civil Aviation Organization, the state of occurrence is responsible for the investigation. If it occurs in a foreign state which is not bound by the provisions of Annex 13 to the Chicago Convention, the conduct of the investigation shall be in consonance with any agreement entered into between the United States and the foreign state.

§ 831.3 Authority of Director.

The Director, Bureau of Accident Investigation, subject to the provisions of § 831.2, may order an investigation into any accident or incident involving a civil aircraft.

§ 831.4 Nature of investigation.

Aircraft accident or incident investigations are conducted by the Board in order to determine the facts, conditions, and circumstances relating to each accident or incident and the probable cause thereof and to ascertain measures which will best tend to prevent similar accidents or incidents in the future. The investigation includes the field investigation, report preparation, and, where ordered, the public hearing.

§ 831.5 Request to withhold information.

Any person may make written objection to the public disclosure of information contained in any report or document filed, or of information obtained by the Board, stating the grounds for such objection. The Board,

¹The authority of a representative of the Federal Aviation Administration during such field investigations shall be the same as that of a Board investigator under this part.

on its own initiative or if such objection is made, may order such information withheld from public disclosure when, in its judgment, the information can be withheld under the provisions of an exemption to the Freedom of Information Act (Pub. L. 93-502, amending 5 U.S.C. 552) and its release is not found to be in the public interest (see Part 801).

§ 831.6 Right of representation.

Any person interrogated by an authorized representative of the Board during the field investigation shall be accorded the right to be accompanied, represented, or advised by counsel or by any other duly qualified representative.

§ 831.7 Investigator-in-charge.

The designated investigator-in-charge organizes, conducts, and controls the field phase of investigation. He shall assume responsibility for the supervision and coordination of all resources and of the activities of all personnel, both Board and non-Board, involved in the onsite investigation.

§ 831.8 Authority of Board representatives.

Upon demand of an authorized representative of the Board and presentation of credentials issued to such representative, any Government agency, air carrier, airman, or person engaged in air commerce or in any phase of aeronautics, and any other person having possession or control of any aircraft, aircraft engine, propeller, appliance, air navigation facility, equipment or any pertinent records and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept, shall forthwith permit inspection, photographing, or copying thereof by such authorized representative for the purpose of investigating an aircraft accident, overdue aircraft, study, or investigation pertaining to safety in air navigation or the prevention of accidents. Authorized representatives of the Board may interrogate any person having knowledge relevant to an aircraft accident/incident, overdue aircraft, study, or special investigation.

§ 831.9 Parties to the field investigation.

(a) The investigator-in-charge may, on behalf of the Director, Bureau of Accident Investigation, or the Director, Bureau of Field Operations, designate parties to participate in the field investigation. Parties to the field investigation shall be limited to those persons, government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident or incident and who can provide suitable qualified technical personnel to actively assist in the field investigation.

(b) Participants in the field investigation shall be responsive to the direction of the appropriate Board representative and may be relieved from participation if they do not comply with their assigned duties or if they conduct themselves in a manner prejudicial to the investigation.

(c) No party to the field investigation designated under § 831.9(a) shall be represented by any person who also represents claimants or insurers. Failure to comply with this provision shall result in loss of status as a party.

(d) Section 701(g) of the Federal Aviation Act of 1958, as amended, provides for the appropriate participation of the Administrator in Board investigations. Thus, the FAA will normally be a party to field investigations and will have the same rights and privileges and be subject to the same limitations as other parties.

§ 831.10 Access to and release of aircraft wreckage, records, mail, and cargo.

(a) Only the Board's accident investigation personnel and persons authorized by the investigator-in-charge, the Director, Bureau of Accident Investigation, or the Director, Bureau of Field Operations to participate in any particular investigation, examination or testing shall be permitted access to aircraft wreckage, records, mail, or cargo which is in the Board's custody.

(b) Aircraft wreckage, records, mail, and cargo in the Board's custody shall be released by an authorized

representative of the Board when it is determined that the Board has no further need of such wreckage, mail, cargo, or records.

§ 831.11 Flow and dissemination of accident information.

(a) Release of information during the field investigation, particularly at the accident scene, shall be limited to factual developments, and shall be made only through the Board Member present at the accident scene, the representative of the Board's Office of Public Affairs, or the investigator-in-charge.

(b) All information concerning the accident or incident obtained by any personnel participating in the field investigation shall be passed to the investigator-in-charge, through appropriate channels. Upon approval of the investigator-in-charge, parties to the investigation may relay to their respective organization information which is necessary for purposes of prevention or remedial action. Under no circumstances shall accident information be released to, or discussed with, unauthorized persons whose knowledge thereof might adversely affect the investigation.

§ 831.12 Proposed findings.

Any person, Government agency, company, or association whose employees, functions, activities, or products were involved in an accident under investigation may submit to the Board, prior to its determination of probable cause, proposed findings to be drawn from the evidence produced during the course of the accident investigation, a proposed probable cause, and proposed safety recommendations designed to prevent future accidents.

Approved by the National Transportation Safety Board on June 5, 1979.

James B. King,
Chairman.

(FR Doc. 79-45877 Filed 6-13-79; 8:05 am)