

REGIONS AIR → **American Connection**

September 22, 2005

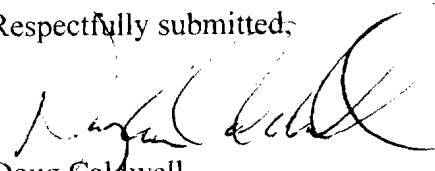
Richard Rodriguez
Investigator-In-Charge
Flight 5966 Accident
490 L'Enfant Plaza East, SW
Washington, DC 20594-2000

Re: Reply to BAE Systems Submission to the NTSB dated September 12, 2005

Dear Mr. Rodriguez:

On behalf of RegionsAir, Inc., formerly known as Corporate Airlines, please accept for NTSB consideration our reply to the submission of BAE Systems.

Respectfully submitted,



Doug Caldwell,
President & Chief Executive Officer

Enclosure

**REPLY TO THE
BAE SYSTEMS SUBMISSION TO
THE NTSB**

**RE: ACCIDENT DCA05MA004
FLIGHT 5966
OCTOBER 19, 2004**

Cover Page and Page 3

BAE incorrectly identifies the date of the accident as **18** October 2004.

Section 1.17.1 – Company Guidance and Training, page 14

BAE acknowledges that Corporate Airlines conducted controlled flight into terrain (CFIT) training but incorrectly states that it was not clear to BAE “to what level CFIT training was conducted”. The NTSB Operations Group clearly described the CFIT training¹ which included a Jeppesen/Flight Safety Foundation video presentation, a handout on CFIT information, and a test of the CFIT information provided.

Section 1.17.2 – Company Culture, Reporting and Monitoring, page 14

BAE referenced the NTSB interview of Captain Jason T. Puschak² where Captain Puschak noted that when they broke out of the clouds on an approach into Kirksville on October 18, 2004 the flight crew thought that “the trees look a lot bigger than they should.” BAE then commented that “it is unclear whether this or any previous similar incidents would have been reported within Corporate Airlines” (emphasis added). There is no support in the record that there had been any “previous similar incidents.”

¹ NTSB Operational Factors Report, p. 18.

² NTSB Operational Factors Report, Attachment 1, p. 2-6.

Section 1.17.3 – FAA Oversight, page 5

BAE continued its mischaracterization of the NTSB interview of Captain Puschak when it stated that the “crew manoeuvred to avoid collision with trees on approach to Kirksville.” As stated previously, Captain Puschak observed that the “trees look a lot bigger than they should”, that the crew was “surprised that they looked so close.” and that it might have been an optical illusion.³ Captain Puschak never stated that the crew “manoeuvred to avoid collision with trees.”

Section 1.17.3.1 – FAA Material, page 15

BAE’s discussion of non-precision approaches includes a conclusion that the Constant Angle Non-Precision Approach (CANPA) is the “recommended FAA practice.” In support of its mistaken conclusion, BAE cites what it calls the “guidance material from the FAA handbook on stabilised approaches and Constant Angle Non-Precision Approaches (CANPA).” BAE then states that even though CANPA is “recommended FAA practice” it is “not enforced” and the FAA inspectors assigned to Corporate Airlines did not encourage the “CANPA technique.” BAE is mistaken for the following reasons:

First, BAE cited the following quotation from the NTSB Operational Factors Report:

“To the greatest extent practical, on final approach and within 500 feet AGL, the airplane should be on speed, in trim configured for landing, tracking the extended centerline of the runway and established in a constant angle of descent towards an aim point in the touchdown zone.”

³ NTSB Operational Factors Report, Attachment 1, p. 4.

Had BAE examined the handbook it cites, it would have discovered that the quoted material attributed to the FAA Aeronautical Handbook, FAA-H- 8083-3A Airplane Flying Handbook, Chapter 8 – Approaches and Landings, while italicized and appearing to be a direct quotation, is not a quotation from Chapter 8. It is a conclusion from an unknown source. Further it has a reference to 500 feet (“on a final approach within 500 feet AGL”) that is not mentioned in Chapter 8.

Second, BAE cited the “FAA handbook” and stated the following: “A constant rate descent has many advantages over the traditional method of descent on non-precision approaches” Again, had BAE examined the source document it would have discovered that cited material is from the Instrument Procedures Handbook, FAA H-8261-1, Ch. 5. The section referenced in this chapter is *Vertical Navigation*. All text referenced in this section pertains to operations approved and equipped for VNAV approaches. This reference is irrelevant because, as BAE is well aware, the accident aircraft did not have VNAV capability.

Section 1.18.1 – Flight Crew Duty Times, page 16

BAE did not participate in the Operations Group investigation. It did, however, present unsupported operational conclusions in its submission including a discussion of flight crew duty time. Despite the detailed report regarding both flight crew members duty and rest time,⁴ BAE suggested there was “limited information on flight crew duty times,” that it was “reasonable to assume that the scheduled flight time for the day of the accident was in excess of 8 hours” and that it is “difficult to establish” whether or not the “FAA scheduling requirements were likely to have been met.” Attached as Appendix 1 to this letter is a detail of the scheduled and actual

⁴ NTSB Operational Factors Report, p. 3.

flight times reviewed by the Operations Group. It is clear that the scheduled on duty time was 14 hours 35 minutes and within the maximum on duty time limit of 16 hours. Additionally, the scheduled flight time was 6 hours 54 minutes, well short of the maximum scheduled block time of 8 hours.

BAE further notes that BAE found it difficult to interpret the provisions of the crew rest and crew scheduling regulations. The Operations Group reviewed the provisions clearly defined at 14 C.F.R. § 121.471 and in Corporate Airlines' Flight Manuals.⁵ The Operations Group cited no evidence that any scheduling restrictions had been exceeded.

Finally, it is irrelevant whether the crew duty times would have been compliant with UK Civil Regulation Authority (CAA) regulations.

Section 1.18.3 – Terrain Awareness and Warning Systems (TAWS), page 18

BAE stated that “all of the Corporate Airlines fleet are now compliant” with enhanced GPWS requirements. This implies that at some time they were not compliant. Corporate Airlines was fully compliant with all FAA regulations regarding the installation of EGPWS and BAE Systems should not be allowed to imply otherwise. Further, there is nothing in the record to suggest that EGPWS would have prevented this accident.

Section 2.3 – Flight Crew Relationship, page 21

BAE, without any supporting authority, reaches a conclusion that because the flight crew got along well there might be a reduction in professionalism. BAE cites no study to support its

⁵ Flight Manual, pp. 10-11.

analysis and, in making such a statement, overlooks the myriad of CRM studies which conclude that a flight crew with a good working relationship is a positive CRM factor.

Section 2.4 – Crew Perception of Runway Environment, page 22

BAE mischaracterizes Corporate Airlines existing procedures regarding the flight crew assessment of the minimum required visual references for landing. Corporate Airlines policies mirror those of 14 C.F.R. § 121.671. The procedures are clearly outlined in Corporate Airlines Aircraft Manual excerpts⁶ included in the Operations Group Report and attached as Appendix 5 to BAE's submission. Those procedures state that if only the approach lights are in sight, the non-flying pilot will call out "Approach Lights in Sight, Continue." As soon as visual contact is made with the runway the non-flying pilot will call "Runway in Sight." Once that statement is made, the flying pilot will transition to visual cues and, after seeing the appropriate visual cues, state "Going Visual, Leaving Minimum, Flaps 35." There is no procedure, as suggested by BAE, that the crew conduct a "complicated cognitive process" of visual assessments. The assessment of whether or not the runway environment is in sight is clearly defined in FAA regulations and Corporate Airlines' procedures.

Section 2.5 – Crew Fatigue, page 22

Although BAE apparently concedes that it does not understand FAA regulations regarding crew rest and crew scheduling, stating that the regulations "can be ambiguous or could be misinterpreted," it makes the observation that "other regulatory bodies" such as the CAA would "not permit operators to schedule such duty times." Such a statement is irrelevant because Corporate Airlines operated its schedule in accordance with all FAA regulations.

⁶ Corporate Airlines Aircraft Manual, Normals Section, p. 57.

Section 2.8 – FAA Supervision, page 24

BAE reaches the mistaken conclusion that “there is no obvious detail in the NTSB reports to indicate the level of reporting culture that existed between Corporate Airlines and the FAA.” BAE disregarded the material clearly cited in the Operations Group Report that FAA Inspector Wes Jones has conducted FAA oversight of Corporate Airlines since it began operations in December 1996. BAE also ignored the 550 inspections in the time period 2001 until the time of the accident cited in the Operations Group Report.⁷ Of these 550 inspections, the overwhelming majority (445) pertain to the operations of Corporate Airlines.⁸

⁷ NTSB Operational Factors Report, p. 19.

⁸ NTSB Operational Factors Report, p. 20.

APPENDIX 1

OCTOBER 19, 2004

FLT	DEPARTURE STATION	ARRIVAL STATION	SCHEDULED	ACTUAL
Report	SKD-0514 ACT-0514			
5952	SKD BRL-0544 ACT BRL-0544	STL-0644 STL-0644	1 + 00	1 + 00
5995	SKD STL 0930 ACT CNX	UIN-1013 CNX	+ 43	0
5996	SKD UIN-1037 ACT CNX	STL-1120 CNX	+ 43	0
5968	SKD STL-1205 ACT STL-1236	IRK-1300 STL- 1339	+ 55	1 + 03
5969	SKD IRK-1338 ACT IRK-1350	STL-1430 STL-1453	+ 52	1 + 03
5953	SKD STL-1513 ACT STL-1613	BRL-1604 BRL-1604	+ 51	+ 51
5954	SKD BRL-1640 ACT BRL-1636	STL-1738 STL-1745	+ 58	1 + 09
5966	SKD STL-1842 ACT STL-1842	IRK-1934 IRK-1940*	+ 52	
Release		SKD-1939		
On Duty	SKD 14 + 35 ACT 14 + 31		SKD 6 + 54	ACT 6 + 04