

EDWARD M. KENNEDY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510-2101

September 30, 2005

Ms. Marion C. Blakely, Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Room 1022
Washington, DC 20591

RE: [REDACTED]

Dear Ms. Blakely:

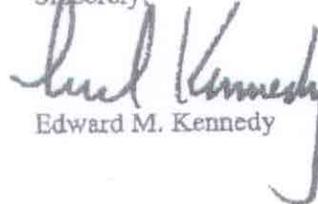
My assistance has been requested concerning the enclosed correspondence. [REDACTED] is concerned that the MU-2-B is an unsafe aircraft. She claims that the situation calls for immediate political action.

I am respectfully referring this correspondence to you for your attention. Any appropriate assistance or consideration that you may be able to render would be greatly appreciated. Please send your reply directly to my Boston office.

If I can be of further assistance, please do not hesitate to contact my aide, Bethany Bassett, at (617) 565-3170.

With best wishes and warm regards,

Sincerely,



Edward M. Kennedy

2400 JFK Federal Building
Government Center
Boston, MA 02203
EMK/bb-am

August 15, 2005

Senator Edward M. Kennedy
2400 JFK Federal Building
Boston, MA 02203

Re: Mitsubishi MU-2-B Aircraft Crash Record

Dear Senator Kennedy,

I write to you today to request your assistance with a matter of grave import involving the Mitsubishi MU-2-B aircraft. The MU-2 is a twin engine turbo-prop aircraft used primarily by check haulers and other small cargo operators -- insurance premiums making it prohibitively steep for passenger use -- due to their relatively low cost, high efficiency and big payload. The aircraft also has a horrifying rate of crash related fatalities owing to its propensity to become uncontrollable under "low/slow" conditions, *i.e.*, immediately after takeoff and on approach to land. Tellingly, the plane is known as the "Kill You 2" and "Widow Maker" in pilot circles.

Your fellow Senator from Colorado, Ken Salazar, together with Colorado House members Tom Tancredo, Mark Udall, Bob Beauprez and Diana DeGette, in whose state there have been two fatal MU-2 crashes at Centennial airport in the past 8 months, collectively have recognized the need for immediate intervention on a political level and have formally requested that FAA Administrator Marion Blakey immediately 1) ground the aircraft; and 2) conduct a thorough and independent investigation of its airworthiness. Copies are enclosed for your convenience. The Colorado crashes are not unique. Indeed, since January 2004 alone, 10 MU-2's have crashed resulting in 10 deaths. A longer term perspective: since 1962 the MU-2 has been involved in 188 accidents, 75 of them fatal, killing 239 people. Remarkably, only 728 such planes were ever produced by Mitsubishi, meaning that over 25% of MU-2s ever made have crashed!

I have learned that in response to the most recent spate of fatal crashes, the FAA has agreed to begin an investigation into the airworthiness of the MU-2. (copy enclosed). See also, William Glanz, "Lawmakers Urge FAA to Ground MU-2Bs," *The Washington Times*, August 11, 2005.¹ I humbly request that you, and the rest of the Massachusetts delegation, join the other political figures in demanding grounding of the MU-2 before more lives are lost.

Upon review of the NTSB records available on the internet, one would note the unusually high number of incidents involving propeller failure, loss of power, and loss of torque. Regrettably, rather than investigate the root causes of crashes involving these scenarios, the NTSB -- which relies to an unusual extent on the plane's manufacturer, Mitsubishi, in making its determinations of probable cause -- generally attribute the crashes to "pilot error." The unusually high

¹ The article may also be found online at <http://www.washtimes.com/business/20050810-092826-7129r.htm>

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occurrence of these issues and complaints should, however, reasonably lead one to conclude that we are actually dealing with a problem inherent in the aircraft, not the pilots who fly them.

Robert Cadwalader, a pilot with 35 years experience and a frequent commentator on the design failures inherent in the MU-2, repeatedly had voiced concern over the design of the aircraft -- a very small, straight wing that provides impressive in-flight performance but necessitates in return very large flaps to allow for slower takeoff and landing speeds, and the use of spoilers for roll control rather than ailerons, which are the standard in virtually every other aircraft in operation.

According to Cadwalader, "[u]nfortunately, in certain low altitude, low airspeed conditions deflecting a spoiler will increase drag at a time when additional lift is required. This situation is exacerbated if an engine is lost on takeoff, the landing gear is raised, the aircraft is at its maximum gross weight, and the airfield's elevation is above 5,000' MSL." Cadwalader also takes issue with post-accident reports that blame the pilot for "failing to maintain aircraft control" on the basis that such findings are far too simplistic as "this aircraft can put a pilot in a position that is impossible to control! Because an entire wing can stall 'all at once', the MU-2B can go completely out of control in less than one second (at least two flipped upside down before the pilots could react)."

Why do I care? My brother, [REDACTED], is one of the statistics. He was killed on May 14, 2004, when the MU-2 he was flying for Epps Aviation, a contractor for the Federal Reserve, crashed upon approach to BWI airport at 7:30 am on a cloudless day. He was about 300 yards from the runway, and had been cleared to land for the third time that day at the same airport, when he dropped off radar, crashing into a congested residential area. As a testament to Mr. Cadwalader's assessment of how quickly the MU-2 can "bite you" under low/slow conditions, [REDACTED] had lost control and was dead less than 40 seconds after his last routine contact with the BWI control tower. He was 34 years old.

Recognizing that many issues surrounding liability and accountability would normally be resolved in the courts, you must be advised this is not possible with the MU-2. The General Aviation Rehabilitation Act of 1994 created a statute of repose that effectively prohibits law suits against the plane's manufacturer, Mitsubishi Heavy Industries, for incidents resultant from design defects or failures unless it can be proven the company knew of these issues and failed to report them. Furthermore, the companies that fly these planes are not held accountable for proper maintenance, initial and recurrent training, and other responsibilities due to the limits of workers compensation laws in most states. And the government is not responsible for contracting work out to the lowest bidder regardless of the human toll. As a result, there is only one alternative. The plane needs to be grounded.

Apparently even Mitsubishi now recognizes that it can no longer deny that a problem exists. Last December, under increasing pressure and public scrutiny to explain four fatal crashes in a single year, MHI claimed that it has become worried that pilots are not being adequately trained to fly this aircraft. According to Ralph Sorrels, a deputy manager for MHI's product support division, the company is "deeply concerned" and recommends that MU-2 pilots get "specialized

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training in flight simulators so they can test emergency conditions and procedures in a safe environment." The problem is, if even experienced MU-2 pilots like [REDACTED] who have had the full range of training and have flown the plane for years can't maneuver it out of emergency conditions in the "low/slow" danger zone, more training can't be the answer.

A crash is, by definition, an uncontrolled descent. In the case of [REDACTED] accident, which you can review through the internet,² he crashed on someone's driveway. Literally. As you can imagine, the homes present within a few hundred yards from a major airport are quite closely condensed. It is unknown if it was his unquestioning skill or simply good fortune that no one else was even scratched as they went about their mornings that day. My concern really lies in the "what ifs".

In the case of the crash of December 10, 2004, the plane came to final rest about 100 yards from a large office building during their hours of operation.

It is simply a matter of time before one of these planes crashes into an elementary school, a hospital or an amusement park.

This plane needs to be grounded. Period. It's time, and it's enough.

I look forward to personally discussing this issue with you and/or your senior staff, at your convenience. Thank you in advance for any assistance you may be able to proffer.

Respectfully,

[REDACTED SIGNATURE]

² For your convenience, query results from the ntsb.gov website for the period from January 2004 to the present are set forth on the attached sheet.

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Current Synopsis	PDF Report(s)	Event Date	Probable Cause Released	Location	Make / Model	Regist. Number	Event Severity	Type of Air Carrier Operation and Carrier Name (Doing Business As)
<u>Preliminary</u>	<u>Preliminary</u>	5/24/2005		Hillsboro, OR	Mitsubishi MU-2B-25	N312MA	Fatal(4)	Part 91: General Aviation
<u>Preliminary</u>	<u>Preliminary</u>	3/11/2005		Blythe, CA	Mitsubishi MU-2B-26A	N333WF	Nonfatal	NSCH Part 135: Air Taxi & Commuter
<u>Preliminary</u>	<u>Preliminary</u>	12/10/2004		Englewood, CO	Mitsubishi MU-2B-60	N538EA	Fatal(2)	NSCH Part 135: Air Taxi & Commuter
<u>Preliminary</u>	<u>Preliminary</u>	11/30/2004		Philadelphia, PA	Mitsubishi MU-2	N941MA	Nonfatal	NSCH Part 135: Air Taxi & Commuter
<u>Probable Cause</u>	<u>Factual, Probable Cause</u>	6/15/2004	3/30/2005	Waukegan, IL	Mitsubishi MU-2B-40	N77DK	Nonfatal	Part 91: General Aviation
<u>Probable Cause</u>	<u>Factual, Probable Cause</u>	5/14/2004	6/8/2005	Ferndale, MD	Mitsubishi MU-2B-60	N755AF	Fatal(1)	NSCH Part 135: Air Taxi & Commuter
<u>Preliminary</u>	<u>Preliminary</u>	3/27/2004		La Verne, CA	Mitsubishi MU-2B-26A	N81MF	Nonfatal	Part 91: General Aviation
<u>Probable Cause</u>	<u>Factual, Probable Cause</u>	3/25/2004	7/7/2005	Pittsfield, MA	Mitsubishi MU-2B-36	N201UV	Fatal(1)	NSCH Part 135: Air Taxi & Commuter
<u>Preliminary</u>	<u>Preliminary</u>	3/11/2004		Napa, CA	Mitsubishi MU-2B-40	N966MA	Fatal(2)	Part 91: General Aviation