



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

2300 E. Devon Avenue
Des Plaines, Illinois 60018

September 28, 2022

Philip Eil
MuckRock News
DEPT MR 132839
263 Huntington Avenue
Boston, MA 02115

Dear Mr. Eil:

Freedom of Information Act (FOIA) Request 2022-10554GL

This is in response to your August 29, 2022, FOIA request seeking a copy of all investigative materials related to an aircraft accident, involving a Beech 19A registered as N33SR, on December 24, 2011, in McArthur, Ohio (NTSB# CEN12FA115).

We located materials during a thorough search at the Cincinnati Flight Standards District Office and are releasing 45 pages of documents and 230 photographs (including pictures of log pages from aircraft and the the pilot).

Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

We have redacted portions of documents due to Exemption 5 of the FOIA, as they contain preliminary analysis and speculation on issues possibly related to the cause of accident. We also redacted personal information on certificates/registration documents/logbooks (such as birthdates, addresses, phone numbers, and other private information), airman certificate numbers that duplicate as social security numbers, personal cell numbers, license plate numbers on privately-owned vehicles in the released photographs, medical information about the pilot, and financial information on an invoice under Exemption 6. On several photographs, we redacted passenger information found in the pilot's logbook. Additionally, we have withheld 11 photographs that include human remains under Exemption 6 of the FOIA.

Exemption 5 allows agencies to withhold recommendations, opinions, and analysis under the deliberative process privilege. To allow release of these records would discourage the open and frank discussions between agency employees that are helpful in arriving at decisions and also create confusion in those cases where recommendations and opinions are not adopted. Exemption 5 may be used to protect deliberative, pre-decisional materials, such as advice, opinions, and recommendations rendered by agency staff in the course of reaching a final determination or position on any particular matter under agency consideration.

Exemption 6 of the FOIA protects information that pertains to an individual "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. 552(b)(6). When applying Exemption 6, the FAA weighs the privacy interest of an individual against any public interest in the records. There is no discernible interest in releasing this information.

As noted in e-mail correspondence sent to you on September 16, we identified items sent to the Federal Aviation Administration from the Ohio State Highway Patrol. We also advised on September 19 how to obtain a coroner's report from Franklin County (Ohio). Instructions were included in the e-mails on how to obtain these items through records requests with these government institutions.

We located 13 pages of documents and 95 photographs/log pages in Cincinnati that are duplicates of items already disclosed to you in our response and these materials are not being re-released.

Please note that materials collected by the National Transportation Safety Board (NTSB) are available to you as part of docket posted publicly at data.nts.gov/corol-main-public/basic-search. The NTSB may have additional materials related to this accident. The NTSB will determine whether any records may be released to you. You may direct your questions to the NTSB FOIA Coordinator via mail at: National Transportation Safety Board (NTSB); Attention: FOIA Requester Service Center, CIO-40; 490 L'Enfant Plaza, S.W.; Washington, DC 20594-2000; or at foiarequest.nts.gov.

Under Part 7 of the Department of Transportation Regulations, there is no charge for the processing of this request since the cost incurred is less than \$25.00.

I am responsible for this partial denial. You may request reconsideration of this determination by writing the Assistant Administrator for Finance and Management (AFN-400), Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC, 20591 or through electronic mail at: FOIA-Appeals@faa.gov. Your request for reconsideration must be made in writing within 90 days from the date of this letter and must include all information and arguments relied upon. Your letter must state that it is an appeal from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA Appeal."

You also have the right to seek dispute resolution services from the FAA FOIA Public Liaison via phone (202-267-7799) or email (7-AWA-ARC-FOIA@faa.gov) noting FOIA Public Liaison in the Subject or the Office of Government Information Services (<https://ogis.archives.gov>) via phone (202-741-5770 / toll-free--1-877-684-6448; fax--202-741-5769); or email (ogis@nara.gov).

Please note that your request has been assigned/referred to the Regulatory Support Division and the Office of Aerospace Medicine. These offices will be responding under separate cover.

Sincerely,

DONNA L
HEINLEIN

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DONNA L HEINLEIN
Date: 2022.09.28
14:35:45 -04'00'

Donna L. Heinlein
Aviation Safety
Flight Standards Service
Acting Deputy Director,
General Aviation Safety Assurance

Enclosures